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22-Feb-1980

Transcript of Deposition of Aristide
H. Esser - Medical Director of
the Mission of the Immaculate
Virgin on Staten Island

pgs = 127

ML000420G

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MORRIS COUNTY
DOCKET NO. L-6001-78 P.W.

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MORRIS COUNTY FAIR HOUSING :
COUNCIL, et al._f :
 :
 Plaintiffs, :
 :
 vs. :
 BOONTON TOWNSHIP, et al._f :
 :
 Defendants. :

TRANSCRIPT OF DEPOSITION

ORAL DEPOSITION PURSUANT TO NOTICE of ARISTIDE H.
ESSER, M.D., taken before LEO MANKIEWICZ, a Certified
Shorthand Reporter of the State of New Jersey, at the
MISSION OF THE IMMACULATE VIRGIN, Saint Elizabeth Building,
Hylan Boulevard, Staten Island, New York, commencing at
10:45 a.m. on Friday, February 22, 1980.

A P P E A R A N C E S :

STANLEY C. VAN NESS, ESQ.,
Commissioner, Office of the Public Advocate,
BY: STEPHEN EISDORFER, ESQ.,
Attorneys for the Plaintiffs.

MESSRS. MC CARTER & ENGLISH
BY: ALFRED L. FERGUSEN, ESQ.,
Attorneys for the Defendants.

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE CROSS</u>
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ARISTIDE H. ESSER, M.D.

Mr. Eisdorfer	2		118	
			123	
Mr. Ferguson		112		122

E X H I B I T S

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>IDENT.</u>
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P-AE-1	Letter to Public Interest Advocacy	4
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1 A R I S T I D E H . E S S E R , M . D . , sworn.

2

3 DIRECT EXAMINATION BY MR. EISDORFER:

4 Q Would you state your full name, please?

5 A Aristide H. Esser.

6 Q And what is your address?

7 A 435 South Mountain Road, New City, New York, 10956.

8 Q Have you ever given a deposition before?

9 A Yes, I did.

10 Q Let me just review the ground rules for you
11 a little bit. You understand that you're testifying under
12 oath?

13 A I do.

14 Q And you understand that the testimony you
15 give today may be used at the trial in this case?

16 A Yes, I do.

17 Q You have to say it out loud so the reporter
18 can get it.

19 A Yes, I remember that.

20 Q If you don't understand any question that
21 I ask, please indicate that you don't understand and I'll
22 try to clarify it. Is that clear?

23 A Yes.

24 Q I may, at some point, ask you for specific
25 numbers or figures. If you don't know the specific number,

A. Esser - direct

3

1 please indicate that you don't know and give me the best
2 estimate you can. Is that clear?

3 A Yes.

4 Q Okay. I'm not really here today to try and
5 do a test of your memory. If at any time you want to any
6 documents, please say so and indicate what document you're
7 referring to.

8 A Yes.

9 Q And would you state your present position?

10 A I'm Medical Director of the Mission of the Immaculate
11 Virgin on Staten Island.

12 Q And how long have you been in tha^psoltion?

13 A Almost three years in this position.

14 Q And would you describe what the Mission of
15 the Immaculate Virgin is?

16 A This is a large adolescent residential treatment
17 center, where we have approximately a total of 600 boys
18 and girls under care, mostly underprivileged, neglect cases
19 and so on and so forth.

20 () What are your responsibilities?

21 A I oversee all clinical - that is, medical and
22 psychiatric activities.

23 MR. EISDORFER: Would you mark this
24 document for identification please? Let's mark it
25 as P-AE-1.

1 (Whereupon, P-AE-1 was marked for
2 identification.)

3 BY MR. EISDORFER:

4 Q Have you seen this document before?

5 A Yes, I have, and I have a copy of this document.

6 Q Okay. Would you indicate for the record
7 what that is?

8 A This is a letter to the Public Interest Advocacy
9 Division, describing my intended testimony at the trial in
10 the Public Advocate suit.

11 Q Have you read this letter?

12 A I have read the letter.

13 Q Does it accurately represent your views?

14 A Yes, it does.

15 Q Are there any respects in which it does not
16 accurately reflect your views?

17 A Well, naturally, the topic is much wider and can
18 be described in different ways, as well. However, I think
19 that as a context for what my views are, this is adequate
20 and appropriate.

21 Q Now, would you describe how you became
22 involved in this case?

23 A I was asked by Dr. Leonard Duhl, who is a colleague
24 and friend of mine, to consider discussing the case that he
25 was involved in with Mr. Ferguson and to see whether I have

1 any opinions on such issues as zoning.

2 Naturally, since I have been in the planning and
3 design field for quite a few years, I was interested. I
4 indicated this interest. Mr. Ferguson and Dr. Duhl and
5 some other people came over. We discussed the merits and
6 what was involved and I indicated that it would be interest-
7 ing for me and I would possibly be able to contribute
8 something to this case and therefore, would be willing to
9 undertake it.

10 Q Approximately when was that?

11 A This was in December, last December, 1979.

12 Q December, 1979? Now, did you participate
13 in writing this letter marked P-AE-1?

14 A I did not see the letter before it went out. Most
15 of what's in there is a summary of the discussions we had
16 on the topic and on the merits. I hadn't seen all the
17 papers, naturally, but what was explained to me and so on --
18 I gave my views and a summary of these is represented in
19 the letter.

20 Q Okay now, prior to the date of the letter,
21 what information did you have? First of all, what informa-
22 tion did Mr. Ferguson provide?

23 A He mentioned to me that it was an exclusionary
24 zoning case in Morris County and that the issue was one
25 whereby plaintiffs asked to be able to develop housing,

1 especially low cost and maybe some other federally supported
2 housing, in the community and were asking for a change of
3 zoning laws to do this.

4 There was, I think, agreement that the cause of this
5 type of thing is a good one. I have personally, I can state,
6 nothing but respect for such efforts. I do not know what
7 the zoning laws were, but if they have to change to admit
8 such people, then that's what needs to be done.

9 But what I was interested in, and I so stated, was
10 are we going to, thereby, to do the best for the people
11 who are going to move in who are supposed to use this hous-
12 ing? ' • . ' . . . % .

13 Q Aside from the description you've just
14 given me of the case, did Mr. Ferguson provide you with any
15 other information prior to the date of this letter?

16 A I do not recall. Outside of our discussing aspects
17 of the case, on which I have a few notes, but I do not
18 recall seeing any documents, Mr. Ferguson --

19 THE WITNESS: Mr. Ferguson, did you give me
20 any documents at that time?

21 MR. FERGUSEN: I'll make a statement for
22 the record. We came down to your office with Dr.
23 Duhl, two of my associates and one of his associates
24 to talk with you in early December. I don't have
25 my notes, but I think it was the 10th or 11th.

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1 The problem, of course, was that the dead-
2 line for expert reports had been set by Judge Muir
3 and I believe it was December 15th. Your name came
4 through Dr. Duhl so late in the process that we did
5 not have a chance to forward to you extensive
6 documentation which we later did.

7 When we came down, we went over the fairly
8 lengthy recitation of what the case was, what the
9 issues were and what kind of expert testimony had
10 been proffered in the report and, to a lesser extent,
11 in the deposition.

12 My recollection is that the whole meeting
13 took about two or three hours. When we discussed
14 this and interspersed in this discussion, of course,
15 were your remarks as to where you looked at those
16 issues, after that date, then we prepared Exhibit
17 P-AE-1 in order to comply with Judge Muir's expert
18 report deadline and after that, we sent down to you
19 extensive documentation, including pleadings and
20 copies of expert reports that had been filed in
21 this action.

22 That's my recollection of the series of
23 events and the documentation, if that's what you're
24 question is.
25

1 BY MR. EISDORFER:

2 Q Dr. Esser, is Mr. Ferguson's account
3 consistent with your recollection?

4 A Yes, and I have actually, my notes. We got together
5 on the 10th of December. We needed by that Friday, the
6 14th of December, the letter in. We discussed this case
7 and I was particularly interested in the issues as outlined
8 in the latter, which deal with the social and cultural
9 standards that people who move into low-cost housing and
10 new environments should, at least, get. It should be
11 provided for them and I was concerned the way it was
12 presented to me. Only safety, security and health issues
13 would be insufficient for this type of population.

14 Q Now again, prior to the date of the letter,
15 what information had been provided you or had been gathered
16 by you concerning Morris County?

17 A Concerning Morris County, no information had been
18 gathered by me. I am familiar with the county because I
19 used to work in Bergen County and I traveled quite a lot in
20 Morris County, but if you ask me for information about
21 Morris County, no, I did not collect any.

22 Q Now again, talking about the date that this
23 letter was written, did you feel you had adequate informa-
24 tion on which to base the views expressed in the letter?

25 A Yes.

1 Q Now, since the date of this letter up to the
2 present time, what additional information has been provided
3 you by Mr. Ferguson?

4 A I have received, from Mr. Ferguson, a packet of
5 testimony or reports, rather, that was provided by the
6 people in this case, both on the plaintiff's and on the
7 defendant's side. I have the stack here. Do you want me
8 to numerate it?

9 Q Yes, could you please?

10 A Yes, I have also, I think, a somewhat easier letter
11 that describes exactly what I have.

12 I have reports of the plaintiff's expert, Mailach,
13 March 12, 1979; Haeckel, March 15, 1979; Brooks, March, '79,
14 April, '79 and July, '79 with an addendum in September.

15 Then I have, from the defendant's experts Frost,
16 September 28, 1979; Morell, September 30, 1979; Zimmerman,
17 October 5, 1979.

18 Additionally, I have received in separate mailing,
19 a letter report of Dr. Leonard Duhl, of myself, the one
20 that's on the table here, a letter report of Professor
21 Keene, letter report of Professor Levin and a report of
22 Richard Reading, as well as plaintiff's reports by Mary
23 Brooks, December 14, 1979 and there were two reports of
24 December 14, 1979 by Mary Brooks, which I received and a
25 report by Mallach, same gentleman, December 10, 1979.

1 Q Did you also receive copies of the pleadings
2 **in this case?**

3 A Oh, yes. I received the pleadings here, this
4 Summons. I also got a -- sorry, I didn't mention that, a
5 selective digest of the Mount Laurel memorandum from Mr.
6 Ferguson's office.

7 Q Now, in addition to these documents, have
8 you gathered any information pertaining to Morris County?

9 A Not to Morris County, specifically.

10 Q Have you gathered any other information
11 which you've relied on in formulating your views?

12 A Yes. I have searched back into my own library and
13 have several of the books which have been mentioned ~~in~~ ^{in a} ~~tree~~
14 letter report that was sent to the Public Advocate, as we
15 discussed before, as well as some other information, my
16 own writings and I have called several people in the field
17 whom I know, to see whether they have some newer information
18 or additional information to either confirm or deny my
19 opinions.

20 ~? Q Who are those other people you called in
21 **the field?**

22 A I have called Professor Greenbie, whose book is
23 one of the books on the list, Professor Michelson. Professor
24 Greenbie is from the University of Amherst, Massachusetts
25 and Professor Michelson is from the University of Toronto

1 in Canada.

2 I have called Mr. Gerald Davis in on the -- he's in
3 Canada. He's a private consultant on environmental design.
4 Also, I have called my former student, Professor Alton
5 DeLong at the University of Tennessee in Knoxville. He is
6 an architect. I also called a colleague of his, Professor
7 Raymond Perkins, who is an urban specialist and an
8 architect as well.

9 Q Let me ask you to look at Page 3 of Exhibit
10 P-AE-1 and ask you if this is a list of these additional
11 documents that you've consulted?

12 A That's correct, and that doesn't mean that that is
13 all there is. That's basically the books I mentioned
14 before.

15 Q Now, does this additional information that
16 you've considered modified, in any ways, the views expressed
17 in this letter?

18 A No. It does, of course, add some depth on some of
19 the topics and gave me some more recent information, but
20 basically, I have not found any present information that
21 would be against the conclusions that I had.

22 Naturally, some of the issues are not easy to decide
23 in a yes or no fashion. We all understand there is a
24 weighing of the factors involved, but I have not found any
25 surprises in calling around to my colleagues and architects;

1 surprises, in the sense that it would be quite different
2 from what is represented in that letter.

3 Q And have you requested any additional
4 **information** from Mr. Ferguson?

5 A Not from Mr. Ferguson. I have met with Mr. Ferguson
6 to discuss briefly what we were going to do and what type
7 of material I have gone through. Mr. Ferguson had these
8 books for a little while, just to get their titles down and
9 everything. So, they came back to me and that's actually
10 all the contact I've had.

11 Q Now, did you plan to gather any additional
12 information?

13 A I am now consistantly busy gathering information
14 on several of the issues that are easily - not easily, but
15 somewhat easily determined because there have been actual
16 studies done. This is an ongoing thing. Now that I am
17 interested in the case, people know it and they promised
18 me whatever they run into. I will see.

19 Also, of course, I'm editor of a journal, Man-
20 Environment Systems. This journal has carried reports of
21 **cases**, reports of legal developments and so on. I am in
22 a position that once people know I'm interested in the
23 information, it will come to me. I'm just sitting back.
24 There's not that much really that has been called back to
25 me. Time is too short, but I will no doubt get it.

1 Q Well, if you can, you said there were a
2 number of issues that were comparative; studies were done
3 and you were gathering information. Could you describe what
4 those issues are?

5 A Some of the issues are very clear on zoning changes,
6 what happened, what is the results depending upon the type
7 of housing, depending on the type of planning; the evaluations
8 that are done afterwards of resident satisfaction, the
9 cultural variables entering in. There are studies that have
10 been done with Europeans in Europe, South Americans, Far
11 East, people in the Far East, in Canada, extensive studies
12 comparing English and French speaking have been done.
13 Naturally in this country, studies have been done comparing
14 minority groups, comparing economic classes.

15 So, there is a variety of evaluations available and
16 ongoing, actually increasing day by day, that would deal
17 with issues that may impinge upon an opinion regarding the
18 request, especially at the request that has been made to
19 open Morris County to any proposed development for housing.

20 That is really the area that I am particularly
21 interested in and I must tell you right away that I believe
22 that that statement is erroneous on the basis of my
23 knowledge.

24 Q Excuse me. I don't understand. What
25 statement are you referring to?

1 A Oh, the statement in the Complaint, where the
2 plaintiffs seek an order -- may I read it -- that require
3 the defendants to process and approve all proposed
4 **developments** in developable areas for needed low and
5 moderate-income housing, which will be built at minimum
6 standards consistent with the protection of the public
7 health, safety and general welfare.

8 That particular statement -- I am looking at the
9 consequences in terms of what would happen with such
10 housing and that's what I just mentioned before, the studies
11 that I'm getting information on might impinge upon.

12 . . . To give you an example, there are extensive European
13 studies, just to get away from the United States and look
14 at Europe whereby suburban development has been considered
15 fairly negative for lower-income and lower-middle income
16 classes because of the cultural deprivation of such groups.
17 that enters in as soon as they are placed away from the
18 centers of activity, where they formerly have partaken, such
19 as cities.

20 Q I'm trying to think of a simple way to handle
21 **this, because** what I'm going to want you to do is list for
22 me, with sufficient exactitude, so I can find them in the
23 literature, all the studies in this area that you've
24 consulted and are relying on. I would be happy if you can
25 give me a written list. Otherwise, then --

1 A I will be very pleased to do so. I have them
2 actually here, with the quotes of the studies that I have
3 seen and I've considered important enough and sound enough
4 to bring up.

5 Naturally, there are thousands of studies done
6 every day by all types of people, especially many students
7 in and around universities these days, in schools of
8 architecture, but I have been relying on established
9 literature and I would be pleased to give it to you.

10 As far as I have it now, you know, I couldn't spend
11 that much time on it, but the ones with quotations, where
12 they come from, I will be glad to provide you with, U[^] that's
13 sufficient for this purpose.

14 Q That's sufficient for this purpose and if
15 you feel - just give it to Mr. Ferguson. I'm sure he'll
16 send them to me.

17 MR. FERGUSEN: Yes, more than agreeable.

18 Q Okay now, you indicated that you were seeking
19 additional information on studies on the effects of zoning
20 changes. Are there any other subjects on which you are
21 seeking additional information?

22 A Yes. I am particularly interested in the theory
23 of man and his environment and in this case, I would think
24 that zoning is only a sub-part of a larger problem, which
25 is the problem of human ecology.

1 When people live in an environment, they are just
2 like plants or animals living in an environment, depending
3 on the relationships they have with the environment, which
4 is what the studies I'm interested in deal with, which can
5 be conceptualized in the three ways in which man relates
6 to his environment.

7 They are simplified as such: The biological way,
8 which is the most primitive and which we fully share with
9 animals, a primitive way of relating to our environment,
10 to get nurturance, safety, shelter from the environment; the
11 social way, in which we get emotional satisfaction and
12 bonding process, friends and so on in the environment and
13 finally, the intellectual or cultural way, in which we relate
14 to the environment and deal with what we can call the
15 cultural resources available, the technical prostheses that
16 we have in this environment, artificial extensions of our
17 brain which we use, our libraries, you name it, whatever
18 we find in modern life.

