

DOC #

[Handwritten signature]

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT COURT OF NEW YORK

3 -----x

4 UNITED STATES FOOTBALL
5 LEAGUE, et al

6 vs.

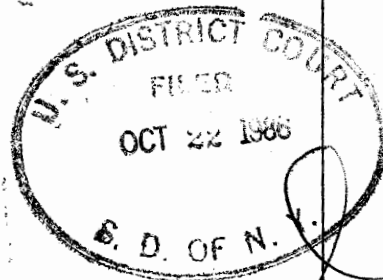
7 NATIONAL FOOTBALL LEAGUE, et al

8 -----x-x

: Before:
: HON. PETER K. LEISURE,
: District Judge.

: 84 Civil 7424 PKL

9 New York June 23, 24, 25, 1986



10
11
12
13
14
15
16
17 STENOGRAPHER'S MINUTES

18
19 389a

20
21
22
23
24
25 *[Handwritten signature]*

1 UNITED STATES FOOTBALL LEAGUE, et al.,

2 v.

84 Civil. 7484 PKL

3 NATIONAL FOOTBALL LEAGUE, et al.

4

5

6

June 23, 1986

7

9:30 a.m.

8

9

(Trial continuing)

10

(In open court, jury not present)

11

THE COURT: Did you want a side bar?

12

MR. FISKE: Yes.

13

(At the side bar)

14

15

MR. MYERSON: Judge, as we alerted one of your
clerks on Friday, and also defense counsel, I read over the

16

Cornell transcripts when I was in the hospital on Friday

17

and I would like the opportunity to recall her for what

18

will be about three or four minutes on direct, and I have

19

identified for defense counsel the area, which is the

20

player cost area.

21

THE COURT: Let's hear from the other side first.

22

MR. FISKE: Your Honor, I think we would object

23

because the examination of Dr. Cornell was conducted last

24

week and it was completed last week at about three o'clock

25

Thursday afternoon. Mr. Clareman conducted that

1 examination. Mr. Clareman directed Dr. Cornell through her
2 deposition. He was familiar with the whole situation. I
3 don't think there is any reason to reopen Dr. Cornell's
4 examination.

5 THE COURT: I will hear further argument on it
6 well in advance of what she will testify. I am concerned
7 about USFL completing its case timely. I say that because
8 I have, in going through the schedule of the testimony, I
9 have decided that the USFL gets one additional day because
10 of the fact that time was taken up on matters other than
11 their presenting witnesses, and I have also decided one day
12 is going to be taken from the NFL and given to the USFL,
13 having reviewed the cross examinations of the various
14 parties and witnesses. Therefore, it is two days, which
15 takes us to the end of the day Tuesday. I was willing to
16 consider a spillover until Wednesday morning, but whenever
17 I say something like that to you gentlemen, unfortunately
18 it is assumed as a given, which I had not intended, I
19 intended two full days.

20 With that in mind it may be Mr. Myerson will
21 reconsider whether he wants to do this in his rebuttal case,
22 if any, and it is on the record that he made this request,
23 and in the event I don't permit him to do it now I
24 certainly would permit it in his rebuttl case.

25 Again, why don't we see how we proceed. If he

1 has the time for it, I would be more readily persuaded that
2 he should do it now in his case-in-chief. Let's see how we
3 proceed. Again, I will be applying the same standard that
4 if the cross well exceeds the direct with any witness, the
5 USFL should not be handicapped. That's one reason I was
6 leaving part of Wednesday available in case we run into a
7 situation, as we have with some of the other witnesses,
8 that the time spent on direct exceeds what the court feels
9 is appropriate to the extent that I am restricting both
10 sides in their time, and I want to be as fair as possible
11 on that, so let's proceed and we will come back to that.

12 Is there anything else I should hear?

13 MR. FISKE: No, your Honor.

14 Our objection is unrelated to the total amount
15 of time that Mr. Myerson has. That may be another
16 constraint.

17 THE COURT: I understand. I haven't received
18 the final word on that. I will give both sides an
19 opportunity, if it turns out that he has the time, Mr.
20 Myerson, to do it, but it should really be your last
21 witness, I assume, so we won't handicap you think by
22 thinking we will be fitting her in at another time.

23 I am reserving on this application.

24 (Jury present)

25 THE COURT: You may proceed.

1 MR. MYERSON: Your Honor --

2 THE COURT: I am going to leave the air
3 conditioning on, ladies and gentlemen of the jury, because
4 of the fact it is going to get quite humid today, but in
5 the event anyone is having trouble hearing, let me know by
6 raising your hand because we can always cut the air
7 conditioning off and see how it goes.

8 MR. MYERSON: Your Honor, plaintiffs' call
9 Donald Trump.

10 DONALD J. TRUMP,

11 called as a witness by the plaintiffs, having been
12 duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. MYERSON:

15 Q. Mr. Trump, would you please state your
16 relationship to the parties in this case?

17 A. I am in the USFL and I own the Generals of the
18 USFL.

19 Q. And do you have businesses in New York City?

20 A. Yes, I do.

21 Q. Would it be fair to say that your businesses are
22 concentrated in New York City?

23 A. For the most part, generally speaking, yes.

24 Q. Is there any reason that your businesses are
25 concentrated in New York City?

1 A. Well, I grew up in New York City. I was raised
2 in New York. I have a great fondness for the city and for
3 the state, and I have been around New York for a long
4 period of time.

5 Q. Without getting into a lengthy description for
6 the benefit of the court and the ladies and gentlemen of
7 the jury, would you just give us a brief description of
8 some of the charitable organizations with which you have
9 had significant involvement?

10 A. Well, I have been very involved in charity for
11 the last number of years. I have been very fortunate in my
12 business and I have been able to do some of the work that I
13 have wanted to do and continue to want to do.

14 I supported the Viet Nam veterans memorial.
15 They were having a lot of problems last year, as everybody
16 knows, and they were building a memorial or trying to build
17 it and I supported that. Then they had the great parade
18 last year.

19 I gave a million dollars to the View Nam
20 veterans last year, which enabled them to do two things.
21 Build the memorial and also have the great march in New
22 York City respecting the Viet Nam veterans, and they were
23 able to raise another million dollars based on the matching
24 grant of my million dollars. I was very proud of that.

25 The hospitals I have supported are really many,

1 but New York University Hospital, Lenox Hill Hospital, New
2 York Hospital. I supported the World Mercy Fund and United
3 Cerebral Palsy to a great extent with some very major
4 contributions, and a lot of other charities, in many cases
5 New York-based charities.

6 Q. Mr. Trump, when did you first become interested
7 in ownership in the United States Football League?

8 A. Prior to the foundation or the formation of the
9 league I became interested. They saw me, the prospective
10 owners and some of the people that were trying to form the
11 League, and they called me and they said because of my
12 association with New York would it be possible to meet, and
13 I said yes, and this was prior to the formation of the
14 League.

15 Q. Would this have been in or around late 1981?

16 A. This would have been probably around that time
17 the first meetings, yes, sir.

18 Q. Will you tell the court and jury to the best of
19 your ability what if anything you did in furtherance of
20 your interest at that point in time.

21 A. Well, I had meetings. I looked at it fairly
22 closely. I did not particularly agree to the format that
23 they were looking at, which was a spring format. Just as a
24 business instinct or a business judgment, I felt that
25 knowing at that time very little about television, I felt

1 there weren't enough viewers on television to support or
2 properly support a spring season, and I pretty much felt
3 from the beginning that this League should be playing in
4 the traditional football season, which is the fall-winter
5 season, for a lot of reasons.

6 Q. During the course of your conversations in late
7 1981 and into early 1982, did there ever come a time when
8 you actually made a deposit as a potential owner in the
9 United States Football League?

10 A. Yes, sir. I made a deposit of either 15 or
11 25,000, I'm not exactly -- dollars. I am not exactly sure
12 which, but I made a deposit, fairly substantial deposit
13 based on the fact that I was sort of of the impression that
14 perhaps, maybe this League would be a short term spring and
15 then go to the fall or perhaps even go to the fall, but I
16 was originally designated as the as the New York owner of
17 this area's own.

18 Q. Did you actually go through at that period of
19 time and consummate an ownership interest in the USFL?

20 A. No, I did not.

21 Q. Would you explain to the court and jury what
22 occurred that led you to fail to consummate the transaction
23 and not go ahead pursuant to the deposit you had given.

24 THE COURT: You should also ask what period of
25 time is involved. What time are we talking about now?

1 '83? '84?

2 THE WITNESS: No, sir, this is prior to the
3 formation of the League actually. This is at the very
4 initial stages, I guess 1981 and I guess 1982.

5 I would say that when I put up the deposit, of
6 course, it was a deposit that I would not return, but it
7 was not a commitment on anybody's behalf to go forward. It
8 was really a deposit so that I could sort of look-see, and
9 I did look and I did see and I discussed with various
10 people my own thoughts and their thoughts as to the League
11 and whether or not the League could be successful.

12 Q. Did you have any conversation with the other
13 owners during that period of time or potential owners in
14 the United States Football League concerning the idea of
15 going to the spring versus the fall?

16 A. Yes, sir. I did.

17 Q. Would you describe as best as you can recall who
18 you discussed that with and the substance of the
19 conversations.

20 A. I had owners with various -- I had talks with
21 various potential owners. One of the owners ended up, much
22 to my surprise and chagrin, becoming an owner in the
23 National Football League and not in the United States
24 Football League.

25 Q. Who was that?

1 A. His name is Mr. Alex Spanos, and he was very
2 enthusiastic about the United States Football League, and
3 he was, I would say --

4 MR. ROTHMAN: If your Honor please, any
5 conversations with Mr. Spanos I submit is at this point
6 hearsay. I object to it on that ground.

7 THE COURT: Are you objecting to what Mr. Trump
8 said to Mr. Spanos?

9 MR. ROTHMAN: No.

10 THE COURT: We understand the objection.
11 Anything you said is not being objected to, but what was
12 said to you is being objected to on hearsay grounds.

13 A. I spoke to Mr. Spanos and we did discuss the
14 League and all of the possibilities of the league. I can
15 say that I was of the impression in a that Mr. Spanos was
16 100 percent --

17 THE COURT: You can't do that.

18 Q. Did you have any conversations during this
19 period of time with Mr. Rozelle?

20 A. Yes, sir, I did.

21 Q. When I say "this period of time," we are talking
22 of the period late 1981-early 1982, prior to the actual
23 formation of the USFL, is that correct?

24 A. Yes, sir, I did.

25 Q. Did you have more than one conversation?

1 A. Yes, sir. Substantially more than one.

2 Q. Can you relate to the court and the ladies and
3 gentlemen of the jury whether the conversations were face
4 to face or by telephone?

5 A. Well, they were both. Mr. Rozelle and I were
6 friends prior to the -- to my involvement in the League. I
7 must say after the involvement it was like I had the plague,
8 but before the involvement with the League Mr. Rozelle and
9 I were friends and I would see Mr. Rozelle quite a few
10 times at various dinners and charitable dinners, and also
11 Mr. Rozelle would call me prior to the formation of the --
12 of really I guess to the formation of the League, but
13 specifically to my involvement in the League.

14 Q. Are you able to distinguish the conversations
15 that you had during this period of time between the
16 telephone conversations that you had and the face-to-face
17 conversations that you had, or was the conversation
18 essentially the same?

19 A. Well, essentially it is the same. It is not a
20 very complicated subject matter in the sense of what Mr.
21 Rozelle was telling me. It was short and it was sweet, and
22 there was no great sense of -- it was just not a complex
23 subject.

24 Q. Will you tell the court and ladies and gentlemen
25 of the jury what to the best of your recollection he said

1 to you and you said to him during the course of these
2 conversations during that time frame.

3 MR. ROTHMAN: If your Honor please, I am still
4 looking for a foundation. I don't know if counsel has done
5 the best he can with it. I can't tell where the
6 conversations took place, when it took place and the means
7 by which it took place.

8 THE COURT: I think as we cover this, in the
9 event your memory is refreshed that it was a face-to-face
10 discussion. I would be interested also if anyone else was
11 present that you recall, so that we will proceed on that
12 basis.

13 Q. Let's see if we can flesh that out a little bit
14 before we get to the actual conversations.

15 You say there were a number of telephone
16 conversations and actual face-to-face conversations during
17 this period?

18 A. Yes, sir.

19 Q. Do you recall with respect to the face-to-face
20 conversations, do you recall where any of those took place?

21 A. One was I believe at the Regency Hotel in the
22 smaller ballroom at an affair. And the other, I believe,
23 was at the Pierre Hotel in the lobby, and I believe that I
24 was leaving the Pierre and Mr. Rozelle was coming into the
25 Pierre.

1 Q. At either of those face to face discussions was
2 anybody else present?

3 A. No. I don't believe so.

4 Q. Will you tell, again, on the basis of that and
5 on the telephone calls that you had with him during the
6 same period, tell us what Mr. Rozelle said to you and what
7 you said to him.

8 A. The conversations were almost identical in their
9 nature. The conversations were that he didn't think I
10 should go into the United States Football League, and again,
11 this is prior to my going in by a substantial amount of
12 time. That he didn't think I should go into the United
13 States Football League. That it was going to be doomed to
14 failure and that the League itself could not make it
15 playing football in the spring because of television, and
16 he went on to give me a very brief description of why it
17 couldn't make it. That it couldn't make it based on the
18 fact that you couldn't get the ratings to justify the cost
19 of paying this number of people that a football team has,
20 where you have 42 and 45 people, etc., that there just
21 weren't enough people watching football in the spring, that
22 they were out voting, playing tennis, playing golf or doing
23 any one of thousands of other things, and there was no way
24 that it could ever be economically justified, so that the
25 League was doomed to failure, and if the League ever moved

1 to the fall, which he heard was my basic contention, that
2 if the League should even start in the fall against the NFL,
3 if necessary, that there was no way we would ever get a
4 television contract because he controlled, literally
5 controlled the television networks as far as the television
6 is concerned, that we could never get a television contract.
7 There was no way, as he said, there is no way possible for
8 you ever to get a television contract in the fall.

9 Q. Based on the discussions that you had with Mr.
10 Rozelle, did you reach a decision at that period of time,
11 which is by early 1982, as to whether or not to go ahead
12 and take an ownership interest in the USFL?

13 A. Well, based on Mr. Rozelle's numerous
14 discussions with me and on my own feeling that he was
15 probably correct, I decided not to go forward with the
16 transaction, yes.

17 (Continued on next page)

18

19

20

21

22

23

24

25

1 THE COURT: About what time of the year, what
2 year was it that you made that decision, as best you can?
3 If you can fix a date.

4 THE WITNESS: Yes, sir. This was probably late
5 in 1981 or early in 1982. Really prior to the -- if I
6 remember correctly. But it was before the formation of the
7 league. Because when they did form the league a couple of
8 months later, I wasn't in it. So right at that period, at
9 the early part, I believe at the early part of 1982 or the
10 last part of 1981.

11 THE COURT: During that period did you repeat
12 what was said to you by Mr. Rozelle to anyone in the USFL.

13 THE WITNESS: I did. But -- and I could give you
14 some names. But I didn't want to totally discourage the
15 USFL from going forward with their concept, which some of
16 them thought could be viable.

17 Q. During this same period of time, Mr. Trump, did
18 you have any conversations with Mr. Rozelle concerning your
19 buying a National Football League franchise?

20 A. Yes, sir.

21 Q. Will you tell us, did those conversations occur
22 during the time conversations that you have already
23 described for the court and jury, or were they separate
24 conversations?

25 A. Well, they were really simultaneous, to a large

1 extent. They were often times part of the same
2 conversation.

3 Q. All right.

4 Will you tell us again, will you tell the Court
5 and the ladies and gentlemen of the jury, what Mr. Rozelle
6 said to you and what you said to him, concerning your
7 possibly buying a National Football League franchise,
8 during that same period of time?

9 A. Well, Mr. Rozelle told me that I should be in
10 the NFL, not in the United States Football League and that
11 I should be in the National Football League. And that at
12 some point in time I will be in the National Football
13 League; and he continued to reiterate that the United
14 States Football League cannot make it, you are going to be
15 associated with a loser, and that hopefully will be in the
16 National Football League in a very short period of time,
17 that there will always been and has been and history has
18 been that there will be ownership changes and that you will
19 be in there in one form or another in a very short period
20 of time.

21 THE COURT: What did you say to him?

22 THE WITNESS: Well, I was actually talking to
23 one of the owners in the National Football League around
24 this time and a little bit earlier, and I didn't dispute
25 him. I wasn't really sure if I was going to the USFL and I

1 want sure if I was going to go into the NFL. I didn't know
2 what I was doing. I was really making up a decision. So
3 there was nothing to you about or dispute. That was just
4 his basic statement to me.

5 Q. Who was the owner in the National Football
6 League that you just referred to in response to his Honor's
7 earlier question?

8 A. Mr. Irsay, that owns the Baltimore Colts. Who
9 owned at that time the Baltimore Colts. They have since
10 left Baltimore and gone to Indianapolis.

11 Q. Did you have any conversations with Mr. Rozelle
12 during that same period of time about the possibility of
13 your buying the Colts specifically from Mr. Irsay?

14 A. Yes, sir.

15 Q. Will you tell us what those conversations
16 between you and Mr. Rozelle involved.

17 A. Mr. Rozelle had a great deal of animosity
18 towards Mr. Irsay --

19 MR. ROTHMAN: If your Honor please, may that be
20 stricken.

21 THE COURT: Yes.

22 Q. Tell us as best you can what he -- I understand,
23 Mr. Trump, that you are trying to say it in your own words,
24 but in the courtroom you have to restrict yourself to what
25 he said to you and what you said to him, rather than

1 characterize it.

2 A. He said to me that he'd love me to be able to
3 buy that team but I didn't really believe that I'd be able
4 to. He didn't want to discourage me but he knew that other
5 people had tried to pay that particular team and that that
6 was going to be a tough one, that there will be, if it's
7 not going to be that one and he had hoped that it would be,
8 but he just didn't feel that because of the ownership it
9 would be an easy purchase, although in my opinion it really
10 broke down to a price situation more than anything else.