19 The beginning consensus is, among researchers, that
20 these three main functions and their representations in the
21 environment have to be in some form of fit to ensure health,
22 welfare and also, fulfillment of human needs. If they are
23 not fit for each other, if they are out of kilter, so to
24 speak, we can get disease, unhappiness and of course, finally,
25 non-self-fulfillment and the unhappy consequences of people

1 who just drift and alienate from their environment which I
2 deal with as a psychiatrist.

3 There are indications -- and I mentioned them before,
4 depending on different economic background. We can talk
5 about maybe social class in this sense as well. There are
6 different cultural backgrounds and different constitution
7 of what we can call "cultural" with a small "c", namely,
8 the day-to-day behavior pattern which we recognize in each
9 other and with which we are familiar, that these factors
10 are severely in jeopardy when significant changes in the
11 environment occur such as rebuilding of cities, such as
12 moving people out into another **area** such as migration into
13 the world, et cetera.

14 The importance of such findings is very great in
15 terms not only the economics, because nobody likes to do
16 things that are economically, in the long run, wasteful or
17 even harmful, but I believe in terms of our understanding
18 of how man evolves, how man becomes to be what he is and
19 what he will be in the future.

20 The importance of these findings becomes clear by
21 the **day**. It reflects in the way we have our microcosm of
22 the city we live in or on the town we live in, the suburb
23 and county, how we manage our affairs there politically,
24 govermentally, educationally and how we do it on a large
25 scale.

1 I believe that there are examples now showing,
2 especially with the developing of the so-called underdeveloped
3 countries, in western ways, in ways that we impose upon
4 them, that are actually harmful.

5 Now, why is that important for Morris County? There,
6 as I believe and I see in the plaintiff's papers and reports,
7 the interest is in lower-income groups and minorities and
8 here is immediately where I feel that we have to be extremely
9 careful in moving a substantial group of certain social class
10 into an area where they would have no either basis economically
11 or basis socially or basis culturally. That has to be
12 provided first, what I call in my letter or the letter that
13 represents my views, the "social and cultural infrastructure"
14 has to be there first before we do anything, if we want to
15 plan.

16 If, of course, people move spontaneously, that's
17 quite different. We're talking here about a planned move
18 and a relocation of people on the basis of some intervention
19 from up high. Similarly, it's not only the economic factors
20 that impinge upon this. It is also the cultural factors.
21 I'm thinking of the fact that for instance, in the area that
22 is mentioned as a relocation area for Morris County, Newark,
23 there are not only blacks but there are Spanish-speaking
24 and French-speaking Haitians, minorities. The language is
25 very, very important. The culture that is totally different)--

1 when we talk about a black culture or a Spanish-speaking
2 culture, again, I do not find that the reports, as far as
3 I read them, reflect sensitivity to this issue, although
4 they recognize this issue.

5 I may refer to the report by Mary Brooks, where she
6 talks about a handbook for housing that is being proposed
7 for the nation and obviously, represents her views as well,
8 because otherwise, she wouldn't have sent it in, where
9 reference is made to the need to counsel people in relocation,
10 which I think is absolutely correct.

11 We have to, especially people who are not of the
12 means that middle-class people have to move by themselves,
13 for instance, take a look by themselves, take the initiative
14 to explore the new area, but people who we say, "Okay, if
15 you want to move, there is a suburb out there in the next
16 county", it would make sense to explain to them and counsel
17 them and maybe show them what it would mean.

18 However, the counseling as purposed - and she
19 gives examples all over the nation of successful or at least
20 projects that address this problem - that counseling does
21 not extend itself to foreign languages, although it is
22 mentioned as not a requirement but something that would be
23 desirable.

24 Her reports indicate that none of all the projects
25 in the nation actually provides such counseling in the

1 foreign language. I know from personal experience, both
2 as a minority - I'm part Indonesian as well as a professional
3 who partook in research with minorities, that the design I
4 of housing is different in requirements that people them-
5 selves - they use it themselves - put on it, for, let's
6 say, blacks versus Puerto Ricans versus Mexicans versus
7 Chinese, and that people are absolutely able, very quickly,
8 to express - even uneducated people, to express their
9 desires and wants.

10 It is called, in the planning process, citizen
11 participation or "user participation". Unless **provision**,
12 is made for such things and in the literature that **I will**
13 be forwarding to you which you asked me on the zoning cases,
14 I will indicate it's so because there are a couple of good
15 developments that have occurred, but unless provisions are
16 made to take these intercultural differences into account
17 and to allow the people themselves to formulate what they
18 want, I think all housing is ultimately going to fail; all
19 public and low-income housing is going to fail.

20 So, that's an example of where I feel that the
21 theory of how man or human ecology -- how man relates to
22 the environment can throw light on the desirability or
23 considerations inherent in a change in zoning, with a view
24 toward accomplishing a certain goal of moving in a different
25 type of population.

1 Q Now, there were a number of terms used in
 2 this letter which I'm not sure I understood and I would like
 3 to ask you to explain them to me if you can, at least as you
 4 understand them, okay?

5 In looking at the letter at Paragraph 3, the very
 6 first line there, you use the term "least-cost minimums".
 7 Can you describe what you understand that term to mean as
 8 used here?

9 MR. FERGUSEN: I object just to the form of
 10 the question. Those are really my words trying to
 11 paraphrase what Dr. Esser had told us two days
 12 earlier. I have no objection to your asking the
 13 doctor what he thinks they mean. It's just that I
 14 do want it clear that they are our words, based upon
 15 our conversations with him.

16 MR. EISDORFER: Okay, fair enough.

17 A It's a word that I would not use myself as a
 18 psychiatrist in terms of, you know, a technical term, but
 19 it does mean that I know there are -- I know enough about
 20 **the design** process and economic factors that enter into it,
 21 **that there** are certain health and safety requirements which
 22 may vary from county to county or state to state regarding
 23 housing, such as square footage, insulation, et cetera, which,
 24 taken to the extreme cost effectiveness form, leads to
 25 certain miniraums that are involved in building the cheapest

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1 house possible or the cheapest series or complex of houses.

2 I find that these, because they are based on
3 monetary and/or just purely technical factors, are harmful
4 because they do not take into account where the housing is
5 going to be and for whom the housing is going to be and
6 that leads back to that question of the need to have infor-
7 mation from the users or the prospective users, citizen
8 participation in both where housing is going to be and for
9 whom it is going to be.

10 Q In that same sentence, at the end of the
11 sentence, you use the phrase, "step-in costs". Can you
12 instruct me as to what that means?

13 A Again, it is a phrase that Mr. Ferguson, as he
14 explained, put in there. "Step-in costs" to me, means that
15 what we are talking about is the costs to start a certain
16 process.

17 This is the process of improving people's lives and
18 health, which is great. If you only look at providing a
19 roof over their head, bricks and walls and even sewerage and
20 what have you, these basic necessities for physical living,
21 you can step into another life, so to speak, but I believe
22 that that alone is insufficient.

23 "Stepping into another life" means much more than
24 what is reflected in construction and planning done from a
25 far office that just describes what you are going to do.

1 You notice that I'm very much for more open ended citizen
2 type of planning. That's a bias I have.

3 Q Now, let me paraphrase, trying to use
4 different terminology in a sentence and ask me if I'm
5 accurately capturing your view.

6 It's your view that it's essentially impossible to
7 provide housing at minimized construction costs which are
8 suitable for low-income or minority persons?

9 A No, that is not my view.

10 Q Okay, please correct me, then.

11 A My view is that it is definitely possible to provide
12 it, but by provision of this, it does not guarantee that
13 you really do what you intended to do, namely, improve the
14 health and life of the people.

15 It is not a negative one. It is certainly necessary
16 but it is, in my opinion, necessary, not sufficient. What
17 I object to is basing all the decisions and the whole
18 process of this change in a county on these considerations
19 alone without taking into account what I have called the
20 **social and** cultural infrastructure.

21 Now, let's go back to the brain model, the brain,
22 as I said, in the man and relating it to his environment.

23 The first level is the biological level. That is
24 completely served by these step-in costs. There's no doubt
25 one can get sanitary, well-built housing at minimum cost

1 and the technology is good enough to provide it.

2 However, the other parts of the human brain with
3 which we relate to those parts of the environment that also
4 should be there to make man fit in his environment and be
5 healthy, happy and self-fulfilling, are not there, just
6 talking about these houses, because they deal with what
7 type of social context is there and what type of cultural
8 resources are there, and since the social and cultural
9 demands and needs of these people, lower-income people in
10 this case and minority group people, are, in themselves,
11 determinant for the success of their move, I would like to
12 see consideration of these factors in the suit.

13 Without this consideration, the suit is, in my
14 opinion, invalid and I have expressed it by saying that
15 exclusionary zoning, that that word from my friend and
16 colleague Barry Greenbie's book, exclusionary zoning as such,
17 is a non-valid approach to the desired end.

18 Q Now, you've used the term - and I think
19 you've explained it in a number of ways, but I am still not
20 **sure** I understand it -- which is the term "cultural and
21 **social** infrastructure".

22 Can you give me a more specific list of the kind of
23 things you have in mind when you talk about that?

24 A Yes, and may I, for this, just for a little moment
25 more, refer to some theory, because it's not a question of

1 there being a laundry list of social and cultural require-
2 ments. Obviously, there's not, because for French-speaking
3 or Spanish-speaking, again, all my arguments from before,
4 would make it infinitely detailed and different.

5 I wouldn't even know what a Haitian would need
6 without looking at it and asking them. So, let me put it
7 on a theoretical basis.

8 What is needed, in the words of Greenbie who we
9 mentioned before and whose book we use as one of the text
10 to base the argument on, there are two type of designed
11 spaces, in this case, housing design spaces. One type is
12 what we call proxemic and one is distemic. The **terminology**¹
13 really doesn't matter. It's just something to hang **your**
14 hat on, but proxemic space is the space that is like a glove
15 around the person, where he is completely informal, relaxed
16 and familiar with. It is the space that is shared by one's
17 primary group, such as one's family, one's intimate friends.
18 It is the space that provides opportunities for immediate,
19 direct, face-to-face contact between people and thereby,
20 **fulfill** the most basic needs of biological and social well-
21 **being**.

22 That space is not to be designed for. We have
23 found that out. You cannot design that space. People create
24 that space. One of the design words that has been attached
25 to this space has been done by Oscar Newman, an N.Y.U.

1 professor who has called it "defensible space". It is the
2 space with which people identify and that they are going to
3 **defend** against outsiders. Very nice terminology, I think.

4 It's a very primitive type of reaction people have
5 in that space. That's the primitive reaction of "my house,
6 my castle. If I don't like you here, I throw you out because
7 this is my place." It deals with what we have discovered
8 by animal research, also to exist in humans, namely, feeling!
9 of territory, feelings of turf and as such, it's very
10 important for those people who do not have either the
11 economic or intellectual resources, to use the other type
12 of space, which I will now contrast with this.

13 In Professor Greenbie's terminology, distemic space
14 is that space which we invent by agreement, for the execu-
15 tion of cultural, technical or intellectual functions.
16 Distemic space is public space. We get together in certain
17 areas to conduct certain business. Wall Street is a typical
18 example of a distemic space. You wouldn't like to live on
19 Wall Street or to spend your free hours on Wall Street
20 **because** after business is done, there's nothing there and
21 **nobody will** visit it. It's totally worthless. You visit it
22 when business is being done and then, because you want to
23 do business or you want to observe this.

24 For people living in proxemic space or primarily
25 proxemic space who did not have the willingness to entertain

1 themselves on Wall Street, distemic space is meaningless.
2 It only gets meaning when you want to create it for yourself.
3 Now, distemic space, therefore, is more abstract.
4 It is also much more moveable. It's not like your territory,
5 "This is my turf, this is my home". Distemic space is
6 moveable. I work here. This is my distemic space, but
7 tomorrow I can get a job elsewhere and move right into it
8 and I'll arrange my office, maybe to look like this or maybe
9 not to look like this. It doesn't really matter, and other
10 people will visit me in that office who I don't know and
11 I get to know them because we have business together. I
12 may run a state hospital or I may run an institute for the
13 retarded or something like that, instead of this or I may
14 set up a private practice and people may walk in from the
15 street and visit my office. The difference is obvious between
16 my home, the place that fits me like a glove, and my office.

17 Now, for certain people and particularly for under-
18 privileged people, disadvantaged people, as we call them,
19 the lower-income class, no matter what term you give it, the
20 poor, it doesn't really matter, the minority -- the manipula-
21 tion of distemic space that has been created by primarily in
22 our country -- because I have become a U.S. citizen after
23 coming into this country, so primarily in this country, is
24 unattractive. People don't like it.

25 In certain groups, they don't like the idea that therfe

1 is an abstract place you can relate to and so on to do
2 business in. People, especially in lower-income classes,
3 especially blue-collar workers, like to know where they work
4 and they stay there for life. We know that in mining towns.
5 We know that in industry towns. They don't move around.

6 What I'm saying is that our present suburbs are
7 particular in a sense; distemic places for people who have
8 the wherewithal intellectually and economic resources to
9 move whenever they want.

10 The suburbs themselves are, as proxemic places,
11 totally worthless. You do not find any, in a suburb* a,
12 context of familiarity, of a mix, of relaxation in the
13 evening time and so on and so forth. As a matter of fact,
14 most people in the suburbs get their cultural life somewhere
15 else. They go to the city. It's a totally different life-
16 style, and what I'm saying is, looking at the proxemic and
17 distemic aspects of design, we have to watch for developing
18 in the distemic mode in the purely functional mode, which is
19 suburb where you just sleep, just a place where you don't
20 work, typically creating something for people who are very
21 much dependent because of their lack of resources and lack
22 of interest, on proxemic places.

23 So that, I hope, explains to you the social and
24 cultural infrastructure. I believe that more middle-class
25 people with the wherewithal to go where you want, you do not

1 have to provide the social and cultural infrastructure because
2 they'll find it. They will take a car and visit a friend or
3 find out in the next city that there is a hobby club and
4 they're going to join it or in the next town, they find out
5 that there's a movie playing in New York City and they want
6 to see it, but for lower-income people and people who are
7 very attached to their space, travel like that, mobility **like**
8 that is impossible even to comprehend as a way of getting at
9 things. They don't want it.

10 Maybe, at worst, they travel if they have to, but
11 they hate it and if they can live in a place, work in the
12 same place, enjoy themselves in the same place, that's what
13 they prefer and very often that's what you have in the
14 neighborhoods in towns, in cities, in metropolitan areas
15 where something has grown together over the years. People
16 have their contacts and they don't want to leave this.

17 Now, to give you an example, because it is in the
18 literature that we'll send you, but just to illustrate this,
19 Toronto which is, of course, bigger than Newark, but yet
20 **comparable** as a town also in its mix of ethnic and minority
21 **and** low income and so on, as a city, has tried to develop
22 suburbs for the underprivileged.

23 One of the suburbs I just talked about which
24 Professor Michelson, who I mentioned before -- is the Jane
25 Finch area. In the Jane Finch area in Toronto, they opened

1 it up very inexpensive, low and moderate-income housing.
2 Their first surprise was that of the 6,000 people they
3 offered the chance to -- this was 6,000 people in a certain
4 area of Toronto where they felt the housing was really
5 dilapidated, these people had to move in in terms of safety,
6 health and welfare - that of the 6,000 people that were
7 interviewed and were given a chance to move, only 1,000 --
8 one out of six -- expressed an interest. That's very low.
9 They didn't expect that. They didn't expect people to be
10 attached to a dilapidated neighborhood.

11 Once they finally moved, what they found out is
12 that the mix of people that they moved were about **the** --
13 they were about the most desperate and the mix of the
14 constituents of this new area of housing, therefore, was bad
15 to begin with and deteriorated. Behavior deteriorated and
16 the conditions deteriorated so that now, a few years after
17 its completion, it is known as one of the worst areas in
18 the suburbs of Toronto, crime infested, et cetera.

19 We go back to the fact that for such people, it is
20 difficult to develop in a distemic place because this place
21 was for them distemic. An attachment to that turf, a
22 defensible space, a familiarity with their surroundings
23 which made them willing to keep it up, keep it going, to
24 beautify it or to identify and it only confirms the sad
25 story that we have seen over many, many years of projects

1 both in this country and abroad and I know from Amsterdam
2 because I used to live in Amsterdam and I know the areas --
3 we had failures there, too, in suburban developments, well
4 known failures.

5 It only confirms that it is not enough to put up
6 brick and mortar and tell people it's much more healthy to
7 live here and it's cleaner and so on and so forth. One has
8 to provide the rest, which I call the "infrastructure",
9 social and cultural that goes with it. That makes it
10 possible for there people to create a context and one must
11 not forget that context creation for people of low income
12 and therefore, little resources and of low intelligence in
13 terms of not being able to use cultural extensions as we
14 have them, telephones, cars, what have you, libraries, as
15 middle-income people do -- cannot deal with such a situation
16 unless they have something planned for that fits them in.