11 Mr. Rozelle stated very emphatically that he
12 would like me to be able to buy that team, but if it's not
13 that team, it will be some other team as they come due.

14 Q. Did you in fact consummate any agreement with
15 Mr. Irsay to buy the Colts?

16 A. No. I had numerous meetings with Mr. Irsay, but
17 we did not consummate a deal.

18 Q. What was the reason that you were unable to
19 consummate a deal?

20 A. Basically, I believe it was price, mostly. I
21 don't know if there were any underlying meanings, but I
22 think it was primarily price.

23 Q. How many meetings would you say you had with Mr.
24 Irsay during that period of time concerning the possibility
25 of you buying the Colts from him?

1 A. Mr. Irsay came to my office, I guess at least
2 twice and we had lunch -- this is so long ago -- we had
3 lunch in a certain restaurant at least once, and this was
4 the reason that I felt I would certainly be able to buy the
5 team, because of the fact that he actually came to my
6 office and we had these meetings. But at least a few times,
7 I would think.

8 THE COURT: Can you fix a period of time for the
9 discussions?

10 THE WITNESS: This was again just prior to my
11 going into the United States Football League, your Honor --
12 I'm sorry -- before I decided not to go to the United
13 States Football League.

14 Q. So it was in 1981?

15 THE WITNESS: Around '81, yes.

16 Q. Late '81 -- I don't mean to -- would it be fair
17 to say that it's late '81 early '82 prior to the time that
18 you made your decision not to go into the USFL?

19 A. That is correct, yes, sir.

20 Q. All right.

21 Mr. Trump, did there come a time when you
22 actually decided to purchase a USFL franchise?

23 A. Yes, sir. I did not go into the league in its
24 first year. And a lot of what Mr. Rozelle had told me and
25 what I had really felt as just a basic instinctive

1 businessman to the extent --

2 MR. ROTHMAN: Excuse me. If your Honor please,
3 the answer is not responsive. The witness is not responding
4 to the question. I object on that ground. The question
5 was, did there come a time that you bought a USFL team.

6 THE COURT: I will leave the answer.

7 Please proceed.

8 A. And a lot of what was happening with respect to
9 the league, the league had done well in the ratings but it
10 was losing tremendous amounts of money. The owners I
11 believe had lost in excess of \$50 million in the first year.

12 Q. I don't mean to cut you off, but again for the
13 benefit of the Court and jury, let's try to fix a time
14 frame now. You are talking about roughly spring, early
15 spring '83, is that correct?

16 A. Yes, sir. This is toward the middle to the end
17 of 1983.

18 Q. All right.

19 A. But I had the men by the now of waving one
20 season, so that they had played a season, I wasn't involved
21 in the league at all but they had played a season. The
22 season was a success. When I say a success, a success
23 relative to ratings in the spring. It was doing well in
24 the ratings, but they were lousy by comparison to ratings
25 in the fall because you just can't get the ratings in the

1 spring. So it was borne out but it was also brought to me
2 that you could have a league provided you could get
3 television.

4 So certain feelings were made to me and
5 reaffirmed to me. Mr. Rozelle's strong statements were
6 totally affirmed to me that the league was going to lose a
7 tremendous amount of money playing football in the spring.
8 But I also saw a little bit of life that the ratings in the
9 spring were good but they were lousy relative to what they
10 could have been in the fall.

11 Q. Having watched that first year of the USFL in
12 the manner that you have described, did you in 1983 make a
13 decision to purchase a USFL franchise?

14 A. Yes, sir.

15 Q. When did you purchase the USFL franchise?

16 A. I believe it was September or October of 1983.

17 Q. And was that the New Jersey Generals?

18 A. Yes, it was.

19 Q. Following your purchase of the New Jersey
20 Generals in September or October of 1983, what decision, if
21 if any, did you make concerning whether to speak to anyone
22 at the networks about the possibility of putting the USFL on
23 in the fall?

24 A. Well, following my decision, I spoke to people
25 over in the networks, and I based my whole premise that

1 this could be a viable operation if we could get a network
2 contract in the fall, on what had happened, what had taken
3 place based on the spring.

4 So I had spoken to people over in the networks
5 relative to the possibility of moving the league to the
6 fall; which is the premise on which I went in.

7 I felt that I would be successful in convincing
8 the owners to move to the fall because they were losing
9 just too much money to stay in the spring, it seemed to me.

10 Q. First, would you please identify for the ladies
11 and gentlemen of the jury and the Court with whom at the
12 networks you had any conversations during that period of
13 time, and then after you identified it, I want to ask you
14 some specific conversations about the actual conversations.

15 A. Well, it's hard to identify the exact period of
16 time but in terms of a specific date, but in the general
17 areas of sometime in my early ownership of the team, et
18 cetera, I had conversations at length with Mr. Spence, I
19 had conversations with NBC to a little lesser -- to a lot
20 lesser extent, I guess I should say, but to a lesser extent
21 with Mr. Michael Weissman who is one of the top people in
22 sports. And I had conversations at CBS about Mr. Neil
23 Pilson.

24 Q. Would it be fair to say, Mr. Trump, that the
25 substantial thrust of your conversations during this period

1 were with Mr. Spence?

2 A. I would say the most dominant conversations were
3 with Mr. Spence, because ABC already had a contract with
4 the USFL so it seemed most logical to be dealing with ABC.

5 Q. Again, to fix a time frame, we are talking about
6 somewhere in the late fall of 1983, is that correct, like
7 November, December, 1983? Would that be your best estimate
8 of when these conversations commenced?

9 A. Perhaps. And later. And later than that. I
10 would say commenced, yes, but they continued on for a
11 period of time.

12 Q. And would it be fair to say that they continued
13 on with Mr. Spence until Mr. Einhorn came on the scene,
14 when Mr. Einhorn basically took over as the negotiator?

15 A. Pretty much so, and besides we people in the
16 city, we were all in the city, and when I could talk to him
17 about it, but I would say pretty much so.

18 Q. Let's focus for a moment on the conversations
19 with Mr. Spence. Were the conversations with Mr. Spence in
20 the late '83 and early 1984, face to face or over the
21 telephone or both?

22 A. Well, they were really both. But I would say a
23 principal conversation was -- in fact, I think Mr. Spence
24 might have even stated it, it was one of the longest
25 telephone calls I have ever had. It was a record setting

1 call. It lasted from about 12:30 to 5:00 or something like
2 that. And it was to this day I think my longest telephone
3 call.

4 Q. It was in the afternoon, I take it?

5 A. In the afternoon, yes.

6 Q. Do you recall roughly when this took place?

7 Would there have been late '83 or early '84, if you
8 recall? I don't want you to speculate.

9 A. I would say it might have been in early '84.

10 Q. Will you tell us as best you can recall, the
11 substance of that telephone conversation between you and
12 Mr. Spence.

13 MR. ROTHMAN: Your Honor, simply for the record
14 once more, I am going to object on the ground of the Spence
15 portion of the conversation is hearsay.

16 MR. MYERSON: Your Honor, Mr. Spence, as the
17 Court is aware, testified at length, including on
18 cross-examination by defense counsel, about a conversation
19 that he had with Mr. Trump.

20 MR. ROTHMAN: I don't believe that is the state
21 of the record, your Honor.

22 THE COURT: We'll hear the testimony and I am
23 also mindful of affording counsel the opportunity of a 803-3
24 exception from time to time. So we will move ahead and see
25 how it develops.

1 Q. Mr. Spence during at least one of these
2 conversations and once when I saw him I believe at his
3 office, stated to me very emphatically that the NFL was
4 very upset with the fact that they took the USFL even in
5 the spring, which I was not particularly surprised to hear.

6 Q. With the fact that the ABC -- when you say they
7 took, with the fact that ABC had put the USFL on in the
8 spring?

9 A. That is correct.

10 Q. I see.

11 A. That the NFL was very upset about it and that he
12 was sort of joking to himself, you said can you page how
13 upset they are going to be if we move you people to the
14 fall.

15 The fact being that I got a very -- maybe a
16 little bit less from him because he really did have a fear
17 factor, but I got a positive response --

18 MR. ROTHMAN: Your Honor, I am going to ask that
19 that been stricken.

20 THE COURT: Yes. The jury should disregard what
21 was described as a fear factor.

22 Q. Go ahead, Mr. Trump.

23 A. But Mr. Spence seemed to me give at least a
24 positive response that he was openminded toward the
25 possibility of putting the United States Football League

1 into the fall. ABC, he said, did not have any football on
2 Sunday, and NBC and CBS did have quite a bit of football,
3 as people know. And there was -- he even joked to me that
4 they were playing cartoons against the NFL football, and
5 that I wonder whether or not, I said, I wonder whether or
6 not that was done purposefully or not, because they
7 literally had cartoons. So they had an open, a very big
8 open slot on Sunday.

9 Mr. Spence's reaction was moderately positive.
10 I thought it was pretty good. And then a little bit later
11 on, the door just slammed in my face. It was rather
12 incredible. But his response initially speaking seemed to
13 be positive.

14 Q. Can you recall, before we get to what you
15 described as the door later being slammed in your face, can
16 you recall anything else during this record long
17 conversation that you had with Mr. Spence as to what you
18 said to him and what he said to you?

19 A. Well, I said to him that at very worst, ABC
20 would have a major, a really major bargaining tool in
21 having the USFL, somebody to bargain against, and with
22 respect to the negotiations with the National Football
23 League. That they'd have a very, very strong negotiating
24 tool. And I felt strongly that they would, and they would
25 have.

1 I stated various other things. I thought it
2 would be the great open window for them, I reiterated the
3 fact that they could have saved, in my opinion, perhaps
4 hundreds of millions of dollars just in having us, even if
5 they used us, which I wasn't exactly happy about being used,
6 but even if they used us as a chip with the NFL, having us
7 playing in the fall.

8 I went through that. Mr. Spence didn't disagree
9 with anything, and he confirmed some of my thoughts,
10 because they are basic and they are obvious and they are
11 actually a basic understanding or basic business.

12 So he confirmed my thoughts, and he did on more
13 than one occasion.

14 Q. You testified a moment or two ago that after
15 these reasonably positive early discussions, the door got
16 slammed in your face. Will you describe for the court and
17 the ladies and gentlemen of the jury what you mean by that,
18 and what happened?

19 A. Yes, sir. I was of the impression, and I have
20 been sort of involved in business all my life, and I know --

21 MR. ROTHMAN: If your Honor please, I have no
22 objection to testimony.

23 THE COURT: You are entitled to that, Mr.
24 Rothman. We'll have questions and answers. Mr. Trump, you
25 should listen to the question and try to answer it and not

1 digress, because the other side is trying to protect the
2 record.

3 MR. ROTHMAN: Thank you.

4 A. I was surprised that Mr. Spence so strongly
5 rejected the offer or the concept of what I was proposing
6 because it was my impression and not only my impression it
7 was his words to me --

8 MR. ROTHMAN: Excuse my, Mr. Trump. Again, your
9 Honor, I have no objection to the conversation. But I
10 object to the impressions, the conclusions, on the ground
11 that that's improper testimony.

12 MR. MYERSON: I believe what Mr. Trump was
13 saying, it was his actual words to me, if we could have the
14 answer --

15 THE COURT: It is going to have to be more
16 certain than that, and we want the conversations. You
17 should ask the questions with that in mind.

18 A. Based on our conversations and based on his
19 statements to me I felt strongly that we would at the very
20 least have a major dialogue going back and forth which
21 could last some period of time. That didn't happen. It
22 was just a slamming of a door. It was like all of a sudden
23 something had happened and something had happened very
24 strongly --

25 MR. ROTHMAN: If your Honor please --

1 THE WITNESS: To change his mind.

2 MR. ROTHMAN: Excuse me. I don't like to keep
3 interrupting the witness, but that is not testimony.

4 THE COURT: I will again suggest to counsel that
5 we should have the conversations and it's up to the jury to
6 conclude from those conversations.

7 We don't need the witness to interpret for the
8 jury what was happening.

9 Q. Then let me ask you the specific question:

10 Did there come a time, Mr. Trump, after the
11 initial conversations where the preliminary positive signs
12 were expressed, where basically Mr. Spence refused to
13 discuss any possibility of being put on in the fall?

14 A. Yes, sir.

15 Q. When did that occur, to the best of your
16 recollection?

17 A. As I remember, it was a telephone conversation
18 and Mr. Spence called me and said there is no way that we
19 are putting the United States Football League on in the
20 fall, at any time.

21 Q. Do you recall approximately when that
22 conversation, when he called you? Would that have been in
23 early 1984?

24 A. I would say probably early 1984 would be the
25 date, yes. Approximately. It's hard to remember exactly

1 what date, but I would say in the early part of 1984, yes.

2 Q. Would it be fair to say that it was in the
3 February through March time frame? Is that your best
4 recollection?

5 A. I don't know, but I would think that would be
6 about the period period of time.

7 THE COURT: Do you know whether it was before or
8 after Comm. Usher met with Mr. Spence?

9 MR. MYERSON: Comm. Usher, your Honor, I don't
10 think assumed the role until '85, the summer of '85.

11 THE COURT: Thank you for that.

12 THE WITNESS: Commissioner Simmons was involved
13 a little bit more at that time, sir.

14 Q. So your best recollection is, without being able
15 to pin point it, that it would be roughly in the February-March,
16 1984 time frame?

17 A. Yes, I would say that it would be about the time
18 frame.

19 Q. Tell us as best you recall, you say during that
20 telephone conversation he told you they were not under any
21 circumstances going to put the USFL on in the fall, is that
22 correct?

23 A. That is correct.

24 Q. What else did he say to you and did you say to
25 him, as you can recall, in that telephone conversation?

1 A. Well, I went over my basic arguments, that it
2 just doesn't make sense, that you have a league that's a
3 solid league that's getting good ratings in the spring but
4 that can't survive in the spring because we can never get
5 the kind of monies necessary. I went over all of the
6 arguments that I did, that fall is the traditional season,
7 that ABC doesn't have anything on on Sunday in terms of
8 sports or any major sports, and that you yourself stated to
9 me that they have cartoons.

10 So I said what do you have to lose? And Mr.
11 Spence says, "I don't want to talk about it, I can't talk
12 about it, I'm not going to talk about it, we are not
13 putting you on in the fall."

14 And it was from that point forward that ABC
15 treated us like literally second citizens, It was rather
16 incredible.

17 Q. During this same relative time period, Mr. Trump,
18 that is February, March, 1984, did you have any further
19 conversations with Mr. Rozelle?

20 A. I did, yes.

21 Q. Do you recall when? Tell the court and jury as
22 precisely as you can remember when these further
23 conversations with Mr. Rozelle took place?

24 A. Well, I had a very major conversation with Mr.
25 Rozelle. I had some little previous ones, but Mr. Rozelle

1 had asked me --

2 Q. What I am trying to do, Mr. Trump, and I don't
3 want to cut you off because I want the Court and jury to
4 hear your testimony on this, but again for record purposes,
5 a time frame. The major conversation you had with Mr.
6 Rozelle would have been when, to the best of your
7 recollection?

8 A. I believe it was March of 1984.

9 Q. All right.

10 And and was that conversation face to face or
11 over the telephone?

12 A. Well, that conversation was face to face.

13 Q. And again, I want to just set this up for
14 foundation purposes. Where did that conversation, face to
15 face conversation, take place?

16 A. It was a private conversation in a suite at the
17 Pierre Hotel.

18 Q. The Pierre Hotel in New York City?

19 A. Yes, sir.

20 Q. You mentioned that prior to that face to face
21 conversation at the peer, you had some brief conversations
22 with him leading up to it, is that correct?

23 A. That is correct.

24 Q. Were those brief conversations leading up to it
25 face to face or telephonic

1 A. Well, they were face to face and telephonic.

2 Q. And again from a time standpoint, would these
3 have taken place in late February-early March '84?

4 A. Yes, sir.

5 Q. Tell the Court and the ladies and gentlemen of
6 the jury as best you can recall what took place in these
7 brief conversations leading up to the Pierre Hotel meeting?

8 A. Mr. Rozelle and I saw each other just by
9 accident, I believe, and he said to me, why don't you call
10 me and we'll get together and start talking about things.
11 Because we had not gotten along after I had gone into the
12 United States Football League, at all.

13 I was persona non grata in his eyes and we had
14 not at all gotten along --

15 MR. ROTHMAN: If your Honor please, again the
16 witness characterizes conclusions. And I would
17 respectfully suggest questions and answers.

18 THE COURT: Yes. We don't want a
19 characterization of the relationship from the witness.
20 Only what was said.

21 Let's move ahead.

22 A. So I was -- I thought it could have been at the
23 Regency, I just don't know, but it was not at a planned
24 meeting. But I had seen Mr. Rozelle, and he said, "why
25 don't you give me a call and let's get together and talk

1 about things."

2 As it turns out, this statement was made just
3 around the time of the Harvard Business School's study on
4 the conquering of the United States Football League. That
5 was made maybe the week of or the week after, about, let's
6 get together, all of a sudden, which surprised me, to be
7 perfectly honest. So he said call me --

8 MR. ROTHMAN: Your Honor, I respectfully submit,
9 I don't know how else to protect the record. The witness
10 is continually giving conclusions and impressions, and he's
11 done it again. I don't know how else to protect the record.
12 I don't like to interrupt but I must.

13 THE COURT: It is appropriate that you do so,
14 Mr. Rothman. And the jury now has the sense that his
15 conclusions should not be considered by the jury. But what
16 was actually said should be.

17 A. Mr. Rozelle said, "call me and we'll get
18 together and discuss things." And that was really all
19 that was said at that specific, as far as I remember, that
20 was all that was said. And it wasn't even a passing, it
21 was almost a passing.

22 The fact is, I called Mr. Rozelle and said "What
23 do you think?" He said let's get together, and I said fine.
24 I thought we'd go to lunch or I thought we'd go some place
25 where we could just talk. And he said "I'd rather go to a

1 place where there are not so many people and nobody in fact
2 would be seeing us." And I didn't question the motives
3 why, I didn't understand why. It didn't really matter to
4 me.

5 MR. ROTHMAN: Your Honor, again --

6 MR. MYERSON: Your Honor, he is telling the
7 basis of the conversation.

8 MR. ROTHMAN: No, he is not.

9 MR. MYERSON: And he is saying what is said and
10 I really object to these interruptions.

11 THE COURT: Let move ahead. Commissioner
12 Rozelle said where nobody would be seeing you. What
13 happened at the conversation?

14 A. So we agreed to meet at a suite in the Pierre
15 Hotel, and the suite was -- I got the suite. He said do
16 you have a hotel where we could meet or a room where we
17 could meet or something, and I said we can go over to the
18 Pierre Hotel. I took the suite, and we met. I don't know
19 if it was that same day or if it was a couple of days later,
20 but we met at the Pierre Hotel in a suite. I think it was
21 the same day as the telephone conversation.

22 Q. And this was in early March, 1984, is that
23 correct?

24 A. Yes, sir.

25 Q. Was anyone else present? I take it that no one

1 else was present, based on Mr. Rozelle's statements to you,
2 is that correct?

3 A. There was nobody else present.

4 Q. All right.

5 I want you to tell the Court and the ladies and
6 gentlemen of the jury what you said to him and he said to
7 you during the course of that meeting at the Pierre Hotel?

8 A. Well, we met at the suite and during the course
9 of the meeting, after the niceties were exchanged, we
10 started talking about the football situation and what was
11 happening. And Mr. Rozelle expressed to me that we should
12 stay in the spring.

13 And I said to him that I was surprised that he
14 was saying that, when before I became a member of the
15 United States Football League he very clearly and
16 distinctly said that the only way it's going to make it is
17 to go to the fall, because it will never make it in the
18 fall either because he controlled the television, he and
19 the NFL controlled the television. I was surprised that
20 now all of a sudden he was saying, you are making a big
21 mistake. I was surprised in another sense in that --

22 MR. ROTHMAN: Your Honor, again the witness is
23 characterizing. He is not responding to conversation.

24 THE COURT: Mr. Trump, I'd like you to think
25 back and repeat the conversation as best you can, what he

1 said to you and what you said to him, as best you recall it,
2 without characterization.

3 A. Yes, sir.

4 And he said that we should go and stay in the
5 spring. And I said to Mr. Rozelle that I was surprised he
6 was making these comments in light of our previous
7 statements and our previous conversations and that was
8 before I went into the United States Football League, where
9 Mr. Rozelle stated as strongly and openly as you can state,
10 not to go into the league for the simple reason that the
11 league cannot make it in the spring.

12 As it came out and during the course of the
13 meeting, it became more and more evident that Mr. Rozelle,
14 through his statement to me did not want to --

15 MR. ROTHMAN: Your Honor, again I must ask the
16 court's assistance.

17 MR. MYERSON: He just said through his
18 statements to him, your Honor.

19 THE COURT: I'd like his statements.

20 Q. Tell the statements to you. Express them.

21 A. Mr. Rozelle stated that, obviously not in the
22 exact language, but stated that the --

23 THE COURT: All we are asking is your best
24 recollection of the conversation. I realize with the
25 passage of time -- we want your best recollection.

1 A. Yes, sir.

2 Stated that the NFL was going to be around for a
3 long time, that you will have a very good chance of an NFL
4 franchise and in fact you will have an NFL franchise,
5 whether it be the Generals or some other NFL team, and that
6 what he wanted in return was effectively for me -- this is
7 stated by Mr. Rozelle, this is not a feeling or an
8 impression I am getting -- that what Mr. Rozelle wanted was
9 staying in the spring for the United States Football League
10 and not bringing a lawsuit, and the thing that Mr. Rozelle
11 specifically did not want was a lawsuit on antitrust
12 grounds.

13 Q. Did you respond to his proposals concerning
14 getting you an NFL franchise or staying in the spring or
15 the lawsuit? Did you respond to any of those 3 subject
16 matters?

17 A. Yes, sir.

18 Q. Tell us what you said to him in response to
19 those suggestions by him.

20 A. I said that the only thing we could really
21 discuss, and it wasn't a major point because I also told
22 Mr. Rozelle that what I wanted, number one and most
23 importantly, was to get a television contract for the
24 league. That was my number one objective and my number one
25 priority, because I knew this league would be successful if

1 we could get a television contract in the fall, and I
2 stated that to Mr. Rozelle.

3 That I had some very good friends in the United
4 States Football League, and the only thing that we could
5 really discuss as far as Trump's getting into the NFL would
6 be if it were in the form of a merger, if such merger could
7 ever happen. I let Mr. Rozelle, as I have everybody, know
8 that what I much prefer is moving to the fall and getting a
9 contract, getting a television contract. But there is no
10 way that I am going to sell out people, many of them were
11 my friends and that I could not sit back, stay in the
12 spring when he and I knew it was wrong -- or when I knew it
13 was wrong, at least, stay in the spring, and not do what
14 had to be done in order to ultimately win a television
15 contract.

16 So we discussed the possibility of the leagues
17 merging, not of Trump coming into the NFL, but of the
18 leagues merge, were four or five or six teams would come
19 into the NFL and Mr. Rozelle stated to me that there was no
20 way he'd do that because he'd dilute his television
21 revenues. In other words, if 5 teams came in instead of
22 just me or maybe me and somebody else, that his television
23 revenues would be badly diluted in the sense that you'd
24 have from 28 teams to 32 or 33 or 34 teams and they'd be
25 splitting up a certain pot of television income and that

1 the owners of the NFL would never stand for that.

2 That conversation ended fairly quickly, because
3 he didn't really want to discuss it.

4 Q. Did you make any response concerning his
5 statements about the USFL bringing a lawsuit?

6 A. The response that I gave to Mr. Rozelle was that
7 his -- I told him that it was obvious to me that we would
8 win a lawsuit. This was what I said, that we would win the
9 lawsuit and that we should win the lawsuit on the merits of
10 the case. And he didn't dispute that, Mr. Rozelle. He did
11 not say anything to dispute it. He did not want the
12 lawsuit brought, and he knew that, frankly, our lawsuit --
13 and he stated to me that our lawsuit becomes stronger, much
14 stronger, but stronger if we moved into the fall season,
15 where we are directly competing with the NFL.

16 Q. Following this, is there anything else you can
17 recall about the discussion at the Pierre Hotel?

18 A. He just said that he'd get back to me over a
19 period of time, that he wasn't interested in taking in more
20 than one or two teams at best and that because of dilution
21 factor even if he was interested the owners wouldn't be,
22 but that he'd get back to me and call me over a period of
23 time.

24 Q. Did he?

25 A. Yes, sir, he did.

1 Q. Was that a telephone call or otherwise?

2 A. It was a telephone call.

3 Q. Do you recall when that telephone call took
4 place?

5 A. I it would say a couple of weeks after the
6 meeting took place.

7 Q. He called you?

8 A. Yes, sir.

9 Q. Tell us as best you can recall, what transpired
10 in that conversation.

11 A. The basic purpose of his call was to tell me
12 that he is mulling over some ideas and some thoughts. We
13 had not decided to go to the fall yet, the United States
14 Football League had not decided to go to the fall yet, but
15 that he was mulling over some ideas and some thoughts and
16 that he would be back to me.

17 I told him that I thought it was too late,
18 because we were going into a very important session. I
19 think it was in Chicago, where we were going to probably,
20 in my opinion, I felt that we were going to be making the
21 move to the fall. And I didn't want to make the move to
22 the fall and then after that jeopardize that with a whole
23 series of events in terms of the NFL. So we sort of ended,
24 he said that he was going to get back to me again and I
25 said I really think probably we are going to have to see

1 each other at a much later date because this is now too
2 soon, I believe that in a fairly short period of time
3 what's going to happen is that the United States Football
4 League is going to move to the fall. And I said to him, I
5 think we are going to get a television contract.

6 Little did I know the power of the NFL, but I
7 said I think we are going to get a television contract.

8 MR. ROTHMAN: Your Honor, at this point not only
9 do I move to strike, but I'd like the jury admonished and
10 I'd like to meet with the court at an appropriate time, not
11 now, at the side bar.

12 THE COURT: Yes, I have already indicated to the
13 jury that they should disregard the conclusions based by
14 this witnesses expressing. That certainly applies, and I
15 will hear from Mr. Rothman at the appropriate time.

16 MR. ROTHMAN: Thank you.

17 Q. Mr. Trump, did you have any other conversations
18 with Mr. Rozelle following that last one that you just
19 testified about?

20 A. Relatively unimportant. I'd see Mr. Rozelle
21 around. I saw Mr. Rozelle at different things. I met him
22 at the 21 Club. I don't know the exact time. I can't
23 place the time. But I saw him at 21 and we spoke for a
24 little while, but not of the significance that we discussed,
25 no.

1 Q. Would it be fair to say that following the
2 Pierre Hotel meeting and that followup telephone call when
3 he called you, you had no further conversations with him of
4 a substantive nature relating to those subjects?

5 A. Not in terms of the kinds of substance that we
6 were talking about, no.

7 MR. MYERSON: Your Honor, we have no further
8 questions.

9 THE COURT: Did you want to have the discussion
10 now, Mr. Rothman, or do you want to get right into the
11 cross?

12 MR. ROTHMAN: I can get right into it, your
13 Honor. I can defer on that. At your Honor's convenience,
14 we need to move the machine. It will take about three or
15 four minutes. We might take a recess for just a few
16 minutes.

17 THE COURT: Yes. Ladies and gentlemen, we will
18 take at a 5 minute recess before the cross-examination
19 starts.

20 (The jury left the courtroom)

21 (Recess)

22 (In the courtroom in the presence of the jury)

23 CROSS EXAMINATION

24 BY MR. ROTHMAN:

25 Q. Mr. Trump, in connection with your first

1 interest in the United States Football League, which I
2 believe you fixed sometime in 1981, could you fix for us as
3 best you can when it was in 1981 that you put up your
4 initial deposit for the acquisition of a franchise or a
5 potential acquisition of a franchise?

6 A. I don't know, sir. I would say sometime after
7 perhaps a couple of meetings with some of the people trying
8 to promote the league at that time. But I can't really fix
9 a specific date.

10 Q. Would the summer of 1981 refresh your
11 recollection?

12 A. I really don't know, sir.

13 Q. At that time you indicate, I'm talking now about
14 the period of time when you made your first deposit, that
15 you had a friendship with Commissioner Rozelle of the
16 National Football League, is that correct?

17 A. Yes, I did.

18 Q. In connection with that friendship, let's see if
19 we can describe it.

20 Had you ever had dinner at his home?

21 A. Yes, I was invited to his house. We had a party
22 at his house.

23 Q. Have you ever had a dinner at his home with him
24 on the one on one occasion as distinguished from a party?

25 A. One on one no, but at some of these parties.

1 Q. Had he ever been to your house?

2 A. No, I don't think so.

3 Q. In the period of time two years preceding this
4 period, the middle part of 1981, how many times had you had
5 lunch with Commissioner Rozelle?

6 A. I would say that I probably the lunch with Mr.
7 Rozelle where we'd maybe sit together at a number of
8 charitable -- at a couple of charitable things, but I don't
9 think we had lunch, no.

10 Q. How many times had you had breakfast with him as
11 a social friend?

12 A. I don't think we had breakfast.

13 Q. Sir?

14 A. I don't believe we had breakfast.

15 Q. How many times had you and your wife and he and
16 his wife gone together in any kind of a social function,
17 movie or anything else?

18 A. Well, I was invited which Mr. Rozelle and his
19 wife to go to the tennis matches with them at Madison
20 Square Garden. I sat with Carrie Rozelle. Because I
21 remember Pete Rozelle couldn't be there and I was asked to
22 sit with Carrie Rozelle, and then I brought her over to the
23 Grand Hyatt in my car, which I owned, because she was
24 having a function at the Grand Hyatt Hotel and I brought
25 her over in the car at that time.

1 Q. Is that one occasion now the extent of your
2 social acquaintanceship with Mrs. Rozelle?

3 A. No, I have known Mrs. Rozelle for a long time.
4 I went to a number of her functions, and charitable
5 functions besides, and necessity used my hotel, both Pete
6 and Carrie Rozelle used the Grant Hyatt Hotel, and in fact
7 Pete Rozelle used it for owners' meetings of the NFL.

8 Q. Is that the basis upon which you conclude there
9 is a friendship?

10 A. I think he used it based on the fact that we had
11 a friendship, yes. They had, I believe, four or five
12 owner's meetings prior to my involvement, but they had four
13 or five owners meetings at the Grant Hyatt Hotel, and I
14 don't believe he did that just because he particularly
15 loved the hotel.

16 Q. Mr. Trump, just so I get the substance now of
17 your testimony. The basis of the friendship is the fact
18 that you took Mrs. Rozelle to a tennis match and that Mr.
19 Rozelle had had some meetings of the National Football
20 League at your hotel, is that the basis of it?

21 MR. MYERSON: I object.

22 A. No.

23 THE COURT: You may continue. You may answer
24 the question.

25 A. No, it is not the basis of it. The basis is I

1 had a very good relationship with Mr. Rozelle and with Mrs.
2 Rozelle, that I -- that is, until I went into the United
3 States Football League, obviously, when it became perhaps
4 just the opposite.

5 Q. I want to be sure now that we have this clearly
6 in mind with respect to your conversations. All of your
7 conversations with Mr. Rozelle that deal with the subject
8 of the United States Football League or the National
9 Football League are discussions that were attended to only
10 by you and Mr. Rozelle. No third party present at any of
11 them. Is that a fair statement?

12 A. There was not a third party at any of them,
13 whether they were on the telephone or not. I had on one
14 occasion to be in my office while I was talking to Mr.
15 Rozelle on the telephone, but other than that there was
16 nobody present at this -- during this conversation. There
17 were people in the room, by the way, but they were not
18 listening to this conversation.

19 Q. What I am getting at is so far as your end of
20 the conversation is concerned, there were no other persons
21 present who were parties to the conversation or any of the
22 conversations, whether they were personal conversations,
23 face to face, or telephonic conversations, is that a fair
24 statement?

25 A. Yes, it is.

1 Q. And you have made or have you made any kind of
2 memoranda, notes, reflecting any of the conversations,
3 whether they be the face-to-face conversations or the
4 telephonic conversations?

5 A. I would have considered notes to be a very
6 unnatural thing to do so and would not have made notes, no.
7 People don't go around making notes of conversations in my
8 opinion.

9 Q. You made none?

10 A. I did not make notes, no.

11 Q. Did you make any report to any of the other
12 owners of the United States Football League with respect to
13 any of your conversations with Comm. Rozelle at any of the
14 meetings of the United States Football League?

15 A. Are you talking about my pre-going in or my
16 after-going into the league, because we have two sets of
17 circumstances.

18 Q. Let's first take it pre-going in.

19 A. Yes, sir, I spoke with a man who was -- at the
20 time he was pretty much involved with the league, Mr.
21 Bassett. I talked in very general terms.

22 Again, I wasn't looking to hurt the League. I
23 wasn't looking to put water on their great ideas and of
24 what they wanted to do.

25 Q. Mr. Trump, when you had your -- if I interrupted

1 you, I am sorry.

2 MR. MYERSON: Your Honor, I am ask that the
3 witness be able to finish his answers to the questions
4 asked.

5 THE COURT: Had you finished your answer?

6 THE WITNESS: No, sir.

7 THE COURT: You may do so.

8 THE WITNESS: I was not looking to in any way
9 dampen the enthusiasm of the people that wanted to go into
10 the United States Football League, and I didn't feel it was
11 for me to stand up and convince them not to spend their
12 money because of what Pete Rozelle told me because maybe
13 they were going to be right. I chose not to do it at that
14 time, but maybe they were going to be right, but I did
15 speak to did speak to Mr. Bassett.

16 Q. At any rate, after Comm. Rozelle had the
17 conversation that you say he had with you, which led to
18 your decision not to go into the United States Football
19 League in 1981, did you convey that conversation to the
20 Commissioner of the United States Football League saying,
21 look, this is what Mr. Rozelle is saying, I want you to be
22 aware of that?

23 A. Mr. Bassett -- it was conveyed to Mr. Bassett,
24 who didn't really want to hear too much about it because
25 frankly, their enthusiasm was so high that they didn't

1 really want to hear it, and I didn't think it was my place
2 to go around conveying negative thoughts to people that
3 wanted to go and do a positive thing. But I spoke to Mr.
4 Bassett about it. I remember that I spoke to people, some
5 people outside of the League.

6 I was telling my brother about it as an example
7 when we were making a decision as to whether or not to go
8 forward in this venture.

9 Q. Mr. Bassett today is --

10 MR. MYERSON: Excuse me, your Honor.

11 Were you finished?

12 THE COURT: He asked -- the question as I
13 understand it was limited to owners of the USFL teams.
14 They were talking about prior to 1983 when Mr. Trump
15 acquired a franchise.

16 So that have you got anything further to say
17 about conversations with any owners of USFL teams prior to
18 acquiring a franchise, concerning the conversations with
19 Mr. Rozelle?

20 THE WITNESS: I don't remember at this time who
21 else I might have spoken to, your Honor.

22 Q. Unfortunately, Mr. Bassett is now deceased. I
23 would like to ask you, to refresh your recollection, did
24 you speak to any owner of the United States Football League
25 about your conversations with Comm. Rozelle in 1981, who is

1 today alive?

2 A. I can't specifically remember except to say,
3 again, that I was friends with at that time Comm. Rozelle.
4 I wasn't and am not now looking to hurt Comm. Rozelle per
5 se.

6 The fact is that I wasn't about to tell people
7 that I hardly knew, who were in the United States Football
8 League, about private conversations I had with somebody
9 else at that point. It didn't make sense from a number of
10 standpoints, but I also didn't want to dampen their
11 enthusiasm. They wanted to go forward and there was no
12 reason -- and I might have been wrong and Comm. Rozelle
13 might have been wrong, and I didn't feel there was any
14 reason to dampen their enthusiasm in any event. I don't
15 remember anyone else, but there could have been.

16 Q. You have indicated that one of your meetings
17 with Comm. Rozelle at or about the time you were first
18 considering the USFL in 1981 was at the Regency Hotel?