17 Again, for a middle-income person, it has been
18 informed, also in Europe, although not in this country yet,
19 but in Europe, I have published a study in my book that
20 has shown a suburb, sterile as it is, even for Europeans,
21 they consider it sterile. For middle-income people, it is
22 not a priori bad, because there are many, many advantageous
23 for such groups and again, because they can use something
24 more than just brick and mortar.

25 Q You used two terms here and I want to make

1 sure I understand them. Can you distinguish for me by
2 whatever criteria you use, between low income and middle
3 income?

4 A I would go along with the normal economic determina-
5 tion which may differ from place to place in the United
6 States. In my opinion, lower income here would have been a
7 median income of less than \$10,000 and middle income would
8 be anywhere up from that, up to 40,000, depending on the
9 area where you are.

10 Again, I use "lower and middle income" as one
11 discriminator. I can also say something about maybe a
12 blue-collar worker versus a white-collar worker because
13 again, you can just immediately see in this model of man's
14 relations to the environment, why a white-collar worker can
15 move more easily, because he is not so dependent on the
16 particular context of that particular factory, you know,
17 that neighborhood and so on. He is accustomed, once you
18 work in an office, you are accustomed in moving from office
19 to office.

20 As a matter of fact, for many people, that is very
21 traumatic and indicates that they haven't gotten to the
22 conceptual level yet, that they can just move, but most
23 white-collar workers, if you move them from office to office,
24 it's not so tremendously difficult.

25 Try to do that with blue-collar workers from factory

1 to factory and it is much more, you know, of an impressive
2 move on them and there's all types of literature that
3 indicates this.

4 Q Let me try and paraphrase, perhaps by way
5 of example, to make sure I understand what you're talking
6 about.

7 Do I fairly characterize you by saying that blue-
8 collar workers are among those who cannot function in a
9 distemic environment?

10 A Never "cannot" -- who prefer not to function in a
11 distemic space, yes. I mean -- and I'm using "blue-collar"
12 in a general sense. Please don't hold me to that. Just
13 like we're saying low class, middle class, lower income,
14 middle income, all these things are relative, but if one
15 may -- and I'm not a sociologist, so that I will not speak
16 here with absolute certainty, but if one may equate lower
17 income, working with the hands, blue-collar working, not
18 working with the head -- white-collar working with more
19 higher income, then, within those contexts it correct.

20 I'm, of course, not talking about very specific
21 things. I did mention before, namely, company towns, but
22 my argument would even be stronger in a company town,
23 because there is a lot of research on that, that particularly
24 in a company town, even if you promised them a much better
25 place outside, they will not move. This has been demonstrated.

1 I won't go into that, because that is a particular
2 area and that is not what we're talking about in Newark
3 **versus** Morris County, I think.

4 Q Let me just explore the concept a little
5 further, because I'm not wholly sure I understand it.

6 What you're saying - and tell me where I go wrong
7 is that - and here let me use the term "blue-collar" in
8 the same sense you've been using it - that blue-collar
9 workers have a strong preference for living, working,
10 functioning socially, in the same environment and that if
11 one tries to pull one of those components out, for example,
12 working, to a different environment, that would be harmful?

13 A Yes, for that particular type of population, that
14 is definitely harmful.

15 Q Now, you have to excuse my slowness. I'm
16 not sure how I would recognize the cultural and social
17 infrastructure in Morris County if I saw it.

18 A Well, let me think with you about a few things.
19 We are talking about the social infrastructure. We are
20 talking about things that are familiar. We're talking about
21 **local** government, police, the forces that -- clubs, social
22 clubs, et cetera, that keep things together.

23 We are talking about the neighborhood drugstore
24 as a place to be together, the neighborhood restaurant, the
25 post office, the place where one meets people one knows.

1 If you talk about the cultural infrastructure, you
2 talk about places of worship. I mentioned libraries. I
3 mentioned such things as colleges or school in general, with
4 more toward higher education, because the other one, still
5 you have the neighborhood school, but as soon as you talk
6 about high school or higher education, you move a little
7 bit away and you have to be -- mostly likely, your college
8 is not around the corner.

9 So, you have an infrastructure of things, of
10 cultural resources, as I mentioned; religion, educational,
11 science and technology as represented maybe by a **library**
12 in your immediate environment, that you need access to if
13 you are a person who is more conceptually oriented as
14 apposed to biologically grounded and just interested in
15 getting through the day and surviving.

16 You therefore, have all these, if they are even
17 new things, if you are placed from one environment into
18 another, you are able to hookup fast with that type of
19 resource.

20 However, unless you provided specifically for the
21 **low-income** or minority group and you plan that in the
22 housing development that you have, they will not hookup to
23 the existing cultural infrastructure. Let me take a
24 specific example. You take a Spanish-speaking person and
25 put him into an Anglo-Saxon suburb, there is no way in which

1 he can get the Spanish paper. There's no way in which he
2 can listen to a Spanish broadcast. There's no way in which
3 he can buy Spanish food, et cetera, you name it.

4 For instance, as far as papers are concerned, it has
5 been investigated and been confirmed that suburban dailies
6 are completely interested in selling high-income people goods.
7 That's all. They do not have the type of gossip and
8 interesting tidbits that a city paper may have. Suburban
9 papers are not read by blue-collar and lower-income people.
10 They are not interested in them. Maybe they'll read the
11 advertisements for local -- the local exchanges, the penny-
12 pincher-type of thing, but most of the advertising that
13 papers have in the suburbs is directed toward the wealthy
14 because that's where the action is. That's where people
15 pay, Alexanders, Bamberger's they will advertise, but the local
16 grocery will never advertise because he doesn't have that
17 type of thing.

18 Yet, a person who is accustomed to a context, who
19 likes to live in an environment that is like a glove around
20 **them, would** like to know if the local grocery - would like
21 **to know about** the little tidbits that go on.

22 I think it's a very traumatic experience for a person
23 with a different cultural background or with inadequate means
24 of supporting himself in this cultural sense, to move into
25 an area of, let's say in this case, Morris County, predominantly

1 white Anglo-Saxon culture.

2 Q What is it that you know about the populatioji
3 in the urban areas of Northeastern New Jersey that makes you
4 think that the cultural and social infrastructure to support
5 them does not exist in Morris County?

6 A Well, officially, I have no - it's obvious for me.
7 I have been quite a few times in Newark. The number of
8 ethnic restaurants that is around for Spanish-speaking
9 or Haitians or what, is just - Puerto Rican - is just
10 amazing. You can just go around and get it. I'm sure.

11 I've been in Morris County, not visited all of
12 Morris County, but I've been around. I haven't **seen one** yet.
13 Let me say from my experience in Bergen County, which, as
14 you know, is also quite expensive, middle-income, upper-
15 middle-income county -- that we had these considerations
16 as expressed in my first reference on the list of publications -
17 these, considerations very much in mind, which we deinstitu-
18 tionalized patients from Greystone in Morris County back into
19 Bergen County. We realized, doing that as a community
20 mental health center, which I was director of, that much of
21 what these people needed in terms of simple lower-income
22 context, because obviously, they had been chronic patients
23 and were disadvantaged, deprived for many years. So
24 immediately, you are not able to start using all the expensive
25 shopping centers in Paramus, for instance, because we were

1 located in Paramus.

2 It's obvious that somebody cannot immediately relate
3 to that and walk in and immediately feel at home in these
4 expensive Lord & Taylor's and so on and so forth, as you
5 find them in the Paramus area; that we needed very much to
6 provide for them on a simplified, local milieu, which we
7 did deliberately by getting an Italian-American club to give
8 up their clubhouse for a few days a week in the daytime for
9 these people, men and women, who had been long-term
10 hospitalized, to get together.

11 That environment was not threatening for them. We
12 helped them that way. This is what I mean by providing a
13 cultural or social infrastructure.

14 Now naturally, you may say, what has mental health
15 to do with underprivileged or minority groups? Well, I
16 think in terms of housing, very much, because studies for
17 housing and urban development and H.E.W., the impact of the
18 use of -- in public housing, there is a certain number of
19 houses set aside for the handicapped, as you may know, to
20 present, and I studied the impact of that federal mandate on
21 the realities of people who are handicapped and need the
22 housing, and what we found was that people who are physically
23 handicapped would have a less hard time to get into these
24 places than the mentally handicapped.

25 Every time there was mentally handicapped, well, that

1 door was closed. You couldn't talk to the manager of the
2 complex. Now, let me take an analog from the point of view
3 of this case.

4 I read Mary Brooks and as I said, I felt she was
5 maybe well willing, but biased in terms of only thinking of
6 the black population and not the other minorities. I find
7 the same thing happening generally and again, I needed to
8 get these specifics, specific occasions, that we go out and
9 start providing for one minority which is black and where
10 the provision for other minorities - they're just completely
11 forgotten and what you get is the same thing, a **nice, well**
12 **intended** mandate such as, we will take care of the **handicapped**
13 and put them in H.U.D. assisted housing. Well, what you
14 do is physically handicapped benefit and mentally handicapped
15 get zero.

16 I have testified on this and it's well known. The
17 only thing that I want to say is, let's try to prevent such
18 shortcomings in whatever we want to do for good in Morris
19 County. Again, as I started out with this, I'm not against
20 **saying that** Morris County should do something. I don't know.
21 **Again, I** have not read the zoning laws. I don't know what
22 specifically is attacked, but what I'm saying is when you
23 do it, please, that you do it comprehensively, do it right
24 and plan for something more than just bricks and mortar and
25 in this case, one type of minority.

1 Q Now, I want to go back to the question I
2 just asked you, because I don't think it's really been
3 answered **to** my satisfaction. Let me ask it in a different
4 way.

5 Identify for me, if you can, the specific social
6 and cultural infrastructure that would be needed by components
7 of the population of Northeastern New Jersey that you believe
8 is not available in Morris County.

9 A I mentioned the neighborhood store, the different
10 cultural outlets. I mentioned Spanish and that means food.
11 That means, you know, anything you can buy in a **grocery**,
12 the particular types of churches and worshipping **places that**
13 you can find. I mentioned restaurants because, you know,
14 I'm interested in restaurants, but I'm sure you can find
15 the same thing in places of worship in the Newark area, which
16 you will not find in Morris County and again, it's not as
17 we said, we can't make them. I'm not saying that if you
18 have, let's say, a French-speaking or a Spanish-speaking
19 church, that you couldn't put the same thing up in Morris
20 **County**, but unless you think about it, it's not going to
21 **happen and** mostly, what you find is that people are just,
22 one, not willing to move, which I think I made the case
23 before and it's in the literature, and two, when they move,
24 they're going to be very unhappy and not fit in at all.

25 Q Okay. Now, you've made certain statements

1 about the preferences of, say, the black population. Can
2 you describe for me what kind of literature or studies have
3 **been done** which would support those statements?

4 A Did 3 make a statement? I'm sorry. I don't think
5 I made a statement about what the black population would
6 prefer. I made a statement saying something that what we
7 are doing generally now, for minorities or for under-
8 privileged, is very much black oriented and I find the same
9 type of bias in the presentation by Mary Brooks.

10 In other words, not Mexican oriented, Puerto Rican
11 oriented or Haitian or Chinese-American **oriented or like I**
12 **am**, Asian-American oriented. You do not find **reference to**
13 things there that would be of interest, say, to me. So,
14 that's the only thing I'm saying. I don't think I said
15 anything about the blacks preferring something. I didn't
16 get to that. If you want me to get to that, that's a totally
17 different area and I will be pleased to open that area. It
18 is a big area.

19 Q Let me paraphrase to make sure I understand.
20 **You're** saying that in your opinion, simply plopping down
21 housing **in** Morris County would be unsuccessful or harmful
22 because the low-income people in Northeastern New Jersey
23 would either not move there or be harmed if they moved there
24 or at least be unhappy if they moved there because those
25 people have a different social and cultural infrastructure

1 that does not now exist in Morris County? Is that correct?

2 A Yes, that's what I'm saying.

3 Q What I'm interested in exploring is, what is
4 it that you know, either from research or reading and other
5 people's studies or from your personal experience, about the
6 components of the low-income population in Northeastern
7 New Jersey that leads you to the conclusion that they need
8 a cultural and social infrastructure that does not now
9 exist in Morris County, and if you want to break it down by
10 the subcategory of population, that's fine with me.

11 MR. FERGUSEN: I object to the form of the
12 question insofar as it suggests that Dr. Esser has
13 already said that it does not exist in Morris
14 County.

15 I think what he has said is he hasn't found
16 any concern with the social cultural infrastructure
17 in Morris County which might justify a conclusion
18 that an allocation of people from the city areas
19 to the suburban areas would work.

20 I don't know that he has stated that it
21 doesn't exist or cannot exist. He is saying, as a
22 matter of process review, he has not seen it
23 evaluated or taken into consideration by the planner's
24 expert, by the plaintiff's expert, I believe.

25 THE WITNESS: That is correct, because I

1 refer to the reports that I had seen, especially of
2 my --

3 BY MR. EISDORFER:

4 Q Before we go on to the question I asked, do
5 you know whether that social or cultural infrastructure
6 exists in Morris County?

7 A No, I have not -- as I said, I drove through Morris
8 County or as I drove through Newark, I have seen in Newark
9 the existence of, let's say, Spanish-speaking -- because
10 that's very obvious -- Spanish-speaking culture and most of
11 it was restaurant culture which is of great interest to me
12 and I have not seen that thing in Morris County, but then,
13 I haven't visited all of Morris County. It's possible it
14 exists.

15 Similarly, from a religious point of view, there are
16 certain churches and communities in Newark that do not have,
17 I believe, their counterpart in Morris County.

18 Now again, I'm not saying it's impossible to provide
19 for them or for the population, if they move, to create
20 them. However, I'm talking from the middle class and upper
21 middle class point of view, for us, putting myself in the
22 middle class, it would be a relatively simple matter to do.
23 For lower-income people, lower-class people, it is a very
24 difficult thing to do.

25 Q Now, I want to go back to my prior question

1 and let me recouch it a little bit in light of your answer.
2 What is it that you know about the various components of
3 the income population of Northeastern New Jersey, based
4 either on literature or your experience, that leads you to
5 believe that something special has to be created in Morris
6 County in terms of social and cultural infrastructure?

7 A I am going by the research knowledge that exists
8 on the needs of different cultures for different aspects of
9 the environment and I mentioned before, that theoretically,
10 this is explained by the model of a person relating to
11 aspects of the environment on three different levels.

12 Q Now, I'm trying to fill in the theory with
13 some empirical facts. Break down the low-income population
14 of Northeastern New Jersey for me, in whatever way seems
15 suitable to you and list for me the --

16 MR. FERGUSEN: Well -

17 A I was trying to do so. You know, I'm not an expert,
18 but I have previously mentioned three part of the low-income
19 population that I know are there and maybe there are more
20 parts, but there's black, there is Spanish-speaking and both
21 Puerto Rican and Mexican and French-speaking or Haitian.

22 These three populations have different ways of
23 expressing their cultural and social needs. For instance,
24 the religious behavior is different between these three
25 populations. The blacks, most of them, are Protestant. The

1 Spanish-speaking, most of them are Roman Catholic. I see
2 on this ground of this particular place where we are, a
3 large residential treatment center for adolescents, I see
4 these differences. The Puerto Ricans and other Spanish-
5 speaking -- we have not that many Mexicans -- that are here,
6 are mostly Roman Catholic oriented and relate pretty well,
7 as it happens to be a Roman Catholic institution. The blacks
8 don't, and just to give you an example, because they live
9 here, this, to them, is public housing because of neglect
10 or something they didn't have at home. The city, in it's
11 infinite wisdom, placed them here and their reaction to the
12 environment in which they are, I think, speaks for **itself**,
13 that I, as a provider of services, can distinguish the
14 difference in accommodation, in behavior, between Spanish-
15 speaking and the blacks.

16 We have very few -- I think there's only one or
17 one-and-a-half percent of our population -- no, a little
18 more, maybe two or three percent -- that is Haitian and
19 French-speaking. They are totally out of order here. We
20 **have great** difficulty to provide for them, just as we have
21 **great** difficulty to provide for another group that is of
22 a different language, and many are French-speaking, which is
23 the South Vietnamese, which we also have here, South Viet-
24 namese refugees on the grounds and just pure inspection of
25 what they need in terms of housing, food preparation, and

1 this is a big issue with these people, to get the right
2 food, accessibility to clothes, the stores that give them
3 the right clothes that they want to wear; accessibility as
4 I mentioned before, to religious facilities. Not that m
5 are interested at that age. Most adolescents are not
6 interested, but they have to, by the City of New York and
7 so, they go.

8 So, the reactions to the different religious
9 facilities that are being offered to them --we have naturally
10 people coming from the outside for Protestant and Jews that
11 we have here. To see what their reactions are, to the
12 music that we provide, to the instruction that we **provide**
13 for two schools we have on the ground, there is a hell of
14 a difference between these cultures.

15 What I'm maintaining is, you get the same type of
16 thing when you move minority populations into what would
17 be, for them, a Mount Loretto. We are here on Mount Loretto
18 We are to the city kids that come here, suburb. This is
19 wide open land and they don't know this land and they come
20 **in here** and it's a totally different type of land from what
21 they are accustomed to.