19 A. Yes, sir.

20 Q. Can you fix that date in any fashion?

21 A. No, sir. It was just prior to the time that I
22 decided not to go forward.

23 Q. Can you fix the function at the Regency Hotel
24 where you said you saw him?

25 A. I do not remember the specific function.

1 Q. You do remember it was the Regency?

2 A. I think it was the Regency Hotel, yes.

3 Q. I take it at that meeting nobody else was
4 present?

5 A. That is correct.

6 Q. It was at that meeting at the Regency Hotel
7 where Comm. Rozelle stopped you or spoke to you and told
8 you what you have testified to about the potential of the
9 USFL, is that correct?

10 A. That was one of the times, yes.

11 Q. Now, sir, you recall your testimony that at
12 about -- at or about this period of time you were also
13 interested in a National Football League franchise, the
14 Baltimore Colts, correct?

15 A. Yes.

16 Q. Do you recall that you had an intermediary call
17 Comm. Rozelle to ask him whether there was any possibility
18 of your acquiring the Baltimore Colts team?

19 A. To ask him a little bit more about what he
20 thought.

21 Q. What was the name of that intermediary that you
22 had call?

23 A. One of my attorneys, Mr. Lindenbaum.

24 Q. You indicated you had a close friendship with
25 Comm. Rozelle.

1 How is it you didn't call him?

2 A. This was really an additional spokesman or an
3 additional feeling. Placing the time is very difficult
4 because you are talking about five years ago or so, but
5 this was in the same basic vicinity. I might have spoken
6 to Mr. Rozelle about it before this call. Mr. Lindenbaum
7 also knew Mr. Rozelle. He was a friend of Mr. Rozelle, too,
8 and I wanted to get maybe a double feeling.

9 Q. Mr. Trump, to have a close friend, Comm. Rozelle,
10 or friend, as you characterize him, you are interested in
11 buying a team in the National Football League or
12 considering buying a team, why didn't you just pick up the
13 phone and say Commissioner, I would like to talk to you
14 about it. Why send it to an intermediary?

15 A. I already had spoken, and again, it is very
16 tough to fix the frame of time. I believe I had already
17 spoken to Comm. Rozelle about it. This was a second
18 opinion of somebody who also knew Mr. Rozelle. Mr. Rozelle
19 had an answer which was not that different from the answer
20 he gave to me.

21 Q. Mr. Trump, in the discussions with Mr. Irsay
22 that you testified to on direct examination, there was also
23 a gentleman present in discussions who represented the
24 Baltimore Colts named Mike Chernoff, is that correct?

25 A. I think so,.

1 Q. He was Mr. Irsay's lawyer and assistant?

2 A. I believe so, yes.

3 Q. Isn't it true that in the discussions with Mr.
4 Chernoff and Mr. Irsay, you told them that if you could not
5 buy the Colts, you would buy an United States Football
6 League team and force your way into the National Football
7 League. Did you not say that to them?

8 A. I did not.

9 Q. Then did you say to Mr. Chernoff in a private
10 conversation that if he could get his boss, Mr. Irsay, to
11 make the sale, you, Mr. Trump, would see to it that it was
12 worthwhile for Mr. Chernoff to do that?

13 A. No, sir, I didn't say that. It wouldn't be my
14 place to say that.

15 Q. You deny both those statements?

16 A. Yes, sir, I do.

17 Q. In going to the decision to buy the USFL team in
18 1983, that is, the Generals, you were mindful of this
19 conversation that you say you had with Mr. Rozelle back
20 there in 1981, is that correct?

21 A. I don't understand the question, sir.

22 Q. Well, I think you said that in 1981 when you
23 decided not to go in, that is the first conversation with
24 Mr. Rozelle --

25 A. 1981 or early 1982.

1 Q. Fine. That one of the things he told you was,
2 quote, he or the NFL controlled the network and you would
3 never get a fall contract.

4 A. That is correct.

5 Q. Now we are moving forward into 1983 after the
6 first season of the USFL, and you are now deciding that you
7 are going to buy a franchise, is that correct?

8 A. That is correct.

9 Q. You are doing that despite the fact that Mr.
10 Rozelle allegedly told you this a year earlier, is that
11 correct?

12 A. That is correct.

13 Q. You are now, if I can use the expression this
14 way, you are now disregarding what he said?

15 A. I don't disregard what he said. I just felt
16 that it was not in the network's best interest to shunt us
17 aside the way that Mr. Rozelle said they were doing, and I
18 wasn't sure, I thought he might be bluffing. I didn't know.
19 I was sufficiently happy with the results in terms of the
20 ratings from the spring season to think it was in the
21 network's best interests to do a deal with the United
22 States Football League despite what Mr. Rozelle said.

23 Q. The point I am asking you about now is when you
24 decided to buy the Generals' franchise in 1983 after the
25 first season was over, you either disregarded Mr. Rozelle's

1 statements that he had made earlier that he controlled the
2 network, or you thought he was bluffing or you thought you
3 could overcome it in some way, isn't that a fair statement?

4 A. Yes, sir, it is.

5 Q. Which one of those is true? I gave you several
6 possibilities.

7 A. I think perhaps they were all true. Obviously,
8 I disregarded his statement because I guess in retrospect
9 perhaps his statement was correct, okay, but at the time I
10 disregarded his statement. I thought he might be bluffing.
11 And I also thought and I still think it was in and is in
12 the network's best interests to be able to make a deal with
13 the United States Football League or anybody in order to
14 stop this monopolistic league.

15 MR. ROTHMAN: May that be stricken?

16 THE COURT: All right. I will hear a discussion
17 on that also at the side bar when we have a discussion.
18 For now the jury should disregard the conclusion of the
19 witness.

20 MR. ROTHMAN: Thank you, your Honor.

21 Q. The point in time when you had decided to buy
22 the Generals at the end of the '83 season, late '83, was
23 after the Irsay discussions have come to a conclusion, is
24 that correct?

25 A. Yes, sir. Quite a bit after in all fairness.

1 Those discussions had come to a conclusion earlier on.

2 Q. After you knew that you could not acquire the
3 Baltimore franchise in the National Football League?

4 A. Well, that is one franchise, but there were
5 other franchises that were obviously for sale, and numerous
6 franchises had been sold since that date, so the Baltimore
7 franchise is one out of about 28 franchises.

8 Q. Mr. Trump, did you try to buy any other
9 franchises?

10 A. To be perfectly honest, I was told that other
11 franchises were for sale. I think Denver. I wasn't
12 interested in it.

13 Q. My question was did you try to buy any other
14 franchises?

15 A. I wasn't interested in any of the franchises
16 that were for sale.

17 Q. What I am asking you about now is when you
18 decided to come into the USFL at the end of the '83 season,
19 late '83, your only efforts to acquire an NFL team,
20 Baltimore, had failed, is that correct?

21 MR. MYERSON: Objection to the characterization.
22 The testimony was that it broke down over price.

23 MR. ROTHMAN: I will reframe the question.

24 THE COURT: Yes.

25 Q. At the time that you decided to come into the

1 USFL in late 1983, your only efforts to acquire a National
2 Football League team, the Baltimore Colts, had not resulted
3 in the consummation of that deal, is that correct?

4 A. I was not interested in any other franchise in
5 the National Football League, but others were for sale, yes.

6 Q. When you came into the League in 1983, that is,
7 the United States Football League, it was still a spring
8 league, was it not?

9 A. That is correct.

10 Q. And as a matter of fact, -- did I interrupt you
11 again, sir?

12 A. Yes, sir.

13 Q. I apologize. Go ahead.

14 A. Thank you.

15 The fact is it was a spring league, and I was of
16 the impression that it would go to become a fall league
17 because they had done well -- as again, relatively well,
18 very much relatively well against spring competition, but
19 lousy in terms of what those ratings translated to in fall
20 competition, so I was of the impression that it would
21 become a fall league.

22 I would not have gone into it if I did not think
23 they were going to move.

24 Q. When you first inquired about the United States
25 Football League in 1981, it was clear to you, was it not,

1 that it was going to be at that point a spring football
2 league?

3 A. That is correct.

4 Q. And the 12 owners at that point who were coming
5 together were coming together to play football in a new
6 period of time, to wit, spring, isn't that right?

7 A. That is 100 percent correct.

8 Q. When you came into the League at the end of the
9 first year, it was still a spring league?

10 A. That is correct.

11 Q. And it was you, Mr. Trump, you who raised the
12 issue for the first time of moving the League from the
13 spring to the fall after you acquired your ownership
14 interest?

15 A. I don't know if it was the first time.
16 Obviously they had lost over \$50 million as a spring league,
17 so I don't know if somebody else during a meeting said, hey,
18 we have to do something to stop this blood bath, but the
19 fact is I was, I think at least at the beginning, certainly
20 the leading catalyst. After that they had continued to
21 lose significant amounts of money, continued to do very
22 well relative to other spring programming and ABC continued
23 to make a lot of money. Everybody made money but the USFL,
24 interestingly, and other people began to take up the flag,
25 and they took it up very strongly, and I not only became --

1 I guess I was not the only prime mover very shortly into my
2 original movement to move them into the fall, yes, sir.

3 Q. No, my question again, Mr. Trump. When you came
4 into the League at the end of 1983, you were the first
5 person so far as you know to raise the issue of moving the
6 League to the fall, is that correct?

7 MR. MYERSON: Objection. The testimony has
8 already been given, your Honor, in response to that precise
9 question, and I don't see how Mr. Trump can testify first
10 hand as to whether he was the first or not since he wasn't
11 there before.

12 THE COURT: He asked him as far as he knew, and
13 that is the question.

14 I'll allow him to answer.

15 A. I really don't know, sir. I don't know what
16 took place at owner's meetings prior to my coming. I would
17 think that somebody else should have suggested that they
18 have to move to the fall, but not every year are they going
19 to be able to afford to lose 40, 50, \$60 million. I don't
20 know. I can only speak for myself. I was an early
21 proponent and a strong proponent, and if I didn't think we
22 could move to the fall based on the results I won't have
23 gone into the League.

24 Q. Do you have any evidence or any knowledge,
25 directly or indirectly, that any owner of the United States

1 Football League proposed moving to the fall before you did
2 so when you came into the League in 1983?

3 MR. MYERSON: I'm going to object to that on the
4 grounds that it is misleading, again, unless the question
5 also contains, whether they did or didn't. Does he have
6 any knowledge or evidence one way or another.

7 THE COURT: Overruled. He may answer.

8 A. I really don't know. I don't know whether or
9 not I was. If I was, I am proud to be because I believe it
10 was the correct decision, and so does everybody else, but I
11 really don't know if I was the exact first person.

12 THE COURT: What he is asking is were you aware
13 of anyone else raising the subject, directly or indirectly.
14 You either were aware or you weren't.

15 MR. MYERSON: Prior to his coming into the
16 league?

17 THE COURT: Yes.

18 A. Part of my coming into the league -- I just
19 wouldn't know. I was not aware because I wouldn't know.

20 THE COURT: You were not aware?

21 THE WITNESS: Yes.

22 THE COURT: That is the answer.

23 Q. When you bought the Generals, Mr. Trump, in
24 September of 1983, there was no plan to move the United
25 States Football League to the fall, was there?

1 A. Sir, when I bought the Generals in 1983, part of
2 the reason, and I so stated to everybody that would listen,
3 including I believe the newspapers, that I felt that there
4 was a very substantial chance that this League, right from
5 the beginning, from the first day that I was involved, that
6 there was a very substantial chance of this League moving
7 to the fall. And I based my purchase on that.

8 If I didn't think that there was that chance,
9 and I had no guarantee, but I knew what was happening, and
10 if I didn't believe that there was that chance I would in
11 no way have gone ahead and purchased the Generals.

12 Q. Let me ask the question again, sir.

13 When you bought the Generals in September of
14 1983, there was no plan to move the League to the fall,
15 isn't that a correct statement?

16 MR. MYERSON: Asked and answered, your Honor.
17 Plan of whom? Mr. Trump? He just answered it. Is he
18 asking about a plan of the League, which Mr. Trump wouldn't
19 know about prior to the time he got in.

20 THE COURT: Mr. Trump indicated his own plans.

21 MR. MYERSON: That's my point.

22 THE COURT: You may want to rephrase the
23 question.

24 MR. ROTHMAN: Thank you, your Honor.

25 Q. When you bought the Generals in September of

1 1983, there was no plan on the part of the United States
2 Football League to move to the fall, was there?

3 A. I don't think so, no. I really don't know, but
4 I don't think so. I wasn't there. I doubt it. But I
5 wasn't there.

6 Q. I want to fix in time, if I can, the period when
7 Mr. Spence advised you that he was not going to -- he was
8 not interested in ABC televising fall football for the
9 United States Football League. Can you fix that in time?

10 A. It is very difficult. You are talking about
11 years ago and I have had a lot of conversations with a lot
12 of people about a lot of things.

13 In terms of time I just find it very difficult
14 to fix a specific time.

15 Q. Can you fix the year?

16 A. It was sometime after, I believe it was sometime
17 after I purchased the Generals.

18 Q. You purchased the Generals in September 1983.

19 A. Correct.

20 Q. Did Mr. Spence talk to you about not letting you
21 go to the fall in 1983?

22 A. I would say that it was sometime in the vicinity
23 of my purchase. It could have even been a little bit
24 before, but I don't think so. I think it was sometime
25 after my purchase of the Generals.

1 Q. Let me see if I can help you with this date. It
2 was August 22, 1984 when your League met in Chicago and
3 voted to go to the fall in 1986.

4 A. Okay.

5 Q. So was your conversation with Mr. Spence where
6 he said that he was not interested in a fall league before
7 the meeting in August or after the meeting in August?

8 A. Oh, you are referring to the one where he said
9 are you not interested in the fall league. I didn't know
10 which conversation with --

11 Q. Where he, quote, in your language, slammed the
12 door on you.

13 A. I just don't know.

14 MR. MYERSON: Wait a minute. What he just said
15 is where he slammed the door on you, and those are
16 different conversations, as Mr. Trump made clear. I think
17 it is important to have it framed clearly.

18 Are we now asking about the conversations where
19 Spence told him that the ABC wouldn't put him on in the
20 fall, or are we now asking, as Mr. Rothman just said, about
21 a conversation where the door was slammed on him, which the
22 testimony was occurred later?

23 THE COURT: Mr. Rothman did ask when the door
24 was slammed on him. If that's sufficient for
25 identification for the witness, he may answer. If he needs

1 further clarification, he should let Mr. Rothman know.

2 Q. Do you understand my last question?

3 A. I thought your previous question was when did I
4 start speaking to Mr. Spence, and I thought that was a
5 continuation of your previous question.

6 As far as this door slamming question, I think
7 it perhaps was after the Chicago meeting, but I'm not sure
8 as to specific times. I just can't tell you what specific
9 times.

10 Q. Now, Mr. Trump, let's go back if we may in time
11 to when you bought the Generals.

12 A. Yes, sir.

13 Q. They had concluded their first season as a
14 spring league, that would be the 1983 season, under a prior
15 owner, is that correct?

16 A. Yes, sir.

17 Q. And would you say that when you purchased the
18 Generals they were a very, very sick franchise?

19 A. Yes, sir. I would say that they were not doing
20 well either on the field or in any other way. They were
21 not doing well.

22 Q. Is that something that you had charged to the
23 management of the team prior to your coming in?

24 A. I don't want to blame responsibility on anyone.
25 They did not win many games, and the fans became very

1 discouraged with their performance. Their attendance was
2 actually not -- I think they averaged probably 35,000
3 people a game, which is rather good, but their fans became
4 discouraged because they were not doing very well, etc.,
5 and it didn't have a good flavor to it. It was not an
6 exciting team at that time.

7 Q. That's what you meant when you characterized it
8 as a very sick franchise?

9 A. Primarily. It was also sick financially. It
10 was getting virtually no money from television or it was
11 getting so little money that it was meaningless, and it was
12 very sick financially also.

13 Q. And this would be in 1983, is that right?

14 A. That is correct, sir, yes.

15 Q. And besides the Generals being very sick, your
16 view was that the league itself didn't seem to be doing
17 particularly well, isn't that correct?

18 A. Well, the League was doing poorly compared to
19 what it should have been doing in the fall. The League was
20 doing well compared to other spring programming, but as I
21 have said, it could not do well in the spring because of
22 the limits placed on the number of people that watch
23 television in the spring, but it was doing very well
24 compared to other programming in the spring.

25 Q. Well then, was it your view that the concept

1 which the original twelve owners of the USFL had, to wit,
2 to play in the spring, was a bad concept?

3 A. Absolutely it was a bad concept.

4 Q. And that concept was something that those twelve
5 owners created when they decided to create this new league,
6 isn't that right?

7 MR. MYERSON: Objection to the extent it calls
8 for Mr. Trump's knowledge as to what each of the twelve
9 owners had in their minds.

10 THE COURT: Yes. Sustained.

11 Q. You are also aware that after the League
12 finished its first season and after you had become
13 interested in it by buying the franchise, there was an
14 expansion of the league from twelve to eighteen teams, is
15 that correct?

16 A. Yes.

17 Q. You thought that was a very serious mistake?

18 A. I did. They were dying on the limb. They were
19 doing everything possible to survive. They needed the
20 income, they needed the revenues. They had to do something.

21 I disagreed with it, by the way, and I wasn't a
22 part of the of the League at that time. They were trying
23 to survive against a very difficult, to put it mildly,
24 adversary.

25 Q. That decision to expand from 12 to 18 teams was

1 made after the first spring season was completed, is that
2 correct?

3 A. I don't know when it was made. I wasn't there.

4 Q. You got there in September. It was a
5 accomplished fact then?

6 A. I believe it was, yes.

7 Q. So it happened sometime during or after the
8 first season, is that right?

9 A. Again, I don't know. Maybe it happened before
10 the first season. I wasn't there. I wasn't there. It
11 probably did, sir, but I wasn't there.

12 MR. MYERSON: Your Honor, the problem with this
13 line is that it promotes speculation.

14 THE COURT: Yes.

15 Mr. Trump, I will ask you not to speculate, so
16 if you don't know something, you should so indicate.

17 THE WITNESS: Yes, sir.

18 Q. Mr. Trump, when you came into the League in 1983,
19 September, was it not your purpose to force a merger so
20 that you would now have an NFL team in New York?

21 A. No, sir.

22 Q. When you acquired the Generals, you acquired the
23 exclusive right to the New York territory, is that correct?

24 A. Yes, sir.

25 Q. So that no other USFL team could come into New

1 Jersey or New York, that is, the New York metropolitan area,
2 without your approval, isn't that right?

3 A. I cannot tell you the legal ramifications of
4 that, but in form of document, that would be right. In
5 light of what's happened with football law and sports law,
6 I cannot tell you the legal ramifications, but in terms of
7 a document, that is correct.

8 Q. For example, the Houston franchise of the USFL
9 wanted to come into the New York area and you wouldn't
10 permit that to happen, is that correct?

11 MR. MYERSON: Objection.

12 Your Honor --

13 THE COURT: Sustained.

14 Q. Now, Mr. Trump, I'm going to ask you to examine,
15 if you will, NFL 170.

16 Have you had a chance to examine that?

17 A. Yes, sir.

18 Q. You will note that this is a memo that you wrote
19 to the owners of the United States Football League on or
20 about January 17, 1984?

21 A. Yes, sir.

22 MR. ROTHMAN: May this be marked and offered,
23 your Honor.

24 THE COURT: I will give the opportunity to Mr.
25 Myerson to view it.

1 MR. MYERSON: Your Honor, the problem is that I
2 have just been given a copy that has --

3 MR. ROTHMAN: I can't hear you.

4 MR. MYERSON: I have just been given a copy that
5 has something redacted from it. That's not the copy that I
6 have.

7 THE COURT: Why don't counsel confer amongst
8 themselves so Mr. Myerson is aware of why there was a
9 redaction apparently during the discovery phase of the case.

10 MR. ROTHMAN: Did you get a redacted one, your
11 Honor?

12 THE COURT: Yes, I do have a redacted version.

13 MR. ROTHMAN: I am sorry.

14 We are now offering the document, if your Honor
15 please.

16 MR. MYERSON: No objection.

17 THE COURT: Defendants Exhibit 170 is received
18 in evidence.

19 (Defendants' Exhibit 170, marked for
20 identification, was received in evidence)

21 MR. ROTHMAN: May I pass it to the jury, your
22 Honor?

23 THE COURT: Yes, you may.

24 Q. I am going to direct your attention, Mr. Trump,
25 to that portion of the letter which starts where I am

1 pointing now. "Their only fear," do you see that?

2 A. Yes, sir, I see it.

3 Q. Its reads as follows:

4 "Their only fear," and by "their only fear" you
5 are referring to the NFL?

6 A. Yes, sir..

7 Q. "Their only fear is a switch of our league to
8 the Winter -- an event which will either lead to a merger,
9 or, in the alternative, a common draft with a first-class,
10 traditional league. The networks are clamoring for this
11 switch to happen. Every sportswriter I have spoken with --
12 including such people as Howard Cosell, Jimmy 'the Greek'
13 Snyder and Frank Gifford -- feel the switch will guarantee
14 the league success."

15 My first question with respect to that paragraph
16 is this. This was you writing to the owners of the USFL
17 for the purposes of encouraging them to move to the fall,
18 is that correct?

19 A. Yes, sir.

20 Q. And you were pointing out that the NFL would
21 fear such a move, is that correct?

22 A. Yes, sir.

23 Q. It is true, is it not, that you felt that if you
24 did move to the fall, one of the possibilities would be a
25 merger?

1 A. Yes, sir. All you have to do is look into the
2 history of professional sports leagues and you will see
3 there were many mergers, and it is not an uncommon thing.
4 I think that is one of the very great possibilities,
5 absolutely.

6 Q. And that's something you wanted very badly?

7 A. No, sir. What I wanted very badly was a league
8 and and a television contract.

9 Q. You indicate that you had spoken to Howard
10 Cosell and that he told you that a move to the fall would
11 guarantee success, is that correct?

12 A. I don't believe he told me. I had a feeling --
13 it was my feeling, and I don't see he told me per se, but
14 it was my feeling that it was his feeling and the others'
15 feelings that a move to the fall would make us a successful
16 league.

17 Q. When you said in your letter to the owners of
18 the United States Football League, "Every sportswriter I
19 have spoken with, including such people as Howard
20 Cosell...-- feel the switch will guarantee the league
21 success," you were not telling the truth, were you?

22 MR. MYERSON: Objection.

23 A. Totally false.

24 MR. MYERSON: Excuse me.

25 Objection, your Honor. The statement is that

1 these people said "feel the switch will guarantee the
2 league success," and Mr. Trump's testimony just gave what
3 he based that feeling on.

4 THE COURT: I will sustain the objection and
5 allow Mr. Rothman to pursue the subject.

6 Q. Is it not true that Mr. Cosell never spoke to
7 you and told you that he felt the switch to the fall would
8 guarantee success?

9 A. It was my feeling, frankly, and it was a pretty
10 strong feeling, that it was their feeling, and I used the
11 word feeling and not the statement per se, that a move to
12 the fall would insure us success. That was my feeling. It
13 could have been wrong, and it may have been wrong, and in
14 fact it might still be wrong, but that was my feeling and I
15 so expressed it.

16 Q. Did Mr. Cosell tell you that he felt this move
17 to the fall would guarantee the League success?

18 A. Well, I put it down in a letter that was written
19 a long time ago, so I imagine he did. To be perfectly
20 honest, I have had a lot of conversations with Mr. Cosell
21 and a lot of other people in the last number of years.

22 This was not a particularly, you know, important
23 paragraph or sentence in my life.

24 Q. Is your answer yes?

25 A. I really can't remember specifically, except I

1 will go by my letter. I wrote the letter at the time. It
2 was my feeling that all three felt that it would be
3 successful if it moved to the fall, but all three felt very
4 strongly against the spring concept.

5 Q. When you wrote the line that I am now pointing
6 to, including such people as Howard Cosell feel the switch
7 will guarantee the League success, when you wrote that line,
8 were you conveying to the USFL owners that you had spoken
9 to Mr. Cosell and that he had told you that?

10 A. I imagine, yes, because I have it down as of
11 January 17, 1984, and it was my feeling it was their
12 feeling. I thought it was accurate. It could have been a
13 misinterpretation, but --

14 Q. I want to ask it one last time and make it as
15 clear as I can.

16 A. Go ahead.

17 Q. Did Mr. Cosell tell you that if the League moved
18 to the fall, that would guarantee the League success?

19 MR. MYERSON: I object to that question, your
20 Honor, on the grounds that is not what the statement in the
21 letter says.

22 THE COURT: He can can ask him.

23 A. Again, sir, it was my feeling that Mr. Cosell
24 felt that way, and that's I think what I say in the letter.

25 Q. Did he say that to you?

1 A. I believe he did. This is, again, a long time
2 ago from today's date. It is two-and-a-half years ago, but
3 I wrote a letter as of January 17th, and I believe he did.
4 But that was my feeling. I didn't say it was his statement.
5 I said it was my feeling and his feeling.

6 Q. The second page, please. I am just going to the
7 very last sentence on the second page, Mr. Trump, and if
8 you need me to read more for the purposes of continuity I
9 will, but at this point I am referring to the last sentence --

10 MR. MYERSON: May I ask for purposes of the
11 context that you read the whole last paragraph?

12 MR. ROTHMAN: Certainly. Be happy to.

13 Q. I am reading the last paragraph at your
14 counsel's request.

15 " I did not come into this league to be second
16 rate. We are sitting on something much bigger and better
17 than most people realize. We had better get smart and take
18 advantage of it. We must lay the groundwork now. Ticket
19 sales will increase, television revenues will increase, and
20 we will create psychological havoc with the NFL -- and at
21 the same time be able to say we are first class and here to
22 stay."

23 What did you mean when you said to the owners
24 that you were going to be able to create psychological
25 havoc with the NFL?

1 A. I am very proud of that statement, to be
2 perfectly honest with you. The NFL was making it
3 impossible for us to do business. Since sitting in this
4 courtroom I have listened to the Harvard business report, I
5 have listened to Mr. Donlan's testimony, and it was at best
6 not very comforting to me, and they were trying to do
7 things and they had a position that frankly I'm not --
8 nobody should have, and the only way we could survive, the
9 only way we could survive in my opinion was to move to the
10 fall, to sign stars, to sign up players. We were the
11 little guy trying to do well against a very imposing, and I
12 guess based on the judge's comments I can't go any further
13 than that, adversary.

14 We were trying to survive. Anything we could do
15 to survive that was legal and legitimate we had to be able
16 to do because we were fighting an adversary which was
17 impossible to fight.

18 Q. Mr. Trump, let's get the time. This was January
19 17, 1984?

20 A. That is correct.

21 Q. This was while you were still in the spring?

22 A. Right.

23 Q. This was before United States Football League
24 even tried to go to the fall?

25 A. That is not correct. I was trying to go to the

1 fall from the first day I came into the League, and even
2 before that.

3 Q. You are aware of the fact your League didn't
4 vote to go to the fall until August '84?

5 A. Absolutely.

6 MR. MYERSON: Objection to anything that calls
7 for Mr. Trump's hearsay comments or what he may have heard
8 prior to the time he became an owner in the League.

9 THE COURT: The testimony will stay, and you may
10 protect the record in the future as you see fit.

11 Q. Mr. Trump, this letter, January 17, '84, is
12 before Harvard?

13 A. By how many days?

14 Q. By a month.

15 A. Thank you, sir.

16 Q. What was it in January of 1984 that caused you
17 to want to create psychological havoc with the National
18 Football League, January '84?

19 A. Mr. Rozelle told me there was no way we were
20 going as to get contracts. He told me about the strike,
21 and it was obvious to anybody else of the NFL. The only
22 way we could make it -- we couldn't make it in the spring.
23 It was obvious to everyone. There was too much money being
24 lost. I don't know if we could have made it in the fall
25 either, but we had a chance if Mr. Rozelle was incorrect,

1 if he was wrong.

2 If one of the networks got smart and took a
3 chance on the League, we could have made it in the fall,
4 then the only way you will do that is so sign players and
5 sign talent, and it is a little bit -- and I have used the
6 expression before, the patient is sick, very sick, and you
7 send the patient to the doctor and the doctor tells the
8 patient, well, sir, you are going to have a problem. You
9 are either going to be very healthy or you are not going to
10 make it at all, you are going to die.

11 I thought we were in a lot better position being
12 there than slowly fading away, as we were in the spring.

13 Q. In January '84 when you were creating
14 psychological havoc or discussing psychological havoc, did
15 that include putting spies into the meetings of the
16 National Football League so you could find out what they
17 were doing?

18 A. Has nothing to do with spies at meetings, sir,
19 no.

20 Q. Did you see to it that spies were put into NFL
21 meetings so that they could report as to what was going on
22 in those private meetings?

23 A. I certainly did not, sir, no.

24 Q. You will recall, sir, that you made a point a
25 few minutes ago of the fact that meetings were held of the

1 National Football League in your hotel, the Grand Hyatt, is
2 that correct?

3 A. Absolutely correct on at least four different
4 occasions.

5 Q. Did you not report to the ownership of your
6 league that you had busboys who were monitoring the
7 meetings of the National Football League?

8 A. That's such a false interpretation of that that
9 it is disgusting, sir.

10 Q. Did you say that?

11 A. Absolutely I did not. If you read the entire
12 paragraph you will see what I said. That's such a false
13 statement it is horrible.

14 MR. MYERSON: If we are going to have this line
15 pursued, Mr. Rothman, I would like Mr. Rothman to bring it
16 to the side bar because I think it is extremely misleading
17 in front of the jury.

18 THE COURT: If you are going to pursue that line
19 of questioning, I will review the document that you are
20 drawing your questions from.

21 MR. ROTHMAN: Do you want to review it now, your
22 Honor?

23 THE COURT: If you are going to pursue it
24 further.

25 MR. ROTHMAN: I have the cite.

1 MR. MYERSON: I would like to proceed at the
2 side bar.

3 THE COURT: Yes.

4 (At the side bar)

5 MR. MYERSON: Let's go back to the bottom of 101.

6 MR. ROTHMAN: Your Honor, I am referring you to
7 Exhibit 685, which is the transcript of the January 18,
8 1984 owners' meeting of the USFL. I am referring to the
9 bottom of page 101 starting on line 22 --

10 MR. MYERSON: If you are going to read this into
11 the record right now I would ask that the court look at it
12 because I have 403 considerations. Since this gets
13 released to the press, I prefer to ask that your Honor read
14 it first.

15 You are taking it up to line 9 of 102?

16 MR. ROTHMAN: Yes.

17 MR. MYERSON: That was what the basis was, your
18 Honor, for the questioning, and I strenuously object.

19 MR. ROTHMAN: I think this goes directly to the
20 credibility of this witness. A statement he made to his
21 ownership, and I think the interpretation that we have
22 placed upon it is the only fair one that can be had.

23 MR. MYERSON: Your Honor, the language is they
24 had a meeting at the Grant Hyatt. They had their meeting
25 there so they were checking for bugs and everything. The

1 only thing they didn't check -- I don't want to read it
2 into the record because of 403 problems, your Honor. It
3 clearly does not support the premise being made, and I
4 object additionally on 403 grounds.

5 THE COURT: I will allow the question to be
6 asked. Let's hear what the witness has to say. In fact,
7 the document can be shown him and and we can see if it
8 refreshes his memory in any way.

9 On the present record I wouldn't permit it in
10 evidence, but let us see how we proceed.

11 (In open court)

12 BY MR. ROTHMAN:

13 Q. Mr. Trump, rather than reread the last question,
14 I will come back -- I will try it again.

15 My question was, did you not have waiters at
16 your hotel who were surreptitiously monitoring the meetings
17 of the National Football League which were being held in
18 your hotel?

19 A. I absolutely did not. I don't know any of the
20 waiters in the hotel, and I absolutely did not.

21 Q. Mr. Trump, I'm going to show you Exhibit 685 for
22 identification and ask you if you will review page 101
23 starting at line 22 and read on to the next page through
24 line 9, and ask you if that refreshes your recollection as
25 to what you said to the owners.

1 MR. MYERSON: I'm going to object to that
2 statement, your Honor, in front of the jury.

3 THE COURT: The objection is sustained to the
4 form of the question. You may proceed to show him the
5 document and ask him if it refreshes his memory. That's
6 the limit to the question.

7 A. It does not, your Honor.

8 MR. ROTHMAN: If your Honor please, what I would
9 propose with your Honor's permission is to ask a specific
10 question for the purposes of laying the foundation for
11 subsequent impeachment, and I don't want to do it without
12 advising the court that is my intention.

13 THE COURT: You have already asked the question.
14 The witness answered. You showed him a document to see if
15 it refreshed his memory, and it has not. As far as I'm
16 concerned, that's the end of that line of questioning on
17 the present record.

18 MR. ROTHMAN: If your Honor please, it seems to
19 me, without belaboring the issue, that I am obliged under
20 the law to ask a specific question for the purposes of
21 establishing a foundation, an impeachment through a later
22 witness.

23 THE COURT: You have already asked the specific
24 question as the threshold question.

25 MR. ROTHMAN: I now propose to ask a more

1 specific question than that.

2 THE COURT: Objection sustained. Move on.

3 Q. Was it your position, Mr. Trump, that the
4 ratings for the United States Football League were very bad
5 in the first year?

6 A. It was my feeling, and very strongly, that it
7 was very bad, very, very bad relative to the fall but very
8 good good relative to its current competition or its
9 competition at that time, meaning spring football.

10 I stated and I will continue to state that we
11 did extremely well versus current competition, competition
12 of spring time programming, but they were lousy ratings
13 compared to what we had to have in order to get the
14 revenues to justify. So overall I would say not
15 particularly good, because you couldn't justify the amount
16 of monies necessary to pay all the players and all the
17 other costs based on the spring ratings.

18 Q. You did tell the owners in January 1984 that you
19 felt the ratings for the first year were not good, is that
20 correct?

21 A. Well, they were not good relative to fall
22 football, that is correct. I felt they were not good. I
23 thought they were outstanding in a sense compared to its
24 current competition, but that was not going to get us to
25 solve the problem of losing 40 and \$50 million a year as a

1 group.

2 Q. Following the meeting of the owners in January,
3 you had two conversations with Myles Tanenbaum, who was the
4 owner of the United States Football League team referred to
5 as the Stars, is that correct?

6 MR. MYERSON: Concerning what? Conversations
7 concerning what?

8 THE COURT: Mr. Rothman is conducting the
9 examination. I will permit him to do so.

10 Q. Do you recall having two conversations with Mr.
11 Tanenbaum following your January meeting in 1984?

12 A. That's a long time ago, sir. I really have a
13 hard time.

14 Q. Do you remember telling Mr. Tanenbaum in January
15 of '84 that you want to move the League into the fall so
16 that a merger with the NFL could be forced. Do you
17 remember telling him that?

18 A. No, sir, I don't at all.

19 MR. MYERSON: If you are reading from something,
20 may I please have a document that you are reading from?

21 MR. ROTHMAN: May I have 84, please.

22 THE COURT: The record will indicate that Mr.
23 Rothman has supplied Mr. Myerson, the witness and the court
24 with Defendants' Exhibit 84 for identification.

25 MR. ROTHMAN: Your Honor, may I make this

1 observation to the court. We would like to offer this
2 document as defendants' next in evidence subject to our
3 representation to the court that we will establish the
4 requisite foundation through other witnesses, but it would
5 appear to us that the procedure we followed heretofore
6 might here be appropriate because it does relate to this
7 witness. I make the representation to the court that I
8 made.

9 MR. MYERSON: Your Honor, I object strenuously
10 to this procedure. There is no foundation that's been laid.
11 We don't even have a question and answer as to whether Mr.
12 Trump ever saw this document, and you can't admit a
13 document like this into evidence subject to a
14 representation that it will be laid because I am unaware
15 how that can be made. In the meantime the entire testimony
16 gets laid in front of the court.