22 I submit that's similarly for adults and their
23 family moving into Morris County, it will offer to them a
24 totally different type of life than what they were accustomed
25 to. I'm not saying that they will not adapt; especially

1 second generation adapts very fast, but I am saying very
2 often, because of our not thinking in advance of difficulties
3 **and the** cultural requirements that they have -- and I
4 **mentioned** some of them -- the adaptation may be jeopardized
5 and you may end up worse than what you began with, namely,
6 not only now with people that live in substandard housing
7 and maybe therefore have health problems, but you have
8 people that live now with mental health problems which I
9 consider more important, because that really interferes with
10 functioning in our society. Mental health problems are very
11 easily provoked when people feel like a fish out of water,
12 out of their context.

13 Q Okay now, you have referred thus **far**'to
14 information based on your personal experiences, particularly
15 here. Is there other information, other than based on your
16 personal experiences that lead you to believe that these
17 various components of the population that you've outlined,
18 of black, Spanish-speaking, French-speaking, have special
19 needs?

20 **A Yes.** There is an extensive literature on that and
21 **there:** is also an extensive design literature on it which
22 shows that the design, even the layout of houses, differs.
23 For instance, for the Puerto Ricans, the layout of a house
24 differs from that for blacks, just the simple design of a
25 place. Now, why do we know that and why does the literature

1 reflect that? Because these studies have been done both
2 experimentally building it and having people live in it and
3 express their desire or running away from it, as you can see
4 in abandoned public housing. There's a lot of abandoned
5 public housing around. To "vote with their feet" is the
6 expression. So, they either abandon it or they don't move
7 into it. That's one.

8 That's the experimental part in terms of what we do
9 to the environment already and the other one is actual
10 research asking people for their preferences, having them
11 come in, work with scale models of environments, **ask** them
12 what their preference would be, where they would like their
13 church to be, where they would like the neighborhood store
14 to be, et cetera, and you see tremendous differences between,
15 in this case the black and Puerto Rican cultures. Much work
16 has been done on the Asian cultures as well, Chinese and
17 Japanese.

18 Q Can you cite me specific places in the
19 literature that you're relying on in reaching these conclusions?

20 A Right now, I would not be able to cite it from
21 memory, but I would be pleased to provide it for you.

22 Q I would appreciate that.

23 A Yes, I will do that. Let me say something about
24 what maybe is important for me as an Asian and having had
25 contact with Asian designers and let me say that I forgot to

1 mention in the beginning that I also consulted with Kiyo
2 Izumi, who is a well known Canadian architect and planner
3 at the University of Waterloo in Ontario, who is very
4 sensitive to the human requirements in the environment and
5 he has depicted and internationally represented something
6 that he calls "semantic imperialism".

7 By this he means that we, in our wisdom of design,
8 put certain words down and connect them with certain groups
9 that are also worded, such as low and moderate-income
10 housing with minority or poor people, such as cheap housing
11 for people who live in the south or whatever connections
12 when they make, such as large complexes, especially high-
13 rise complexes to accommodate people in the city, as a
14 solution, any people in the city, and he has shown extensively
15 that all these connections that we make in large-scale planning
16 and design do harm to individuals.

17 We come back to what we said before about distemic
18 and proxemic places. What you really do when you make
19 planning decisions of building a housing complex here and
20 a **housing** complex there, by nature of the decision and by
21 **nature** of the scale of the decision and the money that is
22 involved and the political process -- and I haven't even
23 talked about the environment quality processes that we have
24 to follow in this country; under the NEPA Act of '69, we have
25 to look at the environmental impact and so on.

1 In other words, an undertaking such as a housing
2 development, a gigantic undertaking in terms of what has to
3 **be devoted** to it, that automatically, when you do such a
4 large undertaking, the requirements get to be more and more
5 abstract and more and more defined by a conglomerate figure
6 which is called "minority", which is called "low income",
7 which is called "cheap" or what have you, instead of who are
8 the real people who are going to be there.

9 The process is semantic imperialism and now you
10 understand, the words dictate what you're going to do, because
11 you get to the abstract decision making where you **have to**
12 say, well, there's only so much available and so much **feet**
13 feet. It's done for people who don't have cars or do have
14 cars and what have you. Therefore, it's going to be this
15 way, because that's the only way possible.

16 But there are no such people that have cars or don't
17 have cars. There are individuals who may have cars and not
18 have cars. We try to do good and thereby, put people in
19 boxes. That's Kiyo Izumi's message.

20 There's another person well known in the United
21 **States** from the blue-collar profession, namely, Eric Hoffer,
22 who also expressed that and he called it "soul-raping".

23 Well, what we do by our classification in moving
24 about, planning, is we take away the soul of the person for
25 whom it is intended. That's why I am so much for participatory

1 planning. That's why I'm so much for open-ended planning,
2 leave something that other people who are going to use it
3 are going to decide, rather than we decide. You have to
4 forgive me this little emotional outburst.

5 Q Now, in Paragraph 3 of the letter, you have
6 a sentence: "Failure to do so" - and there, I take it to
7 mean, provide the necessary social and cultural infrastructure--
8 "may result in abandoned housing or in increased distress
9 on the part of the occupants."

10 Would you describe what you mean by "distress"?

11 A By "distress", I mean the people begin to feel,
12 unsafe and feel unhappy in their environment. The example
13 is, of course, Pruitt-Igoe because it's such a recognised
14 example. It's of course, not applicable to suburban zoning
15 because it was an urban low-income housing development in
16 Saint Louis which was broken up after it had been built.
17 It was broken up because it could not have been rehabilitated.
18 Within 20 years, millions of dollars went down the drain.
19 All the good will provided grief, not grief of this
20 generation, but the generation that grew up in Pruitt-Igoe.

21 The only thing we could do with it was to blow it
22 up, which is really a horrendous idea if you think about
23 it, but let's say a suburban development, as I mentioned
24 before in Toronto, the Jane Finch development, right now,
25 the crime rate is the highest, the suburban, and they have

1 a higher crime rate than urban Toronto.

2 I believe that is a reason for distress for people
3 who are living there. Regardless of how you look at it, I
4 would not feel safe if the crime rate in my community were
5 high. I would feel very bad being at work and thinking about
6 what might happen to my wife or my children or what have you
7 and these are very normal feelings that all of us share on
8 the basic levels, one's the basic levels of existence, the
9 basic context of your biological social well-being are
10 threatened because you do not have the way of identifying
11 and using the environment to your advantage whereby yo« love
12 and believe in this place where you live. Regardless of
13 how it looks like, you get attached to a place. Unless you
14 can foster that by planning and design, you would end up
15 with this disaster. How do you end up with a disaster, you
16 may ask.

17 Q Before we get to that, I want to go back
18 to my question. I appreciate your eagerness to explain to
19 me, but I can only take the little pieces at a time.

20 A Sine, naturally.

21 Q I will get to that then, in just a moment,
22 after I think I've gotten the prior concepts.

23 You indicated increased crime rate as one of the
24 symptoms of this distress. Are there other symptoms?

25 A Yes, truancy, vandalism, a number of people who

1 escape, runaways, this type of thing. One sees that
2 immediately. It is not for nothing that there are suburbs,
3 **very** good suburbs that show, even white suburbs, even middle-
4 income suburbs, because the stress of suburban living is
5 tremendous. One has to look at that.

6 For instance, runaways - there's a lot of city
7 runaways, but there are just as many suburban runaways. We
8 don't realize that but it's a big problem in this country.
9 Adolescents have very, very little in suburbia. You have
10 to provide it for them. Otherwise, they will try to seek
11 it elsewhere or runaway and there are examples of **this** in
12 the literature over and over again just to show **the runaway**
13 problem, and because we got that -- there's 700,000 runaways
14 a year in this country, adolescent runaways and I just
15 project that -- when you talk about distress of all the
16 families, my son ran away from home and I didn't like that.
17 He came back, but I was very unhappy.

18 Q Now, I'm confused because it seems to me we
19 must be now separating the runaways from the problem of lack
20 of social and cultural infrastructure.

21 A Sorry, I got off that.

22 Q In what way are runaways especially related
23 to social and cultural infrastructure or lack thereof,
24 particularly in the fact that it's uniform everywhere?

25 A I didn't say that. You were asking for signs of

1 distress.

2 Q That's right.

3 A That's right, and I mentioned crime, truancy, runaways
4 and so on. I didn't say that distress was caused in terms
5 of adolescent runaways because of a lack of cultural infra-
6 structure. It may be. There are good examples of that.
7 I'm not saying it happens in every suburb. There are good
8 examples of that in certain suburbs and in certain towns.

9 Q Let me go back and restate the question,
10 then, because perhaps I didn't ask the question in a way that
11 was clear.

12 In the letter, it's indicated that you feel thi
13 increased distress is one of the consequences of not providing
14 the appropriate social and cultural infrastructure and what
15 I'm asking you is, what are the symptoms of that specific
16 distress?

17 A Yes, haven't I mentioned to you, at least crime and
18 so on and so forth - I can go on with social distress, but
19 maybe change of employment --no doubt we'll find that
20 pfcGpM wh^ live in a place where they don't work or there is
21 a very large turn over in employment, and as I said before,
22 a middle-class striving suburb, that is, by choice, but in
23 lower-class suburbs that would not be by choice, a change in
24 employment, but I believe that if you live away from your
25 work, that you are more easily inclined to change your

1 employment than when you live very close by.

2 I see that right here. People here in this place
3 take a job even if it's less pay than in Manhattan. They
4 want to be close to home. They are not changing the job.
5 People who work here for many many years, the average time
6 that is spent in this institution --

7 Q What I'm groping toward is how would I
8 recognize that people -- that this problem was occurring
9 if I saw it?

10 A Well, I said to you, changing of job rates,
11 unemployment rates, social distress rates such as **crime**, --
12 runaway and so on. I'm not -- I can't right now ** I **can**
13 easily provide you with a list of what we call social
14 distress signs. That is not so difficult, but right now,
15 I'm not focused on it and I'm sorry I can't answer it more
16 clearly than I think I do already, namely by pointing out
17 that as far as the example is concerned in Toronto, the
18 move toward suburbia by selected people who were really
19 in distress in the City of Toronto, could get this cheap
20 **housing** and finally took it, public housing, has resulted
21 in **them** now being in an environment which is even worse
22 from the point of view of personal satisfaction, not
23 talking about the point of view of maybe health and so on,
24 maybe better roofs and less leakage and better sewerage,
25 but personal satisfaction, emotional satisfaction, worse

1 off than they were before and one of the things that was
2 mentioned in this particular Jane Finch project is that
3 the **crime** rate is high.

4 That's where we got into how I would feel about my
5 family and I'm sorry that I went off there maybe.

6 Q Now, aside from the study you've already
7 mentioned about Toronto, are there any other studies or
8 research that you rely on in forming the conclusion that
9 increased distress results --

10 A From?

11 MR. FERGUSEN: From what?

12 Q From not providing appropriate social or
13 oiltural infrastructure.

14 A Oh, yes. There are studies, as I mentioned before.
15 There are studies of groups and their coverage of areas and
16 people being unable to utilize suburban newspapers.

17 Q But it seems to me that's a study that
18 deals with the existence or lack of appropriate social and
19 cultural infrastructure. That doesn't seem, to me, to go
20 to what the consequences --

21 A Well, the consequence would be that these people would
22 not be informed, that they cannot get a type of information
23 which they need, which any of us needs, surviving in a
24 neighborhood. We need to know what's going around us. People
25 have no access to that because the way it is presented to

1 them, it's not readable. It's not in a form that they can
2 understand it.

3 The Daily News is different from the New York Times.
4 That's basically the point. It happens to be both are coming
5 from New York City. That's a very bad example, maybe, but
6 that's basically what I'm saying, is that the suburban group[^]
7 are more directed toward the New York Times type than the
8 Daily News type.

9 Q So, you would include not being informed
10 as an example of the kind of distress you're talking about?

11 A I believe not being informed is greatly stressful
12 to people. One hears the complaint all the **time**, "**I never**
13 **knew that**", and that relates to finding jobs, to moving
14 about, to being able to recreate, to find a place to relax
15 in, what have you.

16 Let me take another example which shows you a good
17 suburban development, again from Toronto, Don Mills. That's
18 a very good integrated, economically integrated development.
19 What happened there is that over the years it has become
20 **very** successful and is very homogeneous, because what
21 **happened is** that the 15 percent or more places that they
22 had reserved for low-income people were vacated and no low-
23 income people came in there any more and that was because
24 there was a planned integrated economic community, where
25 they would take everything into account.

1 However, the type of jobs they could provide in
2 the suburb there would not be the type of jobs that would be
3 around in the city, not manual. They had, for instance,
4 very excellent office jobs. IBM was there. Sperry Rand was
5 there and so forth, but they had very few manual jobs. So,
6 the people in the low-income class that moved in there and
7 could not connect with these places, finally drifted back
8 to the city and so, it is a successful project right now,
9 but it has become homogeneous. It's not for low income.

10 So, there's a good example of something that is
11 successful or in this case, it didn't follow the **rules**. It
12 was set up to provide this mix, but it naturally **grew out of**
13 the mix and became homogeneous and again, it's not a question
14 of whether it is desirable or not.

15 I would think the mix is more desirable myself, but
16 it is the empirical fact that this is what happened to a
17 successful neighborhood development.

18 Q Okay. I'm still groping a little. Are
19 there any studies or research that you rely on to lead you
20 to **the** conclusion that people placed in environments without
21 **appropriate** social and cultural infrastructure experience
22 increased distress other than what you've indicated concerning
23 the Jane Finch development in Toronto?

24 A Oh, yes. There are quite a few and as I promised,
25 I will have them to you in writing. Are you asking me whether

1 there is research available that says that putting poor
2 people from one environment into another maybe stressful
3 for them if certain things are lacking? That's your general
4 question?

5 Q That's what I understand your position
6 to be and I'm asking whether this is merely on a bare opinion
7 or whether it's supported by evidence and if so, what the
8 evidence is.

9 A Right. It is supported by evidence. It is referred
10 to in the books I already quoted, in the attachment to the
11 latter, that was written about me and it is -- it has
12 been in the examples of case studies that I promised to
13 submit to you.

14 Q Now, you make specific reference to Pruitt-
15 Igoe and you indicated that Pruitt-Igoe is in some ways
16 different because it was an urban project. Can you amplify
17 that just a little bit?

18 A I would be glad to. I didn't say it was in some ways
19 different. I said it was unfair of me to take that example.
20 **I want to lean over backwards.** I will not take an example
21 of public housing in a large city to prove that public
22 housing cannot succeed, but I took it because it shows
23 classically as an example, what goodwill, good intentions
24 and a lot of money have led to, namely, zip, and not only
25 zip less than that, because many thousands of people were

1 unhappy with the thing that was purportedly built to make
2 them more happy and better, healthy and so on.

3 Here's the story. In 1952, the City of Saint Louis
4 with Housing and Urban Development decided to provide a
5 total downtown renewal and for this purpose, decided to
6 raze a couple of blocks, I think 13 blocks, and put a big
7 inexpensive public housing in and they did all types of things
8 to make sure that there was what we now call in the terminol-
9 ogy of my letter, would be the "least-cost requirements".

10 One of the things they did, for instance, is not
11 provide elevators for every floor but only for **alternate**
12 floors. Suffice it to say that it has now well **been d^er**
13 documented in the literature that the thing was a disaster.

14 There were no jobs for the people there because they
15 only created the housing but there were no jobs. The public
16 transportation was ineffectual. There was no screening for
17 the people whatsoever. The neighborhood schools were not
18 rightly planned.

19 A lot of things that I have mentioned to you as
20 **social or** cultural infastructure just weren't there. There
21 **was** no basis of worship planned in the things. All these
22 things that we now, 30 years afterwards, begin to pay
23 attention to and that I hope to bring to the attention of
24 this particular case, were not taken into account.

25 What happened is that people disidentified with

1 their buildings. They started to be very sloppy about
2 their buildings. It became dirty. People urinated. People
3 in the hafs and corridors, people threw dirt all around.
4 Ther« was a lot of holdups there, rapes occurring, murders
5 occurring in the public spaces surrounding each single
6 apartment level and there was a classical case of what is
7 called, in animal literature, a behavioral sink.

8 What would happen there slowly but surely, the
9 bad elements drive out the good elements in such a type.
10 This was an ideal situation for drug addicts who hang out,
11 for people to fence their stolen goods, et cetera, and the
12 good elements started abandoning this project.

13 The Housing and Urban Development Department threw
14 good money into it in the late '60's, trying to improve the
15 situation by better patrols. This is what we always do.
16 We say it's a problem of putting in more police. However,
17 it has been shown extensively and documented by Oscar Newman
18 that police, public security does not suffice to make living
19 safe.

20 What one needs -- and that is where his terms come
21 from, defensible space -- people themselves must be interested
22 in their environment, not because some patrolman walks
23 around.