17 MR. ROTHMAN: Your Honor, I might advise the
18 court --

19 MR. MYERSON: This is the wrong witness.

20 MR. ROTHMAN: I might advise the court without
21 alluding to anything inappropriately that both the sender
22 of the letter and the recipient of the letter have been
23 deposed and will at the appropriate time, when we read
24 their deposition to the jury or that portion of it,
25 establish the foundation for the letter. That's a

1 representation I make to the court.

2 THE COURT: Is the author of the letter --

3 MR. ROTHMAN: They are both owners.

4 THE COURT: Owners of USFL teams?

5 MR. ROTHMAN: Yes.

6 THE COURT: Why isn't this coming within
7 801(d)(2)(A)? Why do we have another problem with it? Why
8 don't you consider it with that in mind, both Mr. Myerson
9 and Mr. Rothman.

10 It may be there is something I am not aware of
11 why it doesn't qualify, but it seems to me that it should.

12 MR. MYERSON: Your Honor, my only point is that
13 I don't think you even get to 801 standards until you have
14 authenticity in terms of the document. And I don't think
15 this is the witness by which you establish that
16 authenticity.

17 THE COURT: I have indicated before there is an
18 authenticity problem in any of the documents if it hasn't
19 been waived by the pretrial order, and I will respect that.

20 MR. MYERSON: It has not been waived, your Honor.

21 THE COURT: Why don't we move on and why don't
22 counsel cover this document over the lunch break to see if
23 a accomodation can be reached. If not, I will hear
24 argument on it.

25 But the first issue is giving Mr. Myerson an

1 opportunity to review it as it apparently is something he
2 hasn't considered prior to the testimony of this witness.

3 MR. ROTHMAN: Your Honor, I must respectfully
4 say to the court the pretrial statement admits the
5 authenticity.

6 I have warranted to the court, in addition to
7 the pretrial statement, that I will lay the foundation. I
8 have the deposition pages in front of me. But more
9 importantly, the pretrial statement does admit the
10 authenticity, and I refer your Honor to the pretrial
11 statement.

12 THE COURT: If you wish to proceed at this time I
13 will give Mr. Myerson an opportunity to check the pretrial
14 order.

15 MR. ROTHMAN: I am handing it to him, your Honor.

16 MR. MYERSON: Your Honor, the authenticity is
17 not an objection with respect to Mr. Tanenbaum as the
18 witness, but with respect to this witness there were
19 grounds as to the next category, which is competency, which
20 goes to the authenticity grounds through this witness.
21 That's -- in other words, my problem is that this isn't the
22 witness to get this document on through.

23 MR. ROTHMAN: If your Honor please, we have
24 established the procedure that the court from time to time
25 has permitted, which is representation of counsel that a

1 document otherwise authentic will be later tied up in terms
2 of foundation.

3 I warrant to the court that's what we will do.
4 I have the cites to the deposition, if it will help.

5 Mr. Myerson has done that consistently through
6 the proceedings.

7 THE COURT: The pretrial order indicates that
8 there was no objection as to authenticity of this document.
9 However, the USFL has reserved objections to competency,
10 relevancy and completeness. I assume competency is the
11 hearsay objection unless counsel inform me otherwise.

12 MR. MYERSON: It is, your Honor.

13 THE COURT: And my question was, is it an
14 admission by a party. Is it offered against the party as
15 an admission? Is that what is being done? That was my
16 question.

17 MR. ROTHMAN: That's the purpose of it, your
18 Honor.

19 THE COURT: There is also a further
20 representation by the NFL that they will develop a record
21 as an alternative for offering the documents in evidence,
22 assuming that there is some question about the 801(d)(2)(A)
23 offering of this documents.

24 I will hear any other objections in case I am
25 incorrect.

1 MR. MYERSON: Your Honor, my problem is a
2 combined problem of what your Honor has just addressed,
3 plus 611 problems, and the combination of it is that we
4 have here a witness whose deposition was taken, who offered
5 substantial testimony along those lines, which can only be
6 proffered through their case, and what they are attempting
7 to do is to bootstrap it in terms of Plaintiffs' case to
8 ask Mr. Trump questions that exceed the scope of direct,
9 and my point is as to competency, the reason that an
10 objection to competency was made that this witness is not
11 the right witness to do that from.

12 You would have to read the entire in-context
13 deposition transcript of Mr. Tanenbaum, who is not within
14 the subpoena power of this court, in order to have it
15 properly.

16 THE COURT: How do you overcome the objection,
17 Mr. Rothman, that it goes beyond the scope of direct
18 examination?

19 MR. ROTHMAN: Well, your Honor, I thought the
20 understanding was to the extent I went beyond
21 cross-examination at this point, rather than bring Mr.
22 Trump back the court would consider docking us as a part of
23 our time. It seems to me it is a question of whether we do
24 it now or bring Mr. Trump back.

25 THE COURT: I would allow you to proceed if Mr.

1 Myerson did not object at this time.

2 Are you pressing your objection?

3 MR. MYERSON: Do we have a representation from
4 counsel that Mr. Trump will not be recalled? On that basis
5 I will allow it to go, as Mr. Rothman said. Otherwise my
6 objection stands.

7 MR. ROTHMAN: Yes, I have no intention of
8 bringing Mr. Trump back if we explore with him now at this
9 point anything that is appropriate.

10 THE COURT: We understand now the time being
11 used is NFL time and not USFL time.

12 Subject to the representations I have heard, I
13 will receive in evidence Defendants' Exhibit 84 at this
14 time, and as I understand it, a further foundation is going
15 to be laid or else the NFL is going to rest on the
16 801(d)(2)A exception to hearsay that the court has referred
17 to.

18 (Defendants' Exhibit 84, marked for
19 identification, was received in evidence)

20 MR. ROTHMAN: May I pass it to the jury, your
21 Honor?

22 THE COURT: Yes.

23 Q. Now, if we can firstly identify the parties here,
24 Mr. Trump. The writer of this letter is Myles H. Tanenbaum
25 who you know to be the managing partner of the Philadelphia --

1 then, the Philadelphia Stars, is that correct?

2 A. Yes, sir.

3 Q. And he is writing the letter to another owner,
4 Mr. Ted Taube, who was the then owner of the Oakland team,
5 is that correct?

6 A. Ted Taube, yes, sir.

7 Q. This letter bears the date January 27, 1984,
8 which was shortly following your January the 18th, 1984
9 meeting at the Hyatt of your ownership, is that correct?

10 A. I have never seen this letter before, sir, but I
11 imagine it is correct, yes. I have not seen this letter
12 before. This letter wasn't addressed to me.

13 Q. Directing your attention to the second paragraph
14 of the letter. Mr. Tanenbaum, writing to Mr. Taube:

15 "My purpose in writing is to share with you a
16 concern that surfaced in New Orleans and I find gnawing at
17 me virtually every day. That concern has to do with Donald
18 Trump's grand plan for the USFL. Donald wants to move the
19 League into the fall so that a merger with the NFL could be
20 forced -- he told me that in so many words on two occasions,
21 and I believe that his comments at the League meeting
22 included that statement as well."

23 My first question to you is, did you on two
24 occasions indicate to Mr. Tanenbaum that you wanted to move
25 the League into the fall so that a merger with the NFL

1 could be forced?

2 A. Well, I have never denied that's a possibility.
3 I said before, a long while ago, that a merger possibility
4 always existed. It always with every league since the
5 formation of sport. If you look at the American Football
6 League, if you look at a lot of the football leagues along,
7 the hockey leagues, the baseball leagues, the basketball
8 leagues. There is certainly always a chance of the merger.
9 I think that my memorandum spells it out much better than
10 that. The last sentence in my memorandum, so we can be
11 first class and be here to stay. My first objective --

12 Q. My question was -- I interrupted the witness
13 deliberately, your Honor. He is not answering the question
14 but giving speeches.

15 MR. MYERSON: First of all, I object to that
16 statement in front of the jury. I object to the
17 interruption. I want it for record clarity purposes when
18 Mr. Trump refers to his memorandum, can we have the exhibit
19 number referred to in the record.

20 THE COURT: I will allow that to happen on
21 redirect. I will allow Mr. Rothman to ask the questions,
22 have the responses within the framework of the question.

23 You understand, Mr. Trump, that Mr. Myerson has
24 an opportunity to the extent he senses that you are
25 frustrated from answering the question fully, of redirect

1 where he can ask you additional questions.

2 Q. The question, sir, is did you tell Mr. Tanenbaum
3 on two occasions that you want to move the League into the
4 fall so that a merger with the NFL could be forced?

5 A. I don't remember having said it, but it is
6 possible that as one of the many alternatives in terms of
7 this particular League and the survival of this League,
8 that merger certainly could have been mentioned. I have no
9 objection to saying that. I would have preferred and would
10 prefer a television network contract and having the USFL
11 remain the USFL, but it is possible, Mr. Rothman, that a
12 merger would happen. I agree. It is possible. And I
13 would never deny that. It is one of the alternatives, and
14 it has taken place over the last 50 years.

15 (Continued on next page)

16
17
18
19
20
21
22
23
24
25

1 Q. Mr. Trump, did you tell Mr. Tanenbaum that you
2 wanted to move the league to the fall, so that you could
3 force a merger with the USFL?

4 A. With the USFL -- with the NFL?

5 Q. With the NFL, I'm sorry?

6 A. Mr. Rothman, you are talking about a
7 conversation that took place two and a half years ago. I
8 have said from the beginning, I am quoted, I will stand on
9 my pinnacle and tell you that I have no objection to what's
10 stated as an alternative. It's possible that it was stated.
11 I don't remember a conversation with Mr. Tanenbaum that
12 took place two and a half years ago.

13 Q. All right, sir --

14 A. It's possible as an alternative that that was
15 stated. It's been stated by everybody. Everybody knows
16 that that's a possible alternative. That could come out of
17 a lot of different directions, and it has with every sports
18 league practically since the formation of sports in this
19 country.

20 Q. Mr. Trump --

21 A. So I wouldn't deny that a merger is a
22 possibility. Absolutely I would not deny that.

23 Q. Mr. Trump, I didn't ask you about possibilities
24 or alternatives. I asked you a straightforward question,
25 which I am going to repeat again --

1 MR. MYERSON: It's been asked and answered and I
2 object to it being repeated again.

3 MR. ROTHMAN: I don't know what the answer is,
4 your Honor.

5 THE COURT: He answered that he may have said it
6 in the context of a greater conversation, all of which is
7 not set forth in the letter so he may have said it as part
8 of a greater conversation, but he doesn't remember it.

9 THE WITNESS: That is correct, your Honor.

10 Q. I want to refer you to paragraph 4 of the same
11 letter. "If Donald Trump faile to have his way, what will
12 he do -- what he will do. That is, will he work through
13 the goals we set out or will he take whatever approach
14 suits him without regard to the majority view? I think I
15 know the answer, and that concerns me. On the other hand,
16 what also concerns me is that I find myself reacting to the
17 point of questioning whether I would be prepared to go
18 forward into the fall season. And my concern here is
19 whether I am establishing a dual standard. My answer thus
20 far is that I would be justified because I embarked on the
21 league with a purpose of pursuing the direction initially
22 agreed upon, whereas Donald came into the league knowing
23 full well our direction, and he is now tries to reshape it.
24 His privilege, so long as he is prepared to go along with
25 the majority."

1 No, did Mr. Tanenbaum at the meeting in January
2 indicate to you that he was concerned with the fact that
3 you were changing the direction of the league and changing
4 the program that the original owners had established?

5 A. I really don't remember, sir, but the league was
6 losing tremendous amounts of money and I am very proud that
7 he thought, that Mr. Tanenbaum ended up voting to go to the
8 fall, very shortly thereafter.

9 So obviously Mr. Tanenbaum agreed not only with me, we
10 needed a 70 or 75 percent vote of the owners. This was not
11 my decision. This was myself plus a vast majority, and
12 more than that, of the owners. And I believe Mr. Tanenbaum
13 was one of the owners that so voted. So obviously I can't
14 force anybody to do anything.

15 But they eventually saw that they were losing
16 tremendous amounts of money and they couldn't suffer the
17 blood bath, they couldn't continue onward and they agreed
18 with me.

19 Q. Mr. Trump, I am now talking with respect to
20 defendants' exhibit 84, about January of 1984; which is 8
21 months before the league voted to go to the fall, in August
22 of 1984.

23 What I am asking you about, in January of '84, 8
24 months before the vote to move to the fall, Mr. Tanenbaum
25 expressed to you his concern that you were taking the

1 league in a direction different than what the original
2 owners had believed in?

3 MR. MYERSON: I am going to object to that
4 statement. There is nothing that suggestions that Mr.
5 Tanenbaum expressed that concern.

6 THE COURT: He is asking him.

7 MR. MYERSON: I'm sorry. I thought he said Mr.
8 Tanenbaum expressed that.

9 THE COURT: That is the question.

10 A. Mr. Tanenbaum -- I cannot specifically state on
11 this date or a date right around it, but Mr. Tanenbaum was
12 one of the strongest proponents for trying to make it in
13 the spring but Mr. Tanenbaum felt, along with quite a few
14 other people that there was no way of beating the NFL; that
15 there was no way of playing football, when everybody agreed
16 that the Football should be played in the fall.

17 It was a question of whether or not it could be
18 played in the fall.

19 Q. Mr. Trump, did Mr. Tanenbaum in January of 1984
20 express to you his concern that you were taking the league
21 down a path different than what the owners had originally
22 intended?

23 A. I really don't know if it was in January. Mr.
24 Tanenbaum felt that we could not and nobody could compete
25 with the NFL. Mr. Taken felt that very strongly, sir, and

1 Mr. Tanenbaum was afraid of the NFL and I frankly don't
2 blame him. And Mr. Tanenbaum so expressed that. I cannot
3 tell you specifically the date.

4 At the end, shortly thereafter, Mr. Tanenbaum
5 along with almost every other owner in the league realized
6 that their ways were folly, that there was no way this
7 league was going to survive in the spring and they had no
8 alternative but to go to the fall.

9 Q. Let's go to paragraph 5 of the same letter.
10 Paragraph 5: "A long range planning committee" -- this is
11 on page 2 -- "a long range planning committee is being
12 created, with Joe Canizzaro as chairman. I think Joe is a
13 very fine man and as far as I can tell, he is bright and
14 fair. But he was not part of the original group and I have
15 no idea as to the other persons who will be on the
16 committee. But I can virtually assure you that Donald
17 Trump will be one. Is the deck being stacked?"

18 Do you recall Mr. Tanenbaum speaking to you in
19 general of 1984 and indicating his concern about they were
20 "stacking the deck" by putting you on the committee?

21 A. He doesn't say that in this letter. He says "is
22 the deck being stacked?" He doesn't accuse me of anything.
23 He says "is the deck being stacked? "

24 Mr. Tanenbaum was one of the last people that
25 thought we should try and stay in the spring. In the end,

1 Mr. Tanenbaum also agreed that we had no choice.

2 Q. Did you hear my question, sir?

3 A. I heard it. And I gave you the answer. He
4 didn't say that. He didn't threaten with that. He is
5 asking the question.

6 Q. Do you recall Mr. Tanenbaum saying to you that
7 he was concerned about your being on the committee because
8 you were trying to change the direction of the league by
9 going to the fall?

10 A. I do not. No, sir.

11 Q. All right.

12 Now, sir, I want to go to the meeting of the
13 owners that took place in May of 1984. Do you recall that
14 meeting at your hotel, the Grand Hyatt, in New York?

15 A. Vaguely, sir. Just vaguely.

16 Q. You vaguely remember it?

17 A. I really -- I have gone to so many meetings over
18 the years that it's very hard to recover, you know, recall
19 the total specifics. But I think I will recall it, yes.

20 Q. Do you recall selling telling the assemblage
21 that "there will never be a merger unless we move to the
22 fall. There will not been a merger unless we move to the
23 fall?"

24 A. That's possible.

25 Q. Do you remember telling them that?

1 A. I don't remember telling them that, but it's
2 very possible I said it, absolutely.

3 Q. Do you remember telling the owners that what has
4 happened --

5 MR. MYERSON: Your Honor, I am going to object,
6 if this is purportedly read from something; if we don't
7 have the full context put in front of Mr. Trump.

8 THE COURT: I have --

9 MR. MYERSON: I believe he is reading.

10 THE COURT: I have respected your request that
11 if he reads from a document to the witness, that you see a
12 copy, but I will overrule the objection to the question.

13 MR. MYERSON: If he is reading, may I have a
14 reference to what the reading is from?

15 MR. ROTHMAN: Yes, sir. I think I will comply,
16 in spite the fact that your Honor has ruled in our favor, I
17 will comply with Mr. Myerson's request. I am now reading
18 from the minutes of a meeting of --

19 MR. MYERSON: I don't want a statement of what
20 he is purporting to read from.

21 THE COURT: Just give the exhibit number.

22 MR. ROTHMAN: 769. And at this point I am
23 reading from page 103. Starting on line 7.

24 MR. MYERSON: Go ahead.

25 MR. ROTHMAN: And going on to 104, line 3.

1 MR. MYERSON: What's the question?

2 MR. ROTHMAN: We offer that page, your Honor.

3 This is the same ruling we had with Mr. Einhorn, your Honor
4 will recall.

5 THE COURT: That is a prior inconsistent
6 statement?

7 MR. MYERSON: What?

8 MR. ROTHSTEIN: I think rather an admission of a
9 party, your Honor.

10 MR. MYERSON: Your Honor, there's been --

11 THE COURT: The witness is here and you can ask
12 him any questions. You can show him a document; if it
13 refreshes his memory, we'll move from there. But I
14 overrule the offer of an excerpt from a deposition, as I
15 understand it.

16 MR. MYERSON: It's not even a deposition, your
17 Honor.

18 Q. My question is: Do you recall telling the
19 owners of the United States Football League in their
20 meeting of May 9, 1984, that if the league is going to be
21 able to survive there will never be a merger unless you
22 move to the fall, and there will not be a merger unless
23 the league moves to the fall; do you remember telling that
24 to the owners?