24 What happened is that all the police in the world
25 cannot defend the deterioration of these 13 blocks and we

1 finally -- the Federal Government and the City finally
2 decided in 1972 to blow up half of it, which appeared in
3 the last issue of Life Magazine. At that time, it was a
4 perfect demise of a periodical as well as a project and the
5 rest has been, since then, destroyed, as far as I know.
6 Maybe there's one or two still standing. It was a total
7 disaster. It cannot even be, with all the money in the
8 world, it cannot even be rehabilitated.

9 Why not? Because it was planned wrong. It was
10 planned on purely economic considerations, intended rightly
11 for those days that we didn't know so much about the
12 relationship between man and his environment, relationship
13 between behavior and design. It was very good, very
14 advanced, but it proved to be not right.

15 Q Would I fairly characterize your use of
16 Pruitt-Igoe as an example by saying that Pruitt-Igoe
17 represents an example in an urban environment of failure to
18 provide social and cultural infrastructure?

19 A That's correct.

20 Q And Pruitt-Igoe is indicative that planning,
21 even in an urban environment, can create these problems?

22 A That's correct.

23 Q Now, I do want to go back to a comment you
24 made some while ago. I recall your making some comment
25 that proxemic space is defined by the people who use it.

1 Is that correct?

2 A Yes. It is created by the people who use it. Let
3 me give you an example on this.

4 Q Please.

5 A That's why just attacking the zoning is not
6 sufficient. According to Professor Greenbie in his book --
7 and I mentioned that he came up with the term "proxemic
8 space" - zoning means, in essence, if we abstract and think
9 about it, a behavior control. A zoning means that certain
10 things get done in that zone and other things do not and
11 if you think just about zoning for shopping, you understand
12 what I mean, but that goes as well for zoning, for single-
13 dwelling occupancy or multiple-dwelling occupancy.

14 Every time, behind the ordinance lies an idea of
15 what people may or may not do in that particular part of
16 the city. It's a regulatory principle.

17 Now, most regulatory principles and I think all,
18 but I can't speak for it because I'm not an expert in legal
19 matters and so on - is a question of agreement, in my
20 opinion. We get to an agreement. This is the way we would
21 like to do it. Law is an agreement between people that
22 that's how we want to conduct business and our lives. Zoning
23 is a reflection of that.

24 The people who live in a particular zoning environ-
25 ment, therefore recognize each other just by the place they

1 live in and by the way it looks like, the nonverbal, non-
2 spoken messages that a part of the town or suburb can give
3 you just by being there, by sitting there; such as in New
4 England, you can see very nicely picketed houses sitting on
5 an acre or two acres with nice trees in front, and large
6 backyards, because they like their privacy and so on and so
7 forth. You have a lot of messages just looking at the
8 streets. You get a lot of messages of the people that are
9 living there, how they want to conduct their lives, how they
10 want their privacy, how they want to express themselves,
11 unspoken messages and you can pick it up because you're
12 sensitive. For it if you have lived in that type of neighbor-
13 hood and you do not pick it up if you haven't lived in that
14 type of neighborhood and it doesn't mean anything to you.

15 Here is where the rub comes in. Coming from a
16 totally low-income culture, minority, poor culture and city
17 culture, if you move from a ghetto culture, if you call it
18 that, if you move into a place that has to give up only
19 one principle, exclusionary zoning -- let's say it's zoned
20 now for multiple dwelling and so on and so forth, to make
21 things least-cost amenable so that you can build and still
22 make a profit, so on and so forth; you are thereby setting
23 up automatically a totally different behavioral code
24 adjacent to an existing behavioral code.

25 You hope that the two codes, the people that

1 represent these two codes or that execute these two codes,
2 will be able to live together. That is our great message
3 in this country, the "melting pot"^M, and I came to this
4 country because that's what I believed and I'm very strong
5 on that and I would not live in any other country.

6 Yet, it is an idea that we know, does not work
7 dways in all places and at all times. The melting pot, in
8 many, many respects, does not exist.

9 Now, the fight shows itself in zoning and what we
10 really are talking about today is much more than zoning.
11 We are talking about behavior of people and the possibilities
12 within those behaviors to have these people fulfill them-
13 selves to get to their human needs. That's what I
14 represent as a psychiatrist. I feel strongly that self-
15 expression, self-fulfillment and ultimately a search for
16 community is basic to my well-being and happiness.

17 If I am forced by -- but my opinion might be an
18 arbitrary decision made by planning or what have you --to
19 accommodate a totally different way of being, totally
20 different ways of self-fulfillment, totally different ways
21 of happiness without a chance of buffering this experience
22 of finding maybe a common ground, the possibility of a
23 cultural adaptation, that I resent it and fight it.

24 Here is where we come in with the idea of partic-
25 ipatory planning with the idea of open-ended planning. If

1 somebody were to come into my neighborhood who is, let's
2 say -- take something totally different from what I am --
3 Maori - and finds great satisfaction in life from the
4 slaughtering of sheep and dancing around and cooking them,
5 you know, in front of his house, I may object because my
6 barbecue is in the back of my house. That is to make an
7 example of the ridiculous. I don't want my barbecue in the
8 front of the house and the fellow does it right across the
9 street and does it on the front lawn. That, I consider
10 offensive.

11 Now, of course, I'm only one person and I'm an easy
12 person. I'm tolerant, but we all know that in many, many
13 areas, such type of offenses can speedily rise to high
14 tension conflicts between previous habitants and newcomers.

15 There are two solutions to this. One is that the
16 newcomer totally doesn't care and decides, "The hell with
17 this.. I don't care what is required of me in this new
18 environment". Mostly, this is a person who doesn't care
19 about the environment he is in himself and you get this
20 typical case of deterioration, local deterioration which
21 we have mentioned before.

22 The other one is better. The other one is that the
23 person says, "Okay, fine. I will take that into account.
24 Now, I'm going to be with myself. I put the boundaries up
25 which lets me do my slaughtering of sheep and barbecuing on

1 the front lawn behind the fence and will let me pick a
2 defensible space, lets me make -- " what shall we call it?
3 For the people who are there and maybe look down on it, it
4 becomes a ghetto.

5 Here is a person who is willing to live in his own
6 place, do his own things, but keep it away from you. We
7 feel that that is ghettoization and it's perfectly happy
8 people who are living in the ghetto. They are perfectly
9 happy. We've often proven that all over the place. Europe
10 was full of them. Africa is full of them and it is a type
11 of accommodation, but it's not the type of accommodation
12 that this country stands for.

13 So, the two alternatives that I see from unplanned
14 movement lead both to something that this country does not
15 stand for. The one is deterioration of the behavior or
16 total disregard for the environment and the other one is
17 ghettoization, and yet, I only see these two solutions for
18 the clash between newcomers and people who have always been
19 there.

20 If there is great cultural or economic difference
21 between them, I only see these two solutions, unless we
22 provide for more than housing. That was my argument, and
23 I don't know whether it's any clearer by now.

24 Q Well, let me give you an example and tell
25 me if I'm properly illustrating the concept of proxemic

1 space and environment being created by the people who use
2 them.

3 Let me submit it to you a little bit and perhaps
4 tell me if I'm mistaken. Let me take my neighborhood in
5 Newark, which when I moved in, was Italian, which now has
6 a large Hispanic population and I've observed, with the
7 Hispanic population, that shortly after the Spanish-speaking
8 people moved in, we soon had a grocery store that sold
9 food imported from Puerto Rico, Goya and Iberia, canned
10 products, that we soon had a Christian Science church that
11 conducted its services in Spanish.

12 Does that illustrate this concept?

13 A Yes.

14 Q Have I misobserved the example?

15 A No.

16 Q Is that an implausible sequence of events?

17 A It is a very plausible sequence of events. When
18 you look at the people, obviously in your case, it was not
19 a planned move. People slowly started infiltrating the
20 neighborhoods that they would create, because they create
21 their own context.

22 I said that before. If it is a spontaneous move,
23 they will bring it in, because they are ready to do it.
24 However, if it is a designed or planned move, which we are
25 talking about -- because I come back to the thing that is

1 asked in the Complaints and in the Summons, namely, if all
2 developments will be allowed in developable land in Morris
3 County - then, given the nature of development in this
4 **country**, given the nature of big money and so on and so forth,
5 by definition it has to be a planned move.

6 They are not going to built one house just for one
7 Puerto Rican family who has interest in living in Morris
8 County. That's the position. They live on my street, great,
9 because they move in spontaneously, but all of a sudden,
10 a Maori settlement in my opposite street might make difficultly
11 even with me being tolerant. That's what I was talking,
12 about..

13 So, you got it right and I'm with you exactly. This
14 is what happens when people move in slowly, slowly but
15 surely. If you have citizen participation in planning -
16 and I'll give you examples, too, in the literature that I'll
17 send you - you have a good chance of succeeding. They
18 express in advance what they want. People who are willing
19 to listen to them, developers, you know, people who are
20 **ultimately** going to make money, are interested in more than
21 providing a house. They are interested in whether they will
22 live there ten years from now and be happy. That's a very
23 important question. You have very few builders and
24 developers -- I would say none that I know of personally --
25 that ever ask that question.

1 Q Now, you've made a distinction between
2 planned and spontaneous moves. In this sense, do you use
3 planned moves to mean any conscious effort to create housing
4 **for** a segment of the population?

5 A Yes. By nature of the expense that is concerned
6 with that, that is why I am saying that you cannot, today,
7 I don't think, just build one house. It is practically
8 impossible if you are developer.

9 I'm using the words literally that are being used
10 in the Complaint. It is always on a large scale, especially
11 if it's started with federal money, which is also **mentioned,**
12 federal, support.

13 Q Just one further question before we move on.
14 Returning to the sentence that we've worked to death on the
15 increased distress, "increased" involves a comparison. Can
16 you tell me what is being compared with what?

17 A I think for me - again, the letter was not written
18 by me, but I am perfectly happy with this -- there is
19 distress to begin with, otherwise we wouldn't even ask for
20 allowing low-income minority people to go into Morris County.
21 We know there is distress in Newark. I'm sure there is
22 distress in Newark in certain areas that are blighted or
23 what have you. Even in non-blighted aspects, you may have
24 that.

25 What I'm saying is the idea is good, okay, fine.

1 Let's improve this, but not necessarily into suburb and
2 Morris County, because as we discussed before, it can lead
3 to even worse conditions in a couple years hence, even
4 worse conditions than where they came from.

5 That's what I would like to say, increased distress.

6 Q So, the increase is distress felt by the
7 people who move and not by the people who are already living
8 there?

9 A No. It's by the people who move and I made that
10 example of the Toronto place. It's by the people who move,
11 who, in my opinion, it's better to live in an area that you
12 know, like in New York City and I have personal experience
13 with that by talking to patients here. It's better to live
14 in an area that you know is unsafe but you also know where
15 all the nooks and crannies are and where your friends are and
16 so on then to move out into a new area where you don't have
17 this social network and your resources and then, it becomes
18 unsafe because people just don't identify with the place and
19 it has happened in new suburbs in Toronto.

20 It is better to be in a place where you are familiar
21 and at least know the dangers, then to go to a place where
22 you are unfamiliar and do not have time to build up your own
23 contacts and then, all of a sudden, find out that it is just
24 as bad as before, because people may even come there to prey
25 upon you, which they did in Pruitt-Igoe.

1 People came from outside in to do their ugly business
2 there, namely, drug dealing, their raping, their crime.

3 **That's what** I meant.

4 Q Now, you indicated that you had in mind a
5 specific model on how you would go about planning a develop-
6 ment.

7 A Yes. In brief, it would have -- let me preface
8 this by saying, of course, talking about design of housing
9 or so on is just like talking about prevention of a heart
10 attack. We know what is bad, things you ought not to do if
11 you want to prevent a heart attack, but it's very hard to
12 say what's good. Maybe it has something to do with **being**
13 overweight, also something to do with exercise and maybe
14 with staying away from cholesterol and certain foods, but
15 that is all not so clear. We know it's in the right direction.
16 So therefore, I do not give you a clear statement.

17 First of all, I'm not a designer, per se, but
18 secondly, even from the design literature, there is no clear
19 statement. May I just refresh my memory on this?

20 However, while I'm going through my papers here, it
21 **is, first** of all, important to even know from the beginning,
22 when you plan a house and development, that there is a
23 difference between people and that the difference does not
24 consist of, as my friend Kiyo Izumi remarks, just saying
25 "poor people", because there's a great difference between

1 different poor people.

2 Secondly, that it is important these differences
3 come out in advance. Therefore, you should look at your
4 prospective clients. The methods for looking at the
5 prospective clients are many fold but the ones that are most
6 known and most easily imagined are such things as interviewing,
7 which has been done quite often and already in many respects
8 is standard operating procedure, scale testing, having the
9 people talk about it on a scale model, and just observing
10 of what goes on in the area where they come from, which is
11 what people need.

12 As I said before, when you come into an area and
13 you say this area, we want you to move at a certain moment
14 and you see a lot of churches, as you said, Christian
15 Science churches, they are Spanish-speaking. This is
16 something I might need on the other side and how I'm going
17 to provide it, and that we, collectively, we use that user
18 or client participation in the planning process.

19 Thirdly, to make the process open-ended, in other
20 words, not to lay everything out in advance. I see sometimes
21 with horror that people have already decided it's going to
22 be 22 dwellings per acre and it's going to be no more than
23 three stories high or it's going to be 20 stories tall.
24 It's all dependent on the type of population that goes in
25 there.

1 While you are building or planning it, this may
2 change. Again, to give that great example, middle income
3 versus lower income, high-rise apartments are better for
4 middle-income people than they are for low-income people
5 and again, it has to do with some of the factors I mentioned
6 before, capability of dealing with space; high-rise is not
7 necessarily bad, although it has many bad characteristics.
8 Suburbia is not necessarily bad although it has many bad
9 characteristics, but who should live in suburbia, what life
10 cycle?

11 For old people and young people, suburbia is - wi ^ ^
12 very bad because there's so little in there. For jse0\$jte in
13 the middle of their lives, it's good because it offers a
14 lot of amenities that they couldn't buy for the same money
15 elsewhere.

16 So here, we go with all the things that have to be
17 weighed in any good planning process and if that were the
18 case and if I could see that in the case that is brought
19 against Morris County, I would be feeling much better about
20 it. Irda^t find those differentiations.

21 Q Well, imagine me, if you will, the town
22 fathers of a community of Morris County --it could be
23 Chester Township, let us say, a community where the popula-
24 tion is now largely white, affluent, living in single-family
25 owner-occupied houses on large lots.

1 MR. FERGUSEN: Objection to the question
2 unless you add that there are approximately 5,000
3 people living in the 26 square miles. The character
4 of the community makes a difference and if we throw
5 into that 5,000 people plus or minus or whatever it
6 is in 26 square miles of largely rural environment
7 with no town except for Chester Borough in the
8 middle and with a limited shopping and cultural
9 facilities, then I would let the question go.

10 BY MR. EISDORFER:

11 Q Yes, I am perfectly happy to have that
12 added to my hypothetical. Explain to me, as town **fathers**,
13 how I should go about planning developmental or nondewldp-
14 ment of Chester Township. What process should I be going
15 through?

16 A I don't want to address that because as I mentioned
17 to you before, the planning of the land use, that's what
18 you're talking about, is not my speciality. It's not
19 something I know about.

20 Can you rephrase the question and say what would I
21 be doing as a town father of Chester when we have already
22 decided what the land use is going to be, and everybody
23 has agreed?

24 When a developer steps through my door and says,
25 "I want you to put up X" --

1 Q That's not really the question.

2 A Well, can I rephrase it that way?

3 Q I think you at least, in part, answered that
4 **question.** That's not really the question I'm interested
5 in. Let me refer you to the top of the second page of
6 Exhibit P-AE-1.

7 A Let me find it again. Yes.

8 Q The first complete sentence on that page
9 says, "First, the social and cultural standards of a
10 community and its constituent groups must be recognized and
11 established."

12 A You want me to enlarge that statement?

13 Q Yes. I want to know how one identified the
14 social and cultural standards of a community.

15 A The process is pretty standard in terms of procedure.
16 Mostly, in this country, we go out and base it from the
17 income level. Secondly, in this country, we use as a base
18 the race, ethnic background. Thirdly, we use occupation and
19 then we get to religion and all the other things.

20 **The** process for a planner, then -- and it is for
21 **instance,** clearly described in the book by Greenbie on design --
22 is to go around and inspect officially the areas and start
23 interviewing some people like in the local grocery and so
24 on as to what they identify as their area. People are pretty
25 clear about it, proxemic areas. Anybody can tell you what

1 he or she considers where she lives in, what this neighbor-
2 hood is -- this neighborhood stretches from the railroad or
3 from the highway to the park. Well, does it include also
4 on the riverside there? No, it doesn't, because that is
5 another neighborhood. People are very clear about that. It
6 is remarkable.

7 You can get very quickly a so called cognitive map,
8 which is a map that we have in our mind, of a town. It's
9 a collective of what people think about it and there's little
10 differences, naturally, but it is possible to do so and that
11 should be a first step in any planning, because that tells
12 you what is there. It tells you what fits and where the
13 potential boundaries for unhappiness may be.

14 By "boundaries for unhappiness", I mean areas that
15 are potentially conflicting, such as a business area may
16 conflict with an area that is zoned for housing only, because
17 the business wants to expand. These are all types of things
18 that people take into account. So, what you do is just ask
19 and you get the answers.

20 The cultural standards are equally simple to find
21 and I mentioned a few, which is standards like library,
22 church and so on and so forth, what's there in the community,
23 what can I relate to and again, a good planner planning a
24 development should get that information together.

25 So, this is where I think the constituent groups,

1 the people who live in there should be acknowledged for
2 what they are. In other words, it may be better for x-tpwn
3 in Morris County to have Puerto Ricans move in because they
4 may have a little something already in common than for
5 y-town. This is what I mean. It is very theoretical and
6 abstract but in reality, as the literature shows, it can be
7 done and has been done in New England and in different
8 places in actual planning.

9 Q Before it flits out of my mind, I want to
10 return to the hypothetical I gave you just a moment ago.
11 Would you explain to me why you don't care to answer the
12 question stated that way?

13 MR. FERGUSEN: If I may, the witness said,
14 "Let me rephrase it" and then he rephrased it and
15 Steve said no.

16 (At this point, the previous question by
17 Mr. Eisdorfer was read back by the Reporter.)

18 BY MR. EISDORFER:

19 Q You indicated you didn't care?

20 A What's the question there?

21 Q The rest of the question was, imagine me
22 as a town father. What process should I go through in
23 planning --

24 A Right, Chester Township, and I said I don't want
25 to address the question because I'm not an expert in the

1 process of land use planning, because you are now talking
2 about how should a county determine how to develop it's
3 resources, natural resources. That's not my expertise.

4 My expertise is, once it is decided where development
5 of resources and planning should occur, what should be, in
6 my opinion, being sensitive to social and cultural factors,
7 what should be the minimum requirements that enter into the
8 particular, let's say now plot development or particular
9 zoning, zone development, and that's what I can talk happily
10 about.

11 Q When you say you're not addressing the
12 issue of land use, let me paraphrase and tell me if I'm
13 misstating.

14 I think the considerations you've been talking about
15 apply only after a community has decided, through whatever
16 process, that yes, we will have - we will permit so many
17 units of low-income housing.

18 A Whatever they permit. In this case, as a hypothetical,
19 I felt and I took the position that I would not like to get
20 into **the** issue of whether or not the zoning laws of Morris
21 **County** should change. That is not my interest and I don't
22 know that. I don't know what the merits are of this.

23 However, provided they are changed, the second issue
24 that was mentioned in the Summons was, then, the town fathers
25 or whatever it's saying there, should allow any development

1 on developable land to occur.

2 Here is where I would say no to that, because just
3 **to move in** on the basis of "This is safe and it's cost
4 **conscious** and it contributes to physical welfare" is not
5 sufficient. I want to see, if that is going to happen, what
6 provisions are made for social and cultural infrastructure,
7 just as there are for normal such and other infrastructure
8 that is being done.

9 MR. FERGUSEN: Mr. Eisdorfer, if maybe I
10 could help here, we, as a matter of law, will argue
11 that the definition of "least-cost housing" must
12 include the social and cultural costs as **well as** -
13 construction costs and we will use Dr. Esser^f's
14 testimony as well as Dr. Duhl's testimony to support
15 this contention and I think his testimony today has
16 done so.

17 However, it's a legal conclusion we will be
18 making and partially, a planning conclusion also,
19 that, to use the words of the recent OSHA cases and
20 environmental cases, a cost benefit analysis ought
21 to be run, as it were, as to where this social and
22 cultural planning can or should occur, in the same
23 manner as a fiscal analysis, cost benefit analysis
24 must be run as to where physical planning will be
25 least expensive.

1 The component of social/cultural cost and
2 planning has been heretofore largely ignored, if not
3 omitted entirely and that is the purpose of present-
4 ing the testimony of this witness and Dr. Duhl, to
5 establish the fact that it must be factored into
6 an equation where housing units results.

7 So, this is a foundation for that legal open-
8 ended planning argument, although it is not specifi-
9 cally this witness's expertise to say how it should
10 be factored into the land use concept. We have
11 other witnesses who address the same issue. Planners
12 talk about jobs and transportation. The environmen-
13 talists talk about off-site and on-site environmental
14 costs, but that's how this witness's testimony fits
15 in.

16 Now, if that helps you ask questions or
17 resolves problems in your mind, I hope so.

18 MR. EISDORFER: I appreciate your
19 clarification.

20 BY MR. EISDORFER:

21 Q; Let me again see if I understand the
22 problems we're addressing. What you're interested in doing
23 is prescribing conditions on how a development decision
24 ought to be implemented.

25 A No, it should be reached that -- what I'm really

1 saying -- if you ask me straight out absolutely, I would
2 be against the wording that says that now you have to accept
3 all development, because I believe that all development is
4 very bad. It should be very specific development for very
5 specific areas for very specific people for very particular
6 needs.

7 See, now I'm asking something that goes beyond the
8 person who puts a housing complex -- and I know that I'm
9 asking for it and I think I have reason to ask for it on
10 the basis of literature, on the basis of bad examples and on
11 the basis of much research that has been put forward,
12 including many federal mandates that I think, in part, both
13 the plaintiffs and the defendants are citing to make a case,
14 that I submitted as part of the collection of documents,
15 a report on all federal mandates dealing with the built
16 environment of our organization, anything that we would build.

17 I believe it's very good to take that into account.
18 I'm sure that the plaintiffs have taken that into account by
19 bringing this suit and that's great. I'm also sure that
20 as particularly one person whose testimony I like, because
21 it does show bias in this sense, which I did find in the
22 testimony of Mary Brooks -- there's the testimony of Frost
23 Associates.

24 When they look at transportation, the transportation
25 implications of this move from, let's say, Newark into Morris

1 County, what it would mean for the transportation infra-
2 structure and how that would relate to what the Federal
3 Government is today asking us, namely, energy conservation
4 and so on and so forth, that, I think, is a good way of
5 looking at the total issue. It's a comprehensive way, and
6 so, what I'm asking for and what I'm trying to adress is
7 what are the pieces that we, as a minimum, must look at when
8 we allow a development, when the court orders us to allow
9 development. How should these developments look like to
10 conform to what I would call today's "state of the art",
11 right. That's really what I wanted to do.

12 Q So, let me paraphrase and tell me if I'm
13 wrong. The question you're adressing is not whether zoning
14 should be changed to permit or not permit development, but
15 if it's changed to permit development, the form that that
16 development should take.

17 A That's correct.

18 MR. FERGUSEN: You should be clear, though,
19 that we will argue from this testimony that one of
20 the initial planning considerations should be what
21 kind of uses for what kind of people and what kind
22 of needs should go where, based upon a full and total
23 economic analysis of both on-site and off-site
24 physical and cultural and social causes.

25 MR. EISDORFER: I'm really trying to depose

1 Dr. Esser and not yourself at this point.

2 MR. FERGUSEN: I just want to not let you
3 be misled by the fact that the doctor is talking
4 about social costs in his context and his testimony
5 will be used for that purpose on the trial. I think
6 I should make that clear.

7 MR. EISDORFER: Well, again, let me clarify.

8 BY MR. DISDORFER:

9 Q Am I correct in saying you don't feel you
10 have the expertise to address the issue of whether development
11 should or should not take place?

12 A In Morris County?

13 Q Yes.

14 A Right. May I just, for your -- since we were on the
15 topic of federal mandates and pronouncements on the federal
16 level, may I suggest that I enter for the record, as well
17 as these examples that you wanted, certain quotations and
18 cite you the chapter and verse so you don't have to --

19 Q I would appreciate that. In addition, I
20 ~~notice that~~ you've referred to certain studies that you've
21 ~~done.~~

22 A Yes.

23 Q If you could provide me with copies of them
24 and I'll be happy to copy them and refer them back, return
25 them to you -- those things that are not necessarily accessible.

1 A If I say I have done them, it's not me personally.
2 It's very often people I'm consulting to or my students,
3 **but** if **you** want it, yes, I will provide them to you.

4 X expressly didn't cite my own works in this list
5 because it would be presumptuous. So, there is no publication
6 by me in the list.

7 Q Now, when you speak of participatory planning,
8 how do you define who the participants should be?

9 A The participants should be any person, in principle •)•-
10 okay, because many persons don't want to work -- any person
11 who is either going to share the proxemic, being next **to** it
12 or going to live in the particular development. So,
13 practically what is done is the following:

14 The developer or the planner goes to the area for
15 which it is planned and interviews or in any other method
16 relates, to the people who live adjacent and he also goes to
17 the people who are most likely going to be interested in
18 moving to the area.

19 So, there are several examples of that, even in
20 **New Jersey!** of this type of -- I would say, even in New Jersey
21 **because** if that's close by, of this type of process.

22 Q Can you give me some examples in New Jersey?

23 A Not for low-income housing, but there is a thing
24 such as, right now -- I'm not sure whether it's Pinehurst
25 or Pine-something. Let me just stretch that and say that it

1 will be in your literature, but it is not for low-income
2 housing. I do not know of any New Jersey examples of low-
3 **income** housing.

4 Q But do you know any examples in the Northeast
5 involving low-income housing?

6 A Yes. I mentioned to you the Toronto example, the
7 Jane Finch.

8 Q That wasn't an example where it was done.
9 That was an example where it wasn't done..

10 A It was done. However, as I mentioned, they did it
11 right, they went to the people. First of all, it **was only**
12 one out of six that even responded. So, what you got -?
13 and that's how they say the project went down the drain --
14 what you got is the most desperate people finally accepting
15 that move. They had nothing in common with the people who
16 were moving. They were all loose, you know.

17 It's not like a nice neighborhood of Puerto Ricans
18 moving on the block, which would be the right way to do it.
19 If you could, in life, take a whole thing and put it some-
20 **place, that** would be the best way of success, but take the
21 thing with all the social relations and just bring it into
22 a new environment - but why it went wrong is that very few
23 people related to the neighborhood. Only the worst ones
24 took it upon them to move and naturally, the suburb that that
25 came into operation or naturally we say afterwards, but

1 obviously, the suburb that came into operation had no
2 identity.

3 People didn't relate to each other and it just became
4 a place to hang out in, like Pruitt-Igoe in Saint Louie
5 became an place to hang out in and when you start hanging
6 out, then you start crime and et cetera. That's the difference.

7 Q Well, can you give me any examples of this
8 planning process you describe, where it has actually be
9 successfully carried out?

10 A Yes. Apart from Don Mills, which I gave already and
11 eventually --

12 Q Doctor --

13 MR. FERGUSEN: Let the doctor answer it.

14 A Apart from Don Mills which I mentioned but then I
15 said the economic relation turned out to not be successful
16 for years -- Charles View Housing in Boston has been very
17 successful; 15 percent low income, 85 percent middle income.
18 People are happy. That is Charles View Housing.

19 Q Well, Doctor --

20 MR. FERGUSEN: I'm not sure that the doctor
21 was through with his answer.

22 A No, I wasn't through. What they did, in advance, they
23 knew there were about 200 or thereabouts apartments going
24 up. They knew they were in different ranges of rental and
25 what it did is they had a process whereby they invited

1 prospective tenants to come down and talk to them about what
2 they wanted in the environment. It has been very, very
3 successful. It's an example of participatory planning.

4 So, it is possible. I don't want to go through
5 all the steps of the process because there are many ways of
6 getting the same results. The particular methodology can
7 be different from project to project.

8 Q Where is Charles View located?

9 A It's just around Boston.

10 Q In Boston Proper?

11 A No, it's North Harford, I think. I'm not entirely
12 sure. I will be glad to provide it to you. I didn't visit
13 it myself, but I know the person who did the review.

14 Q Yes, I would appreciate that. You've
15 described or at least outlined a process. Are there any
16 limits you would place on the possible outcome of that
17 process? For example, suppose the process said we want all
18 wholesome, healthy people and we don't want anyone who is
19 physically handicapped. Would you consider that a legitimate
20 **outcome of** the process?

21 A No. I think that can never be. As I made the
22 statement, categorization is not good for planning. In
23 other words, we can only deal with individuals and whether
24 an individual fits into a project is up to his own - that
25 is his own wish.

1 What I wanted to say is what you described yourself.
2 You said people moved into your neighborhood and started
3 creating for themselves a Spanish-speaking church and
4 Spanish grocery. Well, if you plan a housing development,
5 that's what you really do. If you ask people if they want
6 to place this here and that, and how do you want it to look,
7 you can come very close to the people moving into your
8 Newark, but the neighborhood doesn't exist yet.

9 Now, if there is a Spanish-speaking fellow who lisps
10 or himself has a son who is mentally retarded, that doesn't
11 matter to you, because as long as he has the thing to come
12 into your neighborhood, you would allow him. So, it's the
13 opposite. It would not be on that exclusionary side and
14 the whole^side that I stated in the letter, exclusionary
15 zoning, to attack that is not a bad thing, precisely because
16 of the fact that exclusionary zoning is defined as a certain
17 category and that's not what we want to achieve. We do not
18 want a category of just the poorest blacks to move into
19 Chester. That's not what we want to achieve, right. That's
20 what I feel.

21 • What we want to achieve is the opportunity for poor
22 blacks to move into Chester. Now, how that is done they
23 will have to figure out, together with people who are there,
24 together with the person that is going to built it. It's a
25 participatory process and maybe it will turn out that they

1 don't want to move there. They should have that option or
2 maybe that they want to move there, if provided there is
3 jobs, et cetera.

4 It's a lot of questions that are related or provided
5 there is transportation or provided there is X, and what
6 I'm saying is that I'm looking at the provider, because just
7 to provide the walls and the roof is not sufficient.

8 That's housing, how we see it today and as I see it
9 in the Summons, we're only talking about housing and housing,
10 I think, is very insufficient in this day and age.

11 Q Now, in this participatory planning process,
12 what role --let's conceive of a new development. Now, ^
13 there are already some people living in that general **area**.
14 What role do those people play in the process?

15 MR. FERGUSEN: What general area?

16 MR. EISDORFER: The general area where the
17 development is going to take place.

18 MR. FERGUSEN: Chester?

19 BY MR. EISDORFER:

2p Q i Well, any area.

21 A The role would be dependent on how they want to play
22 it. They should get an invitation to come and to express
23 their feelings about this particular development.

24 Again, it's being done all over the place. I have
25 many, many examples of that. Very often, people don't even

1 react to it because it doesn't interest them. Sometimes
2 they react to it by being very angry and saying "I don't want
3 it". I have seen that, too.

4 It is up to the developer and the planner to guide
5 this process and to make possible this dialogue between
6 prospective inhabitants and the present inhabitants and the
7 regulatory authorities that have it in their power to effect
8 this move. It is a tremendous, not easy, task, but it is
9 the only one that has long-term results.

10 Q Well, supposing hypothetically, that the
11 people already living in surrounding neighborhoods say they
12 rather like the kind of people who are living here and "We
13 don't care to have anybody of a different race or different
14 economic background", except they would say it more force-
15 fully than I would put it.

16 A And that's not a hypothetical. That's a reality.
17 Let me give you an example of moving mental patients in
18 Bergen County.

19 We won two court cases in Bergen County incidentally
20 **on that one**, but the fact that we only had two out of ten
21 **townships** -- because in eight, we were successful in convincing
22 them. That is what you have to think about.

23 What we did before the mental patients had to move
24 in, we explained the process to the city fathers. We, the
25 planners -- I'm the psychiatric planner -- to the city fathers,

1 to the important religious and social organizations, to the
2 real estate people who are very important in a case of --

3 In the present case of Morris Township, we are not
4 talking about preexisting buildings, but there, of course,
5 we're talking -- in Bergen County, we were talking about
6 preexisting buildings and real estate people have to have
7 some appreciation of what this type of patient was, not
8 being a violent man that was going to destroy the house
9 that they were going to give him.

10 Let me tell you, you have to use inducements for
11 the population in there. For instance, what I used with
12 the medical community, I said, "Look, even if I bring the
13 patients out from the hospital because I'm the director of
14 the community mental health center, it's going to be your
15 patients. They're going to be going to you and be paid
16 for, for going to you", because we get extra money for --
17 well, that convinced some doctors that it was worthwhile.
18 Some of them said, "Well, I still don't care. I'm not
19 interested in long-term patients." Well, that's there
20 **prerogative**, but there were doctors who said "Fine, we will
21 see these patients", yes, even dentists.

22 In other words, you find a community of interest.
23 This is, incidentally, the title of Oscar Newman's new book,
24 "Community of Interest". You find, in other words, an
25 interest and it's your task, I believe, as developer and

1 planner, to do that, and if you don't do that, that means
2 you have no interest in the development except getting the
3 buck and getting out of there and that's what I am against.

4 Q Well, let's suppose, hypothetically, that
5 the people already living in the general area are very
6 resistant and they say, "We moved here because we were flee-
7 ing precisely the kind of people who you are purposing to
8 build this development for. We don't want to live with
9 people who aren't of the same color or the same economic
10 status. That's why we came here." Does that bring the
11 planning process to an end?