25 A. Not specifically, sir. But I can state that a

1 merger has always -- there is always a possibility as an
2 alternative for a merger. I have said that from the
3 beginning and I have to continue to state it. I do not
4 specifically remember that statement, but a merger is
5 always a possibility, and it has been from the beginning.

6 Q. Was it your view in 1984, May, was it your view
7 that the only way to accomplish a merger was to move to the
8 fall?

9 A. No, I don't think the only way to accomplish. I
10 would say this, that an alternative for a merger is
11 probably totally taken out of the picture; again, I would
12 much prefer that that not be the alternative, but that
13 being one of the possible alternative, one of the more
14 viable alternatives in any of three or four differ
15 scenarios, perhaps the chances are lessened if they
16 continued to play in the spring, but it wouldn't have
17 mattered any because if they played in the spring they were
18 losing so much money that it didn't matter anyway, sir.

19 Q. Did you hear my question?

20 A. I absolutely did'.

21 Q. I will try it again --

22 MR. MYERSON: Objection to the statement, your
23 Honor.

24 MR. ROTHMAN: I will reframe it, your Honor.

25 THE COURT: All right.

1 Q. My question was, was it your view in May of 1984
2 at the time the owners were meeting at the Grand Hyatt,
3 that moving to the fall was the only way to get a merger?

4 MR. MYERSON: I'm going to object to that on the
5 ground that -- your Honor, the prior questioning was, in
6 context, "if the league were to be able to survive, was it
7 your view." That is Mr. Rothman's own question.

8 If this is a new question taken out of the
9 context of the league being able to survive, which was the
10 prior question, I am going to object to that on the
11 additional grounds that its taken out of context.

12 MR. ROTHMAN: Your Honor, I might simply say for
13 the record, to make the record, that in terms of time being
14 assessed to me, I hope the Court is reflected the constant
15 interruption of my examination. I am trying to move as
16 quickly as I can. Every question is being met with
17 rejection.

18 THE COURT: I am sustaining the objection. The
19 question has been asked and answered. Please move ahead.

20 Q. Do you recall, Mr. Trump, indicating to the
21 owners in the meeting of May, that "we, the USFL, have
22 hurt the NFL very badly in terms of salaries. We have
23 caused the salaries to escalate tremendously."

24 Do you remember saying that to the owners?

25 A. Not specifically, no.

1 Q. Was that your view in May of 1984?

2 A. Well, for the first time the NFL was faced with
3 competition, which I know they don't like, and competition
4 will make salaries increase, yes. So I would think it was
5 anybody's view. You have competition, things will tend to
6 go up. So it was everybody's view, I would imagine.

7 Q. Incidentally, did you hear Dr. Cornell testify
8 last week on salaries going up in competition periods?

9 A. I did not, no, sir.

10 Q. But it is your view that when there is
11 competition, salaries go up, right?

12 A. If there is a fair competition, salaries should
13 go up.

14 Q. Fair competition?

15 A. That's right. I don't consider the NFL fair
16 competition, sir.

17 Q. Did you have the view at the time you spoke with
18 your owners in May of 1984 that you, the USFL, were hurting
19 the NFL very badly by escalating salaries tremendously?
20 Did you have that view?

21 MR. MYERSON: I am going to object to that. Are
22 you asking that based purportedly on a document? I'd like
23 to know, because if they are, I have an objection.

24 MR. ROTHMAN: I am asking --

25 THE COURT: Thus far I have indicated as a

1 courtesy you should see any document that he is relating to,
2 but I am allowing the question. Is this an additional
3 document to the one you have already shown Mr. Meyerson?

4 MR. ROTHMAN: No, your Honor. From the same
5 page.

6 THE COURT: I am going to allow the question to
7 stand.

8 MR. MYERSON: Since he just said it's from the
9 same page of the same document, and him reading document, I
10 am going to object to the question as unfounded.

11 THE COURT: Overruled.

12 Q. Do you understand the question, sir?

13 A. Could you repeat it, sir?

14 (Question read)

15 A. The NFL, sir, has had a no competition scenario
16 for many years. They have not had salary increases
17 proportionate to the rest of the world --

18 MR. ROTHMAN: Your Honor, I respectfully request
19 that I ask the question, I'm not getting answers, I am
20 getting speeches.

21 THE COURT: I am going to let him answer it fully
22 this time.

23 A. The NFL was using their, what I perceive to be
24 their monopolistic powers so that they didn't have to
25 increase salaries along with what the world would really

1 bear.

2 I watched Walter Payton, one of the great
3 runners in the history of football become a free agent
4 before the formation of the USFL and nobody in the NFL bid
5 on him and he is the best running back, perhaps, in the
6 history of football. I watched that and nobody bid except
7 for his team, that had his rights. I watched that.

8 So I would say yes, when competition developed
9 in the form of the USFL, which I will agree was not
10 powerful competition because nobody can be powerful in the
11 wake of the NFL, but when competition developed, I would
12 say yes, the NFL was hurt, they were taken out of their
13 shell and for the first time in a long time, sir, they were
14 forced to pay some little higher salaries. And that's
15 pretty tough. That is the way the real world is, though,
16 Mr. Rothman.

17 Q. Mr. Trump, you were creating the escalation of
18 salaries so that you could bring the NFL into the merger
19 scenario, isn't that correct?

20 MR. MYERSON: I am going to object to that on
21 the ground that there is no basis that Mr. Trump or the
22 USFL was creating the escalation of salaries, your Honor.
23 There is no basis for it.

24 THE COURT: Overruled. He may ask the question.

25 A. Again, sir, please?

1 (Question read.)

2 A. That is not correct, sir.

3 Q. Do you recall, Mr. Trump, saying to the owners
4 at the meeting in May of 1984, that your ratings, that is,
5 the USFL ratings are the worst, the most demeaning, the
6 most pathetic?

7 A. Relative to the fall, I would perhaps have said
8 that. Not relative to the spring. But relative to the
9 fall, I have told you that today before you asked me the
10 question. Compared to fall, any program that's on in the
11 spring and that has had a year 'round circulation and that
12 is on in the spring and also in the fall gets many times in
13 the fall-winterwinner than it does in the spring-summer.
14 So relative to the fall, I would openly tell you that that
15 I have been saying that and I say it today.

16 Q. The adjectives that you used are "the worst, the
17 most demeaning and pathetic."

18 MR. MYERSON: Objection.

19 THE COURT: Sustained.

20 Q. Mr. Trump, do you recall telling the owners in
21 your meeting of May, that your league, the USFL, was not
22 doing well, but nonetheless, you should be telling the
23 outside world and the press that you really were?

24 MR. MYERSON: Objection on the same ground as
25 before, your Honor. Is this a reference to something?

1 THE COURT: Yes, at this point I will sustain
2 the objection.

3 MR. ROTHMAN: May I inquire as to the grounds?

4 THE COURT: Reading from a document not in
5 evidence.

6 MR. ROTHMAN: Your Honor, there is no other way
7 I can establish foundation for impeachment.

8 THE COURT: You may want to offer the document
9 in evidence.

10 MR. ROTHMAN: Your Honor, I certainly do. I am
11 offering exhibit number 769, the meeting of May 9, 1984.

12 THE COURT: Is there any objection? There may be
13 portions of it you wish to offer.

14 MR. ROTHSTEIN: Yes, I am only going to offer
15 portions, your Honor, and I will read the portions, if your
16 Honor will permit me to.

17 MR. MYERSON: I don't want portions read, your
18 Honor --

19 THE COURT: Nothing is going to be read until
20 it's evidence. I was trying to save time.

21 MR. ROTHMAN: I have no intention of reading the
22 whole meeting.

23 THE COURT: Why don't you indicate to Mr.
24 Meyerson the portions you want offered in evidence.

25 MR. ROTHMAN: We are offering pages 103, the

1 first line on 104, --

2 THE COURT: But this is away from the hearing of
3 the jury, of course.

4 MR. ROTHMAN: Yes, sir. 114, -- I left page 108;
5 114, 119, 120, and 164.

6 THE COURT: All right. We will take our
7 luncheon recess and Mr. Myerson can review that, and we
8 will proceed at 2:00.

9 MR. ROTHMAN: Thank you, your Honor.

10 (The jury left the courtroom)

11 (Lunch recess)

12 (Continued on next page)

13

14

15

16

17

18

19

20

21

22

23

24

25

1 P. M. SESSION

2 (2:10 P.M.)

3 (In the robing room)

4 THE COURT: All right, gentlemen. You have asked
5 for a conference before we proceed.

6 MR. MYERSON: Your Honor, I guess I asked for a
7 conference. Your Honor, I have a fundamental objection to
8 proceeding this way in terms of transcripts. I can very
9 briefly give it to the Court so your Honor is aware of my
10 position.

11 The transcripts are filled with various kinds of
12 statements, and to proceed by designation of particular
13 pages and then admitting them into evidence is the very
14 kind of thing that I think gives --

15 THE COURT: I wasn't aware that we were doing
16 transcripts, and I don't want to mix apples with oranges.
17 As far as I am concerned if we have got a document that has
18 a statement which might be arguably admissible as an
19 admission of the USFL, that's one thing.

20 Now, if we are going into transcripts and
21 deposition testimony, it's a whole other consideration. So
22 that I will be guided by the parties, what they are going
23 to do.

24 MR. ROTHMAN: If your Honor please, if I may.
25 This is the same issue that we have visited in the robing

1 room with the Court in connection with exhibit 824, which
2 has now been admitted into evidence. What we have
3 referring to in the questioning, are statements which we
4 deem to be admissions of owners of USFL teams, in this case,
5 Mr. Trump, given at a league meeting on May 9, 1984 and
6 contained within defendants' exhibit 769, which is the
7 stenographic reporter's transcript, if I can use that word,
8 or recording -- would that be a better word -- of the
9 meeting.

10 Your Honor examined a similar document --

11 THE COURT: Then it's not quite precisely what I
12 concluded, and Mr. Meyerson unwittingly misled me. It is
13 not a deposition transcript we are referring to, it is
14 stenographic notes of a USFL owners meeting, is that right?

15 MR. ROTHMAN: Yes, your Honor. That is quite
16 correct.

17 THE COURT: We have been through this with the
18 NFL, or the NFL argued earlier about a stipulation
19 concerning the stenographer's proposed testimony if each
20 of these were called.

21 MR. ROTHMAN: Your Honor is quite correct.

22 THE COURT: So we have been through this one.

23 MR. MYERSON: Your Honor, forgive me, but I
24 don't understand that we have been through this issue. I
25 was in the hospital at the time this came up. I did read

1 the transcripts, I talked to my people.

2 Let me just reduce it to its barest essentials,
3 your Honor.

4 We have Donald Trump on the stand. Donald Trump
5 obviously can be asked any question that defense counsel
6 want to ask him and he gives his answers. But to submit
7 with him on the stand, isolated pages from a transcript
8 which haven't even been redacted for him and which take out
9 of context at least arguably what he said on other pages of
10 the transcript, is not a proper way to proceed,
11 particularly during my case.

12 Now --

13 THE COURT: I am not going to be inconsistent in
14 my rulings, and we have already ruled on this. I heard the
15 full argument on it. I don't want to go through it again.

16 You will have opportunity on redirect to ask any
17 additional questions from these transcripts that you wish.
18 But Mr. Rothman, it is his day in court on cross, and he
19 doesn't have to read more than he wants to, and it will be --
20 you can make a record that you wish to in front of the jury
21 about it being out of context. But I still am going to
22 permit Mr. Rothman the courtesy of being able to frame his
23 questions as he deems them appropriate. And not only will
24 you have the opportunity to object and make a statement in
25 the record, but in redirect you will have an opportunity to

1 pursue it further, if you wish to.

2 Mr. Trump should be subject to vigorous
3 cross-examination, based on his testimony, and I am going
4 to permit Mr. Rothman to do that.

5 MR. MYERSON: Your Honor, I think this far
6 exceeds the direct, and under 611 --

7 THE COURT: I will give you the choice again,
8 although you have already said that if he isn't going to be
9 called back you were going to let them get into one area.
10 Now, if you want to reconsider your position, I will
11 restrict it to proper cross based on the direct, and they
12 may call him in their case and go through it again at that
13 time.

14 I left that up to you gentlemen to work that out,
15 and I hoped you'd be doing that while we were out at lunch
16 so we wouldn't have to spend so much time on it now. Why
17 don't you figure out how you will proceed and let Mr.
18 Rothman know. I hope Mr. Rothman won't be restricted
19 depending on what it is, because it may be within the
20 framework of the direct so that it is proper cross. I'm
21 not crossing that bridge until I hear arguments with
22 respect to it. And I'm not going to unduly restrict Mr.
23 Rothman, leaving it to him to have to call Mr. Trump in his
24 own direct case, if there is an argument either on
25 credibility or bias or prejudice with respect to how far he

1 should go in cross.

2 So it's going to be an open question when we
3 come to it.

4 MR. MYERSON: Okay. Your Honor has my
5 objections on the record. As to 403, I think there are
6 additional reasons to at least redact portions of this as
7 to the language and other things, and I understand that
8 that hasn't even been done. And, you know, I just --

9 THE COURT: I'm wide open to hear the 403
10 considerations. I haven't passed on them yet.

11 MR. MYERSON: I think that as to the language
12 used, I think that a clear 403 consideration, I asked Frank
13 during the break if that had been redacted and he told me
14 no.

15 MR. ROTHMAN: Are you referring to profanity?
16 Is that what you mean?

17 MR. MYERSON: Yes.

18 MR. ROTHMAN: Is that what you mean by 403?

19 MR. MYERSON: That is what I am referring to
20 right now.

21 THE COURT: I will ask Mr. Rothman to redact
22 profanities as he reads.

23 MR. ROTHMAN: I will not read any profanity,
24 your Honor.

25 THE COURT: In the event Mr. Meyerson has any

1 one point he wants to bring to your attention, he should,
2 with respect to either deleting a word or marking it with
3 another word in the place; so that when we do reach the
4 point of it being into evidence, of course it will have to
5 be a redacted version.

6 But again, it depends on what we are talking
7 about, and I'm just ruling in the abstract. In the event
8 that it is not fair in the view of the NFL to redact
9 certain words, I'd want to hear more about it. I am just
10 trying to simplify it.

11 MR. ROTHMAN: I appreciate your Honor's point of
12 view. I'm not terribly anxious to read profanity to the
13 jury. I will redact as I read.

14 THE COURT: Very good. Then I won't get into
15 the 403 consideration of it, which would be open in the
16 event that the respective sides wish to press the point.

17 Anything else?

18 MR. MYERSON: Your Honor, I guess the only other
19 thing which as long as we have your Honor in here now
20 rather than take the further time, and can this can be off
21 the record.

22 THE COURT: All right. Off the record.

23 (Discussion off the record.)

24 (End of robing room conference)

25 (In the courtroom in the presence of the jury)

1 DONAL TRUMP, resuming:

2 BY MR. ROTHMAN:

3 MR. ROTHMAN: If your Honor please, at this time
4 the defendants will offer defendants' exhibit 769, pages
5 103, 104, 105, 108, 109, 114, 119, 120, and 164.

6 THE COURT: That is of the May 9, 1984 meeting
7 of the USFL owners, is that correct?

8 MR. ROTHMAN: Yes, your Honor it is.

9 THE COURT: Thank you.

10 Defendants' exhibit 769 is received in evidence)
11 (defendants' exhibit 769 was received in
12 evidence)

13 Q. Mr. Trump, I have placed before you the minutes,
14 stenographic minutes of the US Football League meeting May
15 9, 1984, Grand Hyatt hotel, New York, and ask you, sir, if
16 you attended that meeting.

17 A. I believe I did, sir, yes.

18 Q. Directing your attention to page 103, and rather
19 than pass this to the jury, I am going to put it on the
20 board,, reading from a passage starting at line 7, and I
21 will tell you for the purposes of the record, this is a
22 speech that you are making to the league meeting, so it
23 will orient you.

24 A. Okay.

25 Q. It reads as follows: " If league is going to be

1 able to survive, unless there is a merger, there will never
2 be a merger unless we move too, we all know that out of
3 common sense, and I know it out of more than just common
4 sense, there will not be a merger unless this league moves
5 too."

6 Do you recall making that statement?

7 A. No, sir, I don't. But I have no problem with it.
8 I have no problem with it per se.

9 THE COURT: Ladies and gentlemen of the jury,
10 you remember I cautioned you when we first got into these
11 minutes, that with respect to one of the earlier witnesses,
12 I believe it was Mr. Einhorn, and I told you that these
13 minutes were taken by a stenographer, but that they were
14 not checked by the witness for their correctness as a
15 deposition testimony would be. So that the weight that you
16 would give to the minutes was up to the jury, but the
17 witnesses could -- I allowed them in evidence and allowed
18 testimony to know taken to be taken.

19 I just wanted to refresh your memory.

20 MR. ROTHMAN: Thank you, your Honor.

21 Q. Does that passage, Mr. Trump, that I have just
22 read to you, "if this league is going to be able to survive,"
23 down to the end of that sentence, does that passage reflect
24 the position that you held when you attended that meeting
25 in May of 1984?

1 A. Well, pretty much so. I think it follows along
2 with what I have been saying today, Mr. Rothman. I am
3 talking about the league surviving and what I am referring
4 to obviously is the league surviving and in order for the
5 league to survive it's got to move to the fall unless there
6 is a merger, in which case it doesn't really matter if it
7 moves to the fall per se. If there is a merger, in the NFL.
8 But I am talking here about the league surviving.

9 Q. Do you recall telling owners at the meeting
10 there will not be a merger unless this league moves to too
11 meaning moves to the fall?

12 A. I don't know; it's a very broken up sentence and
13 I have a feeling it wasn't exactly as I stated it, because
14 hopefully I don't speak in such broken sentences. But the
15 fact is what I am saying in this paragraph is that the
16 league in order to survive, and has always been my number
17 one priority, the league in order to survive is going to
18 have to move to the fall unless there is a merger, Mr.
19 Rothman, in which case it it wouldn't matter because would
20 obviously if there was a merger they'd be a part of the NFL,
21 so had your be in the fall automatically. But for the
22 league to survive, you'd have to move to the fall.