12 A I don't think so. I mean, again, as I said, in
13 Bergen County, there were two towns, and I can mention them
14 to you, who both said to me, "Sorry, Doctor. After a long
15 time, we looked at them, we don't want them." So, we went
16 into court and we got it. The zoning was overturned. The
17 zoning was a very simplistic one. They had a requirement
18 that you could have no more than two nonrelated persons live
19 in one place, right. That was the zoning, so we overturned
20 that.

21 So, I'm not saying there are no means of redress,
22 how do you call it --

23 MR. FERGUSES: That's good.

24 A For a non-lawyer, right, but I really - I think
25 it's an unfair question to me because you're not asking me

1 how I would do that in Morris County and I don't know enough --
2 I don't know if even out of 20 townships, how many would
3 a fight. I only know specifically that it is possible with
4 mental patients and since they are disadvantaged, I think
5 it's also possible with non-mental patients who are dis-
6 advantaged, but one has to take into account a lot of factors,
7 much more than the factors of whether it's economically
8 viable and whether you have an infrastructure, and that's
9 my message and I keep repeating it.

10 Q Now, to your knowledge, have any efforts
11 been made to cost out or put a price on the cost of doing
12 this, additional planning which you believe needs to be done
13 to provide suitable cultural and social infrastructure?

14 A May I say, the words "social and cultural infra-
15 structure" --in other words, you would not find them in
16 your literature, but there has been a cost percentage put
17 on this type of what is called "behavior user oriented
18 planning", and it is generally become accepted in the good
19 firms and also, federally, as guidelines, has been accepted
20 fq* federal projects at five percent of development costs
21 which should be devoted to that. Five percent of the total
22 cost should be or could be devoted to this participatory
23 planning process and design.

24 Whatever hangs together with this, it's more than
25 that. Of course, I'm just making one fact of it.

1 Q Based on your judgment, do you think that
2 that's a reasonable estimate?

3 A Very reasonable. I base that on my judgment of
4 having been involved in costing some of these things myself
5 and knowing people who have been in the field.

6 Q Can you give me an example of one in which
7 you've been involved in costing out?

8 A I have been involved in Canada, in costing out a
9 project in town that is still, you know, still busy. It's
10 called the Breton Flats and there are other ones. I forget
11 them, because you know, I've been often asked - I teach
12 and lecture at several schools of architecture and there's
13 a lot of opportunity for me to comment on what the students-
14 mostly it's done by students in schools of architecture
15 because the architectural firms do not have the personnel
16 yet, staff yet, architectural planning firms, to do it them-
17 selves. So, they farm it out to a couple of enthusiastic
18 students, but that would be an easy thing in Newark, because
19 you have a nice Newark College of Engineering that has a
20 school of architecture, and that could be very easily done.

21 Q Can you tell me a little bit about Breton
22 Flats? Where is it located?

23 A In Ottawa. It's a large area that during the World
24 War II, was used as barracks for military and it has been
25 reassigned to contain public housing.

1 Q Is that in the downtown area of the city?

2 A It's not downtown, no. It's in the suburb, basically.
3 I don't know whether you're familiar with Ottawa.

4 Q Now very.

5 A Ottawa has a central core with Houses of Parliament
6 and businesses and adjacent to it and separated by the
7 railroad that cuts right through, there is - there used to
8 be a lot of open land. Now, they have built some government
9 buildings and so on there.

10 They are sprawling. It's just like any urban
11 sprawl and within that area to the west of Ottawa is what
12 used to be outside of the city, the barracks and that, then,
13 has been devoted, given by the government over to this
14 public purpose.

15 So it is, let's say, in between. It's an urban
16 boundary zone. It's actually a boundary zone. It's not
17 urban and it's not actually suburban. It's just between
18 the two.

19 Q And can you give me an indication of what
20 the cost of doing this kind of planning was for that project?

21 A Gee, I really don't know, and I wouldn't know the
22 particulars. I would have to go back to it, but I think it
23 falls well within that number that I cited to you, well
24 within five percent of total developmental costs.

25 Q Specifically, what kind of things were

1 encompassed in that cost? What kinds of activities were
2 encompassed in that cost?

3 A The main effort has been to hire architecture
4 graduate students and graduates to set up discussion groups
5 with the identifiable neighborhood populations that border
6 this area, the business groups, social groups, same type of
7 thing that I described before.

8 One addresses these things to find out what they
9 think, what should be done with this piece of land, how it
10 should be devoted to public housing in this case. Much
11 work, therefore, has gone into gathering up opinions of
12 people as to what they would like to see, what type of
13 inhabitants they would like to see there, what type of
14 rental levels there should be, et cetera.

15 The process has been slow in this particular case,
16 already in its third year, but that is not based on the
17 factor of trying to find out. I think that has to do with
18 government funding and so on, of the whole public housing
19 project.

20 In other words, we haven't moved or they haven't
21 moved into actual -- I think there's two or three blocks
22 up. It's not finished. I mean, it's still empty, a lot
23 of it. They have built some.

24 Q Now, this five percent figure that includes
25 the planning process, does that also include the cost of

1 any excess costs of any changes that would have to be made?

2 MR. FERGUSEN: I don't understand that
3 question.

4 A You mean changes in what?

5 Q Well, let me give you an example.

6 A Maybe I can help you in this. You mean, if it's
7 open-ended planning and it's going to change from one end
8 to another, would that cost that is associated with this --
9 that is a possibility.

10 In this particular case, it's not open-ended planning.
11 They had decided it's going to be public housing and there's
12 no open-ended necessary in it like I would like to have seen,
13 for instance, -- say, okay, it's all going to be public
14 housing, but maybe two or three streets will have grocery
15 stores. They have not -- they have decided not to go that
16 way.

17 In Holland and other places, they do decide to go
18 that way and they say, "This is going to be a suburb and
19 let's find out where you would like to have your gas station"
20 and so fourth, because they will provide it within that area.

21 In that particular case, it's not going to be
22 provided. It's all going to be housing. So, there is really
23 no change. Once they decide, you know, that the street is
24 going to have apartment houses of, let's say, two stories
25 high, that's it. Then, they're going to build it and as a

1 matter of fact, that's exactly what they are doing now. I
2 think that's what is going up.

3 Q Let me ask the question a different way.
4 Does this additional five percent include the cost of actually
5 providing the incidences of social and cultural infrastructure
6 that the planning process intends to indicate are necessary?

7 A To provide the recommendations, yes. That would
8 include, of course - it would not provide for the actual
9 implementation of that. That's different. The building
10 costs themselves, the actual cost, that's why I'm hammering
11 on the least-cost principle as was proposed in the Morris
12 County case which is, in my estimate, a wrong way of going
13 about it.

14 If you really just -- the only thing you want to do
15 is convince everybody it can be done for very little and
16 thereby, you can provide for all these poor people, that's
17 a very cost inefficient way for the future. You are buying
18 yourself trouble rather than getting something done cheap.

19 Q Well, to your knowledge, has anybody done
20 any work, any costing out of the cost of implementing these
21 types of recommendations?

22 A I would have to check that out with people who are
23 much more knowledgeable than I am. I am sure that there
24 are examples, even of open-ended planning. They are even
25 in the literature but I do not specifically recollect whether

1 the information is given as to how much this added to or how
2 much more this cost them, let's say, non-open-ended planning.

3 So, if you allow me, I will try to get you this
4 information.

5 Q I would appreciate that. Now, you indicated
6 the Breton Flats was not open-ended in the planning process.
7 Does that, in your opinion, doom it as a project?

8 A Not necessarily, because the situation in Ottawa
9 happens to be quite unique situation. It is a very nice
10 homogeneous city, small, and other studies have been done
11 there. We have published them in my book. I haven't done
12 it, but in my book, there's a study on Ottawa housing
13 developments.

14 There has been sufficient knowledge gathered for
15 that community, that area, that metropolitan area. It's
16 not big, the area of Ottawa. That, perhaps, just not having
17 open-ended planning and deciding so many acres are just
18 going to be public housing is not a bad decision, because
19 it's close by. It's on the border area of the city.

20 So, cultural structure is right there. It's
21 homogeneous. They're not going to move, let's say black
22 people in there because there are none. It happens to be.
23 So, you're not looking for Puerto Ricans or you're not
24 looking for extra-cultural provisions and just rely on the
25 factor that Ottawa is close by and all the transportation

1 is there, that certainly people will be able to maintain
2 their friendships, to be able to get around inexpensively,
3 get to their jobs and so on and so forth.

4 I think that Ottawa, in that respect, does not need
5 open-ended -- I had no say in that process. I am not that
6 important, although I am a consultant to the Canadian Health
7 and Welfare, but I think it's not going to be disasterous
8 at all, but there are other areas where indeed, non-open-
9 ended planning has made an impact.

10 The best examples there are company towns, naturally,
11 because the company provides, but that is outside of th.# :-
12 scope of talking about suburbia, I believe. ?

13 Q Would you describe for me briefly your
14 educational background?

15 A I am Dutch educated throughout until my M.D., at the
16 University of Amsterdam, straight forward M.D. I did some
17 extra psychology in biology during my student years, but I
18 did not get another second degree when I specialized in
19 social behavior, especially where this related to mental
20 illness, what comes about, and not only what types of social
21 behavior result from mental illness but also what types of
22 social behavior result in mental illness.

23 I came to this country to study just that at Yale
24 University, Social Psychiatry. I had a fellowship and I
25 decided to go into pure research and for many years I did

1 that, if you can consider it part of my education, as a
2 researcher for New York State Department of Mental Hygiene.
3 **These days** with the Department of Mental Hygiene, the
4 **research** institute, I was working with many, many different
5 populations, mentally retarded, mentally ill, children,
6 adults, old age, prison populations, primarily institutional
7 and then I went into - and that changed my direction -
8 I went into the primate behavior. I had a primate colony
9 of gibbons, an ape, because I felt institutional behavior
10 will never show you spontaneous behavior.

11 So, we set up a gibbon colony on an island so **they**
12 could behave spontaneously. From that, the rest **came.** -f. **We**
13 started relating to architects. They came to see my research
14 set up and started talking about how to apply behavioral
15 findings about social behavior and about the individual
16 motivation, to the design process, how to profit from it,
17 where is the relationship between the environment and
18 behavior, as one of the books there is, and my own book,
19 Behavior and Environment.

20 We know there is a relationship. What is it that
21 **determines** or allows this relationship? I think, being
22 biologically and medically oriented, I think it is the human
23 brain and particularly the human mind that relates this
24 relationship continually. That's why I used "context",
25 meaning the ongoing relationship between the person and his

1 environment, "loss of contact", meaning that fit becomes
2 worse and most likely you would end up sick in some way or
3 another, and a good creation of context, meaning you are
4 going to be quite happy and productive and self-fulfilling.
5 Then, you start saying what is the context, and you begin
6 to understand that there are many different contexts for
7 mankind.

8 It depends entirely upon where you are at in the
9 head and we have talked about it, blue-collar, white-collar,
10 thinkers, doers, you name it, and then, what is in the
11 environment and what should be designed to make this
12 condition, multiple context for people who are different
13 from each other.

14 Here is where I started to look into anthropology.
15 I started to look into different cultures and have contributed--
16 as a matter of fact, one of my first papers was on inter-
17 cultural differences in psychopathology, because I come from
18 Indonesia and I was educated in Holland. I was in Africa
19 for a while as a missionary and then I am in this country.

20 So, I am acutely aware of cultural differences and
21 determinants. So, this is an interesting thing for me to
22 look at the relationships in this greatest country, the
23 U.S.A., in my opinion, the greatest country in the world,
24 because here is the most number of cultures living together,
25 trying to build up something that is entirely new and again,

1 the fact that it has not been a melting pot, but more like
2 a well tossed salad is not a bad thing at all. We have to
3 learn from it.

4 We have to see that people, especially when they
5 are of less conceptual interest, less resourceful intellects lly
6 need strict boundaries to live by. We go back to proxemic
7 space. Otherwise, you've got people starting to behave
8 strangely.

9 On the other hand, this country provides the most
10 distemic, the most abstract environment that one can be
11 happy with and I particularly enjoy that. I don't need a
12 proxemic environment. I can be anywhere and do a job, but
13 I do recognize acutely that there are people who cannot say
14 that and certainly would be most unhappy if they were to be
15 moved about as much as I was moved in my life. So, you
16 begin to understand that there are individual differences,
17 cultural differences and that these are important for a
18 country. It is important for us to foster these differences
19 rather than to homogenize and uniform everybody and treat
20 certain categories of people, as I said before.

21 It is very good to make these differences and in
22 design, to be able to particularize.

23 What I have, for instance, against public housing
24 is that it all looks the same. Once it all looks the same,
25 people have difficulties identifying with that place and

1 you will see the most extraneous things being added to
2 housing just to make them look a little bit different. It
3 makes no sense at all, but people do it just because they
4 want to look different, pillars added, a complete ranch,
5 and then have a georgian-type pillar added in front. It is
6 silly. It doesn't fit at all. It's a monstrosity to an
7 esthetic point of view. Yet, the person bought a house in
8 a tract where he has a little portico or adds two shutters
9 or he changes the color. He wants to look different. So,
10 people go out of their way to be different.

11 Well, for heavens sake, let us, as designers and
12 planners, allow them that difference.

13 Q If I may, let me ask you --

14 A Oh, I have no formal training in architecture or
15 planning.

16 Q Yes, that was the question I wanted to ask.
17 You have no formal training in architecture?

18 A That's right.

19 Q How about in design?

20 A None.

21 Q Regional or urban planning?

22 A None. I have no formal training except I'm a
23 psychiatrist.

24 Q And how about in economics?

25 A Economics, no.

1 Q Okay. Do you have any experience designing
2 housing developments?

3 A You mean me personally?

4 Q Yes.

5 A No.

6 Q Have you served as a consultant in the
7 design of housing developments?

8 A Particular developments, no, but I am a general
9 consultant in this area of design and planning and I have
10 been in the Housing and Urban Development Department,
11 numerous conferences about behavior and the environment.
12 As a matter of fact, I'm one of the persons who gave birth
13 to this new field of endeavor which is called man-environment
14 relation or environmental psychology or human ecology and
15 I am one of the world's experts in this thing. It's about
16 ten, 15 years old.

17 Q In Mr. Ferguson's letter on the first page,
18 he characterizes you as an expert on the impact of design
19 and planning on social well-being and mental health. Is
20 that a correct characterization?

21 A Yes.

22 Q If you would, tell me what kinds of things
23 in your training or experience cause you to be in that
24 position?

25 A Well, as I said, I started working with architects

1 and planners in the early '60's and developed this field
2 of man-environment relations. I have convened many
3 **conferences**, international conferences on this topic. I found
4 ed **and** edited a journal on the topic of impact of behavior
5 on design and design on behavior. I used to be chairman of
6 the Task Force of the American Psychiatric Association on
7 mental health in the environment and that Task Force did not
8 exist before I was chairman.

9 In other words, it's a totally new concern recognized
10 by the American Psychiatric Association, that there is a
11 relationship between the two.

12 The same happened to the American Psychological
13 Association. They have a Task Force on behavior and
14 environment. This all happened after we have put -- and I'm
15 saying "we", because there are a few more recognizable people
16 in the field who have worked with me on this -- put these
17 fields on the map, so to speak. The City of New York, the
18 City College of New York is very important. They had a
19 program on it, one of the first ones, an environmental
20 psychology program, graduate program.

21 I myself, just before they started, was appointed
22 at Penn State University as an associate professor in the
23 department, Division of Man - Environment Relations, which
24 is also a brand new division at the time and contributed to
25 development of the curriculum, not only there, but many

1 different places, the University of Tennessee in Knoxville,
2 University of Texas in Austin.

3 So, I have been around and I'm regularly asked to
4 comment on what architecture students, interior designers,
5 planners, should know about behavior, how behavior should
6 determine more of their activities and that is more easy to
7 demonstrate, how the result of their activities, the
8 crystallizations of their thoughts, the buildings they put
9 up have influenced and are influencing behavior.

10 Unfortunately in all this, it's like in medicine,
11 you always look at the things that go wrong. It's very hard
12 to look at the things that go right. As I said before about
13 heart disease, it's easier to identify factors that are
14 definitely associated with a chance of increasing your
15 heart disease, but not so easy to say what you should do to
16 avoid the heart disease and that's everywhere, I think, in
17 scientific endeavor.

18 What we try to do as a group of man-environment
19 researchers, international group with branches in many, many
20 countries, is to get closer to a definition of these relatioi|i-
21 ships. It's extremely difficult. It's an interdisciplinary
22 field. Most people don't know anything about it.

23 I have quite a few lawyers who are interested in my
24 organization. We try - Kiyoo Izumi, for instance, tries to
25 influence this whole field just by regulations and codes and

1 so on. He is working on that. Everyone has his own still.
2 Everyone has his own ax to grind.

3 I'm not saying that a monolithic, unified field is
4 brought to bear on these problems, but what I am saying is
5 whatever happens, the emergence of this direction in this
6 field has shown that there is something wrong in the
7 simplistic way whereby we used to plan.

8 Q I have just a couple more questions. I'm
9 not sure I understand precisely what your role in the planning
10 of Breton Flats was.

11 A I have no role in the planning of that, not at all.

12 Q What was the extent of your involvement with
13 that?

14 A I was asked when the thing just began, to comment
15 on what would be appropriate terms of citizen participation
16 in development of Breton Flats. Part of these recommendations
17 are in a report that I wrote for the Canadian Health and
18 Welfare as a result of a conference where the impact of the
19 built environment on health is considered and so, our
20 recommendations there, like I'm giving here, is, you know,
21 before you build it, try to figure out in advance what the
22 impact is, including asking people what they think it will
23 do to their lives.

24 Q One final question. You earlier indicated
25 that we know lots more about how not to plan than how to

1 plan. Is that correct?

2 A That's correct.

3 Q At this point, as one in the field, do you
4 feel that one knows enough to actually carry out a project
5 successfully, actually plan a project that will be successful?

6 A One knows enough to put a process of planning in
7 place that guarantees the best success, given the state of
8 the art. That's what I feel. One knows enough. If one
9 goes out and gets to, like I said, it happened to me - the
10 Newark School of Engineering, because they happen to have
11 an interest in the field -- they subscribe to my journal
12 and I know -- I get correspondence from them -- it is possible
13 to turn around and ask the Dean of Architecture there,
14 "Could you do something here for a certain price?" It
15 can't be too expensive. That's why students do it, and he
16 will answer "Yes, I will be able to do that".

17 We should ask him more. That's what I'm saying
18 constantly, because we do not ask these questions yet,
19 sufficiently.

20 Also, practically all developers and so on are
21 running around and building big things without asking that
22 very simple question, whether you could contribute to the
23 development process by looking at the behavior of the people
24 who are going to use it. Very simple, the users, the
25 citizens, the people who have been around.

1 My thing is, we should be sensitive, empathetic
2 enough not to force people into decisions that we made for
3 **them without** asking them. I think that is part of the
4 **democratic** process, the way of doing it. It's not expensive.
5 It shows an interest that is real, also, rather than turning
6 around and making a quick buck, which I think is very often
7 the result of developing.

8 We, you and I, let them get away with this, because
9 we don't ask them that.

10 Q Let me go back to my questions --

11 A Right.

12 Q Based on the existing knowledge in **the field**,
13 does one know enough to actually plan a project that one
14 could say, with reasonable certainty, will be successful?

15 A What I'm saying is you know enough to put that
16 process in operation, to plan with the best idea of how not
17 to be successful, what I'm saying is -- and I will give you
18 the examples where Charles View is one -- it's shown that
19 the input that the people have into the project resulted in
20 **them all** feeling better two, three years afterward.

21 Now, when they say it's just fooling themselves,
22 I really don't know. You can ask all those questions because
23 there's a lot of methodology involved. I don't think so.
24 I think and honestly believe that people -- and I know
25 research will back it up -- people definitely know their

1 preferences. You know and I know our preferences. If I
2 give you a scale model of a house this way and that way, I
3 think you will be able to say yes and no, more and less.

4 I'm not saying you'll be absolutely happy, but I
5 believe that people are capable of making choices and
6 decisions, given the right alternatives. I believe that
7 attacks certain well established practices which, just
8 because we want to get rid of those practices, are not going
9 to help the people in those decision making processes.

10 That's basically what I'm saying this morning.

11 MR. EISDORFER: No further questions.

12
13 CROSS-EXAMINATION BY MR. FERGUSEN:

14 Q You say you have to take account a lot of
15 factors. During the deposition, you mentioned jobs and
16 transportation. Would you comment on how jobs and transports-
17 tion have to be taken account of in determining for instance,
18 whether one area is more appropriate than another for any
19 particular kind of use?

20 A Yes. Let us take the example of a certain blue-
21 collar group moving into what I would call a white-collar
22 neighborhood. Unless there are blue-collar jobs available,
23 and I think the Don Mills project in Toronto shows quite
24 frankly and there are more examples of that that I will
25 provide later -- the blue-collar workers will be forced to

1 keep their old jobs.

2 This will mean automatically, that they will add
3 **to the costs** of living, because they will have to travel
4 and traveling costs mean, especially today -- transportation,
5 if provided publically, cheaply and effectively, will do
6 much to help that problem, because they can use public
7 transportation. It doesn't cost too much. If they don't
8 have it, they will have to rely on private transportation
9 which, I think -- I don't know who. It was the Frost Report --
10 can be calculated to be, for a certain area, to be expensive
11 or, you know, you can calculate in advance what the **costs**
12 will be and this you will have to take away from the income
13 of the person to arrive at what type of salary he will bring
14 when he changes his job, what his in-hand pay will be.

15 So, transportation and the job situation are related,
16 There is another extra factor that comes in when you move
17 from a city into a suburb and neighborhood. In the city,
18 everything is practically walkable. The female in the
19 household or the nonworking -- let's not say female, because
20 **in this day** and age, sometimes it is the female who works
21 **and the male** sits at home to mind the children -- needs
22 the social interaction which, in a city, you can easily get,
23 just walking around the block and talking with people and
24 so on.

25 However, as I mentioned before, the context in a

1 suburb, that is not so. What you need is very often a
2 second car. Very few, I would say, suburban homes do not
3 **have two** cars because in the daytime, when the breadwinner
4 is away in the car, the person at home wants to do something,
5 he needs another car. So, transportation automatically
6 becomes a very important determinant of suburban living.

7 Q Is it legitimate from your point of view,
8 from your discipline, to say that some areas are more
9 preferable for certain uses than others?

10 A Oh, yes. Of course.

11 Q And specifically, with reference to
12 available jobs and transportation?

13 A Right.

14 Q Does it make more sense from your point of
15 view to try and target housing for low and moderate-income
16 groups to areas which provide more of the social and cultural
17 infrastructure rather than, say, putting it in an area that
18 has none of it already existing and it must be built from
19 scratch?

20 A Well, that speaks for itself.

21 Q It is a leading question.

22 A Right, so --

23 Q Would you agree or disagree with that?

24 A Of course, I agree with that. There's no doubt about
25 it, and I think nobody in his --no low-income poor person

1 in his right mind would, given that alternative, make the
2 wrong choice. Give him the alternative and show him and
3 they vote with their feet, right? So, that speaks for itself.

4 Q Would the process, then, that you described,
5 include the initial decision of where a housing unit should
6 be located in the first place?

7 A Which process?

8 Q The open planning process, the participatory
9 planning process.

10 A No, it doesn't include that because the participatory
11 planning process comes only in when you have already decided
12 a certain thing is going to be in a certain place, like a
13 factory, office building or housing or what.

14 Q Who, then, makes the initial decision of
15 where the unit should go in the first place?

16 A That, I think, is a decision that is an administrative
17 and political decision.

18 Q And must the person who makes that decision,
19 in your opinion, bear in mind what you have told us about
20 today?

21 A Oh, absolutely.

22 Q And indeed, if he does not, you would say
23 that that, the decision process that he's making, is flawed?

24 A Right, and as we can say in many instances, it will
25 lead to grief.

1 Q In reviewing Mary Srooks's report, did
2 you see any consideration given to any allocation process
3 **to the** factors that you have been talking about today?

4 A Only in very bare minimum references and you're
5 talking about the Mary Brooks report. I've talked about
6 several, and there's this handbook. The handbook comes
7 closest to recognizing some of the factors that I'm talking
8 about.

9 Q In her allocation process, where she uses
10 her various formulae for determining numbers of units in
11 various towns, do you --

12 A No, that I don't find any, not any. I can't say
13 that because I read it months ago, but very little to show
14 that she had this in mind when they wrote that.

15 Q All right, you said you had no formal
16 training in economics and city or urban planning. As a
17 result of your experience, have you had informal training
18 and exposure to those disciplines?

19 A Well, I think I grew up in them in terms of my
20 **necessary** interdisciplinary approach, leading approach. I
21 am **one** of the leaders in the field and I had to learn on
22 the spot, so to speak, because to give you an example, next
23 month, I will chair a meeting on the design of windows.
24 Don't laugh. I don't know anything about windows, but you
25 bet your life that meeting will be chaired well, because

1 they don't ask me for nothing. This is an international
2 meeting and I know sufficiently about design principals,
3 costing, glass, light; all these factors enter into window
4 design **and** any given expert will find that I know about this
5 field sufficiently to give it, and I'm not saying that
6 because I want to praise myself. I am saying that because
7 that is the task. I would not be able to stand for a field,
8 an integrated field of knowledge which we hold man-environ-
9 ment is, and represent that field without taking into account
10 all those factors.

11 It would be senseless for me to talk about mental
12 health of a population. That's nonsense. The papers **that**
13 I have written -- and you can find them and they are in
14 by biography -- indicate that my position is that mental
15 health is dependent on so many factors that one has to take,
16 like economy, jobs and everything -- that's why the American
17 Psychiatric Association asked me to chair their first
18 Task Force on the environment and mental health and the
19 environment includes jobs, transportation, poisons, pollution,
20 **toxic wastes**, et cetera, migration, pestilence, crowding.

21 So, I have an on-the-job experience of many factors
22 in economics in planning and design. Well, what can I say?
23 You know, I've been around.

24 MR. FERGUSEN: That's fine, thank you. No
25 more questions.

1 MR. EISDORFER: I have just a couple.

2

3 REDIRECT EXAMINATION BY MR. EISDORFER:

4 Q What role should be given to the factor of
5 jobs when you're dealing with a population that's presently
6 unemployed?

7 MR. FERGUSEN: Objection to the form of the
8 question insofar as it assumes that any population
9 we have been talking about is all unemployed, but
10 my objection is noted. Go ahead and answer it.

11 A I would definitely feel that if this is a target
12 population and I were a city father - that's what you **were**
13 saying, right?

14 Q Yes.

15 A -- that the consideration should be first and fore-
16 most, whether we can create a job. Otherwise, how could I
17 sensibly talk, because the job is not even social infra-
18 structure. It is even biological. It gets down to the
19 food level, whether you eat or not. How could I sensibly
20 **talk about** the fit between the unemployed and my environment
21 **unless in** my environment is something that employ them?

22 It's not going to be a fit. It's a misfit and I'm
23 very strong on this thing because the studies have shown
24 unemployment to be a major factor in health, suicide. Mental
25 disease increases in this country for many many years before.

1 Actually, I think, the statistics go back a good number
2 of years on this. They are very closely related to these
3 factors which are close to my interest, mental health.

4 So, to me, it is very important what we can do before
5 we move. If I were in charge, well, what can we do for this
6 unemployed man before we move him in here, because just to
7 move an unemployed man makes no sense at all, and I doubt
8 that the unemployed man would like to move.

9 Q As I understand your response to Mr.

10 Fergusen's question, the location of jobs or the existence
11 or nonexistence of jobs and the transportation is **a factor**
12 that one should consider in siting housing development. Is
13 that so?

14 A In siting low-income housing development, because of
15 the very fact that low-income people, in my opinion, have
16 this need for a place, a context that provides everything
17 rather than, you know, split up contacts that middle-income
18 people can generally --

19 Incidentally, low-income people are not alone. I'm
20 **not** denigrating them. Upper-income people have precisely
21 **the same** feeling about a context.

22 Upper-income people also like to congregate and be
23 together in little enclaves like the Rockefeller Estate or
24 Tuxedo Park or best know of them all is Rhode Island,
25 Providence, or rather New Port. So, the super rich also like

1 that. They share that with the lower-class, because the
2 whole idea of this type of mind set is that you are familiar
3 with your environment. The peer pressure is light. Forget
4 the rest.

5 Now, middle-income people which the majority of
6 mankind is, because we happen to be bourgeois - not mankind.
7 I'm sorry, the majority of western culture, middle-income
8 people want something else. They are ready to move and do
9 some more and maybe end up in some other place. They don't
10 want to always stay in New Port, Rhode Island or in --
11 where is it, Roebling, New Jersey. That use to be ^ sfcceel
12 factory there.

13 These people like --or Paterson, a very good
14 example. Paterson is solid. They want to stay there. They
15 don't want to move.

16 So, the blue-collar worker and the lower-class and
17 the upper-class have that in common, that they like to stay,
18 fit in a context and if you move them, you better make sure
19 that they have all the accoutrements and say that for all
20 rich people they don't want to move until they have all the
21 accoutrements and the privileges.

22 However, a middle-income person would, like me -
23 I moved 36 times in my life.

24 Q Now, you've indicated that the existence or
25 nonexistence of transportation and jobs is a factor that

1 ought to be considered in the siting of housing. Should,
2 contra-wise, the existence or nonexistence of low-income
3 housing be a factor that one should consider in the siting
4 of blue-collar jobs?

5 A I just don't follow. I don't follow that question.
6 What I'm saying is this: If you move low-income people or
7 for the moment, we'll equate that, blue-collar people, let's
8 say equated for a moment, you should either have the jobs
9 there that they can relate to or you should have no
10 transportation difficulties in terms of them holding onto
11 their old jobs. Okay?

12 Q Now, what I'm asking is a different question,
13 which is, in planning economic development, development that's
14 going to create jobs, if, for all the reasons you've indicated
15 about social and cultural infrastructure, is is not an
16 important thing to be sure that you're not moving blue-
17 collar jobs away from housing?

18 A That's a very important consideration. Let me give
19 you a very good example of that because it happens all the
20 **time and** again, we go back now to practically one company
21 towns, which we have quite a lot of. Tyrone, Pennsylvania
22 is a good example of moving jobs away. The paper factory
23 closed because they couldn't fit the antipollution laws and
24 Tyrone advertised in the New York Times for either a company
25 to pick them up and they would move or some company to move

1 in and take over from the paper company. That was a nice
2 advertisement. The town of Tyrone, not that many people,
3 asked for this.

4 So yes, you're absolutely right. There is a fantastic
5 relationship, which I think is -- the history of our country
6 has shown we have slowly moved west with the development of
7 newer, newer industries.

8 MR. EISDORFER: I have no further questions.

9
10 RECROSS-EXAMINATION BY MR. FERGUSEN:

11 Q Are you aware of new federal imperatives to
12 try and keep jobs close to the cities, such as Newark as
13 Paterson as apposed to encouraging their migration elsewhere,
14 to the suburbs or the sun belt?

15 A I'm aware of that and I think that when I refer to
16 federal mandates on housing development in the United States,
17 which there's a lot collected in that report -- I mentioned
18 that I liked the expert report by Frost Associates because
19 they take this thing into account when talking about the
20 transportation needs if people were to move into Morris
21 County from Essex. They take this into account, not with
22 ^{my type} of reasoning, necessarily, but they do refer to the
23 fact that many of them will have to keep their old jobs and
24 thereby, will have to either increase their private trans-
25 portation or rely on public transportation, which we don't

1 know whether it exists. I am not aware of that, but they
2 mention that as a factor and they mention it in view of the
3 **fact that our** energy crisis and our effort to revitalize
4 **the inner** cities right now has a high priority.

5 MR. FERGUSEN: Thank you.

6
7 REDIRECT EXAMINATION BY MR. EISDORFER:

8 Q I'm less knowledgeable than Mr. Ferguson.
9 Will you tell me what specific mandates you understood him
10 to be referring to?

11 A No, he didn't. I referred to mandates.

12 Q He referred to federal policies,

13 A Oh, federal policies, that's correct.

14 Q What specific policies did you understand
15 him to be referring to?

16 A Oh, I think they are contained in this report which
17 is part of what I put in the letter that I would refer to.
18 There are several, but this, I think, is the most broad
19 based, if you'll allow me to quote, on Page 77 of this
20 **report**, Page 77 of a report made by our association by Dr.
21 **Murtha for** the National Science Foundation review of federal
22 madates. It's in the thing, "review of federal mandates
23 which are related to environmental design and quality of
24 the environment", and the Department of Transportation
25 developed a series of notebooks for assessing environmental

1 impacts of transportation projects, and the federal mandate
2 was, "The legislative and administrative basis for a note-
3 book series is rooted in a strong national policy regarding
4 the protection and inhancement of the natural and human
5 environment, the need for coordinating transportation
6 improvement projects with related social economic and
7 environmental problems and the desirability of fostering
8 an open, informed and participatory decision-making process.

9 Now, there are many, many more, but this is the
10 widest.

11 Q But that's not really responsive to the
12 question I was asking.

13 MR. FERGUSEN: I respectfully disagree. I
14 think it is. You may ask me what I had in mind,
15 but that's what he had in mind.

16 Q Okay, fair enough. That's what you had in
17 mind?

18 A Right.

19 MR. EISDORFER: Okay, I have no further
20 questions.

21 * * *

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C E R T I F I C A T E

I, LEO MANKIEWICZ,

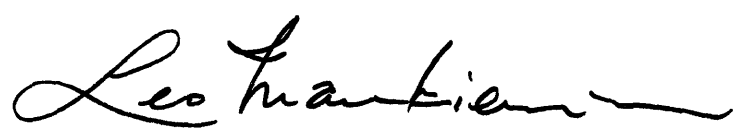
~~a~~ⁱ Notary Public and Shorthand Reporter of the State of New Jersey, do hereby certify that prior to the conunencement of the examination

ARISTIDE H. ESSER, M.D.

was duly sworn by me to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



•Notary Public? of the State of New Jersey