23 Q. Mr. Trump, "There will never be a merger unless
24 we move too," do you recall making that statement?

25 A. To what?

1 Q. To the fall?

2 A. It could very well have been made, and I have no
3 problem with it.

4 MR. MYERSON: Excuse me. I think this has been
5 asked and answered 3 times, by him saying that he doesn't
6 recall making that statement, but that it would, in
7 consistency with what he's just testified, may have been
8 made as part of the overall testimony.

9 THE COURT: Overruled.

10 Q. Do you recall saying there will never be a
11 merger unless we move too.

12 A. Do I recall that? No I don't specifically
13 recall that.

14 Q. Was that your view as you were addressing the
15 meeting in May of 1984?

16 A. Well, I think common sense will dictate that
17 it's unlikely that there would be a merger if our league
18 was playing in the spring. I think one of the alternatives
19 to solving a very untenable problem and with all of the
20 employment and everything else, frankly, one of the major
21 alternatives in any league, as I have said numerous times
22 today, is the possibility of a merger, and I have never
23 denied that, and I will never denied that.

24 It's not my number 1 alternative, but if that
25 was the only way that this league was going to survive, I'd

1 have no problem with it.

2 Q. Mr. Trump, how much money did you pay for your
3 USFL franchise, the Generals?

4 A. I would say probably in the neighborhood of --

5 MR. MYERSON: Your Honor, is this -- I'm going
6 to object to this on 403 grounds, unless some strong
7 element of relevancy can be established.

8 THE COURT: On this state of record I am going
9 to sustain the objection under 402.

10 MR. ROTHMAN: I am trying to show an economic
11 motive for merger, it would would affect credibility.
12 There is no other way I know how to do it.

13 MR. MYERSON: Objection.

14 THE COURT: The objection is sustained.

15 Q. Going on with the same document, Mr. Trump,
16 starting at line 13, "What has happened is that we have
17 hurt the NFL very badly, very, very badly in terms of the
18 salaries. The salaries have escalated tremendously but
19 what we have done is we have hurt baseball and we have hurt
20 basketball. You can take New York and you can take Boston,
21 we can take really most of the major cities. But I made
22 the statement with what has happened with television and
23 how well we are doing."

24 Do you recall making that statement to the
25 owners?

1 A. It could very well be that that statement was
2 made, yes.

3 Q. Was that your view?

4 A. Well, I listened as we discussed the NFL
5 spending the* USFL dollar and I would say that if they were
6 trying to spend, as a Mr. Duncan pointed out so capably in
7 his testimony, if the NFL was in fact spending the USFL
8 dollar, they were hurting themselves. We weren't hurting,
9 they were hurting themselves by escalating salaries.

10 Q. I will ask you the same question: Was it your
11 view that what has happened is that "we have hurt the NFL
12 very badly, very, very badly in terms of salaries, the
13 salaries have escalated tremendously;" was that your view?

14 A. The NFL was hurt badly by the competition. It's
15 the first time the NFL has competition and they have been
16 hurt badly, in addition to which the NFL hurt themselves by
17 spending the so called USFL dollars and by trying to put
18 numbers on players and everything else that were
19 unattainable by a league that doesn't have a television
20 contract.

21 But I would not have a problem with that view,
22 no, sir.

23 Q. Starting on line 22: "Has anyone ever seen our
24 ratings lately? Just out of curiosity, has anyone seen
25 them? They are the worst, the most demeaning, the most

1 pathetic, and Jay, I say this to you because you are saying
2 how well we are doing and I am saying am I in the same room
3 as you."

4 Do you recall making that statement?

5 A. I basically made that statement today, that in
6 the fall relative to fall ratings, we were doing very, very
7 badly. Relative to spring ratings, we were doing very well.

8 As an example, if I might give an example, we
9 were paid almost nothing and we were getting in our worst
10 season a 4.2 rating. Baseball which was paid \$500 million,
11 is getting a 2 rating. Which is on this year, is getting a
12 2 rating. We got a 4.2 rating. We got more than twice
13 what baseball got and we got paid virtually nothing and
14 that is no regionalization says of games or anything.

15 So in the spring time we were doing very well,
16 but overall we were doing very poorly because you can't get
17 ratings big enough to sustain a product such as this in the
18 spring.

19 Q. Were you aware that in the spring bowling was
20 getting higher ratings than USFL football?

21 A. I don't believe that is correct.

22 MR. MYERSON: Objection to the statement in
23 front of the jury without any foundation.

24 MR. ROTHMAN: I will lay the foundation, your
25 Honor, at the appropriate time.

1 MR. MYERSON: I object to that statement.

2 THE COURT: I will sustain the objection to the
3 question.

4 Q. Page 105: This is another part of the same
5 speech, Mr. Trump, and I am going to refer your attention
6 to line 20, still we are at the same meeting, the meeting
7 in May of 1984. I want to direct your attention to line 20.

8 MR. MYERSON: Your Honor, may I just ask, since
9 we are skipping from page to page here, whether -- I am
10 going to object to this procedure unless Mr. Trump has the
11 full transcript in front of him and is at least able to
12 look for contextural purposes to see whether or not this
13 was taken out of context.

14 I do not think it's appropriate examination to
15 jump from page to page.

16 MR. ROTHMAN: Your Honor, I am handing the
17 witness the full transcript.

18 THE COURT: Thank you.

19 THE WITNESS: Thank you.

20 Q. Referring to line 20, Mr. Trump, on page 105, do
21 you recall telling the assembled--

22 A. 108 or 105?

23 Q. 105.

24 A. I have 108.

25 THE COURT: My exhibit, 649, goes from 104 to

1 108. Is that correct, Mr. Rothman?

2 MR. ROTHMAN: If your Honor says correct, your
3 Honor, I will accept it. Mine has 105.

4 THE COURT: I understand the witness also goes
5 from 104 to 108, is that right? Is your document before
6 you?

7 THE WITNESS: Yes, sir. Mine is page 108.

8 MR. MYERSON: Your Honor, I want to point out to
9 the Court that this page was never designated as part of
10 the pretrial order, was not even designated when we gave
11 the pages before lunch, and I object to this procedure.

12 THE COURT: The pretrial order has some meaning.
13 If it was not designated, I will sustain the objection,
14 unless manifest injustice can be shown --

15 MR. ROTHMAN: Your Honor, that is an incorrect
16 statement. There was no failure to designate this page.
17 Counsel is misstating the record here, your Honor.

18 THE COURT: I will give you both a chance to discuss
19 the matter, so we can move along more quickly.

20 MR. ROTHMAN: I am looking right at the
21 designation now.

22 THE COURT: Why don't you both discuss it
23 outside the hearing of the jury.

24 MR. MYERSON: Your Honor, to move it along,
25 let's go ahead and do it.

1 MR. ROTHMAN: We are not going to move it along
2 because of courtesy. We have designated it, your Honor.

3 MR. MYERSON: I don't believe that it was, your
4 Honor --

5 MR. ROTHMAN: Look, right here. Look.

6 THE COURT: Gentlemen, at some point, and I'm
7 not insisting on it now, defendants' exhibit 769 in
8 evidence should be amended to include page 105.

9 MR. ROTHMAN: Thank you, your Honor.

10 Q. Reading on now, do you have it in front of you,
11 sir?

12 A. Yes, sir.

13 Q. "ABC cannot give us kind of money and ABC is
14 fine. They can not give us the kind of money that we are
15 going to need with those kinds of ratings."

16 Did you tell that to your assembled group?

17 A. I would say I probably did. There was no way
18 that ABC, playing in the spring, no matter what ratings we
19 got, if we got the highest spring ratings in history, could
20 give us the kind of money that was necessary for us to
21 sustain the league. And I have been saying that very
22 consistently. There was no way of ABC giving us -- they
23 could have paid us more because they were making a
24 substantial profit. But there was no way they could have
25 given us that kind of money.

1 Q. What kind of money?

2 A. The kind of money necessary to sustain all of
3 the literally thousands of players and coaches and the
4 Stadium and all of the people that work in the stadiums.
5 There was no way a that a spring rating could ever justify
6 the kind of money.

7 ABC could have given us more money, but what it
8 would have meant is that we would have lost less. There
9 was no way playing in that time of year, Mr. Rothman, that
10 ABC or anybody paying in the spring could have given us
11 enough money so that we even came close to breaking even as
12 a business enterprise.

13 Q. Mr. Trump, when you said at the meeting that "ABC
14 cannot give us the kind of money that we are going to need
15 with those kinds of ratings," were you not referring to
16 the fact that since your ratings were so low, you could not
17 expect ABC to give you the large amount of money that your
18 league was asking from it?

19 MR. MYERSON: I object to the form, your Honor.

20 THE COURT: Overruled.

21 A. Our ratings were very good for a spring product,
22 extremely good for a spring product. Our ratings, until
23 they stopped, until ABC stopped regionalizing games, our
24 ratings were actually extraordinary for a spring product.

25 And as an example, some of our games, I remember

1 our opening game, I think we had higher ratings than the
2 Kentucky Derby.

3 Q. What does that mean, sir--

4 MR. MYERSON:, objection your Honor. Objection
5 to cutting off the witness in response to his own question.

6 MR. ROTHMAN: Your Honor, I am cutting him off
7 because I am getting speeches that I am not asking for.

8 MR. MYERSON: I object to that statement in
9 front of the jury.

10 THE COURT: Ask the question again, Mr. Rothman.

11 Q. What did you know when you told the owners that
12 "ABC cannot give us the kind of money because of our rating?"?

13 A. Well, that's not what that exactly says, but
14 what I meant, regardless of interpretation, what I meant
15 and what I mean right now is that playing in the spring, no
16 matter how well we do, there was not enough money in the
17 spring, and as an illustrative point, our league lost close
18 to 50 or 55 million dollars, as I understand it, on its
19 first year. ABC made \$30 million.

20 If ABC gave all of the earnings, everything,
21 every penny of the earning to the USFL with the success
22 that it had and everything else, that would have meant you
23 would have deducted \$30 million from the \$50 million or 55
24 we who have lost and we would have lost between 25 and \$20
25 million and that's -- obviously that is unacceptable. And

1 it also would have been unacceptable to ABC.

2 There was no way playing in a spring format that
3 ABC could have given us the kind, or any other network
4 would have given us the kind of money necessary to sustain
5 literally thousands of people working.

6 MR. ROTHMAN: Put up 108, please.

7 (Pause)

8 MR. MYERSON: Your Honor, may we take that off
9 for a moment, please.

10 (Pause)

11 THE COURT: Based on the discussion we had in the
12 robing room, it may be appropriate to have at this time
13 before the witness and read the portions as discussed in
14 the robing room.

15 MR. ROTHMAN: Your Honor, we have redacted it.

16 MR. MYERSON: Your Honor, I have just looked at
17 it and I will represent to the Court that the redaction is
18 not adequate.

19 THE COURT: Yes.

20 MR. ROTHMAN: I have no quarrel with that, but I
21 may indicate to your Honor so I don't run afoul of what I
22 said to the court in chambers, on line 17, if your Honor
23 please, page 108 -- do you have that in front of you?

24 THE COURT: Yes.

25 MR. ROTHMAN: I am only taking out the fourth

1 word, leaving in the third word.

2 THE COURT: That's the point, I suppose. If you
3 are going to do any redaction, the third and fourth words
4 should be eliminated.

5 MR. ROTHMAN: If you don't leave the third word
6 in, you can't get any continuity out of the sentence,
7 unless your Honor can think of a way to put it in. You
8 have to have an adjective there and I don't know what your
9 Honor wants me to do about it.

10 THE COURT: I am saying the third and fourth
11 words should be eliminated if you are going to be within
12 the spirit of what we discussed in the robing room.

13 MR. ROTHMAN: If you will examine the sentence,
14 unless I have a word to replace the third or fourth word I
15 don't have a complete meaning to the sentence. I will be
16 guided by the court in any way possible. I will change the
17 word if you want me to, but I cannot leave the word out,
18 otherwise the sentence makes no sense.

19 THE COURT: I will ask counsel to confer and see
20 if they can come to an agreement.

21 (Pause)

22 MR. ROTHMAN: We have it solved.

23 Q. Mr. Trump, I'm not going to put it on the board,
24 I am just going to read it. Do you recall saying to the
25 owners on the date assembled, as follows:

1 "The day we announce we are moving to the fall,
2 our franchises as individuals become substantially more
3 valuable because of the psychology. The psychology is
4 going to make those franchises more valuable. Now, there
5 is nothing wrong with a debate, a friendly debate, and I do
6 not say we are moving to the fall. In fact, if you have
7 ever heard or really read the articles, you would see what
8 I say. I say that the league is doing so well right now,
9 which is not true, by the way, the league is doing so well
10 right now that is the only thing that may stop up from
11 moving to the fall."

12 Do you remember making that statement?

13 A. I don't remember that statement.

14 Q. Was it your practice to tell the outside press
15 that the league was doing well even though you didn't mean
16 it?

17 MR. MYERSON: Objection.

18 THE COURT: I will sustain the objection to the
19 form of the question.

20 Q. Was it your practice to report that the league
21 was doing well, which is something you did not believe to
22 be true?

23 A. The league was doing well for the spring. The
24 league was not doing well enough to have made it. It
25 depends on what period of time you are talking about. We

1 were doing well as a spring league, but a spring league
2 could not have made it, Mr. Rothman. And what I am saying
3 by doing well is when I am relating it to the spring, we
4 are doing well.

5 In fact, we were doing fantastic, and we
6 really were. Except as I said many times today, there was
7 no way you were going to make it playing in the spring. So
8 it's a relative term.

9 Q. Mr. Trump, I am now talking about May of 1984.
10 May 9, 1984.

11 A. That is correct.

12 Q. At the owners meetings of the USFL?

13 A. Correct.

14 Q. Did you not tell them that what you say is --

15 MR. MYERSON: Objection. Objection on the
16 ground that it's been asked and answered 3 times, your
17 Honor.

18 THE COURT: I will sustain the objection.

19 Q. Mr. Trump, at the same meeting, page 109. This
20 we'll put up, if I may.

21 (Pause)

22 THE COURT: In the interests again of
23 completeness, I will ask Mr. Rothman to add this page to
24 defendants' exhibit 769 when it's appropriate.

25 MR. ROTHMAN: Yes, your Honor. I will be happy

1 to. 109, I think, Mr. Trump.

2 THE WITNESS: I don't have it there.

3 (Pause)

4 (Continued on next page)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 THE WITNESS: Yes, sir.

2 Q. Now, Mr. Trump, starting on line 5,, same
3 meeting, same speech.

4 "Now, what is going to happen if we announce a
5 move to the fall in 1987? I would bet you that you would
6 not even be playing games. We will end up merged in 6 or 8
7 teams. I am talking where we consolidate into the NFL."

8 Do you recall making that statement?

9 MR. MYERSON: Your Honor, let's read the lines
10 that follow that which explain the statement.

11 THE COURT: The witness can read them and then
12 answer the question, read them to himself. But the
13 question will stay.

14 A. It is very possible that I made a statement such
15 as that, and I have made that statement, if not in this
16 particular instance, over and over again.

17 Q. What you are saying is that if you announce a
18 move to the fall of '87, that you would not ever have to
19 play a game in the fall because you would end up merged
20 with the NFL?

21 A. That's not what I am saying. I am saying I
22 would bet you, meaning that it is my opinion that it is
23 very possible that we wouldn't. It is very possible we
24 would. 1987 was two or three years away, and that was
25 quite away from the time this was written.

1 Q. What did you mean --

2 MR. MYERSON: May we have the witness finish his
3 answer, please?

4 THE COURT: Yes. You may finish your answer.

5 A. And what I am saying there is that it is a very
6 real and a very possible alternative, that there could have
7 been a merger, again, not being a priority, not being the
8 number one priority. What I wanted to see is football in
9 New York ideally in this league with a network contract,
10 but a merger is absolutely fine, as it has been with most
11 other leagues, and it was a possibility that a merger would
12 happen, and I have no doubt and I wouldn't dispute that.

13 Q. Didn't you tell the owners in the May meeting
14 that if they announced a move to the fall in '87, that they
15 probably -- that you would bet they would never have to
16 play a game and that there would be a merger?

17 A. I'm not sure if I said it that way, but I could
18 have very well because I felt from the beginning the NFL is
19 a group of people that do not like competition, they don't
20 want competition, and you know perhaps better than anyone
21 else the way they behave, and I don't think they would have
22 wanted to see this surge of competition in the fall based
23 on all of my previous statements today.

24 Q. Then you said to the owners, starting at line 14.
25 "What is going to happen and -- they know it -- and they

1 know it, you are going to have an accommodation and --
2 never if we play in the spring because now what happens is
3 instead of hurting baseball or basketball, what you are
4 hurting is football?"

5 A. Absolutely. It was a very real possibility. We
6 were hurting baseball. We were competing against baseball
7 and basketball. It was ridiculous.

8 Q. Wasn't it true, Mr. Trump, at that meeting what
9 you were trying to do was to convince the owners to move to
10 the fall so that there would be a merger, so that you could
11 get into the NFL and so that you, who had the exclusive
12 territory in New York, would have a valuable NFL franchise?

13 A. I could have gotten into into the NFL in my
14 opinion a lot easier than going through this whole exercise.
15 I think I could have gotten into the NFL on numerous
16 occasions with all of the teams that sold. I didn't have
17 to go through this exercise to get into the NFL.

18 As an example, I could have spent a little extra
19 money and bought the Baltimore Colts as opposed to the
20 price that I didn't think was realistic. I could have
21 gotten into the NFL on many occasions and perhaps, I'm not
22 sure that I can any more, but the fact is, the fact is I
23 could have gotten into the NFL on many occasions.

24 I think you know that better anyone else other
25 than Mr. Rozelle.

1 Q. You could not have gotten in as cheaply as you
2 could get in as a result of being that USFL had a franchise
3 and then merge into the NFL, is that right?

4 A. I am not looking for bargains, believe me.

5 Q. Is your answer you could not get in more cheaply?

6 A. I would say that it would have been probably
7 less expensive over the long run just going out in the true
8 sense, just going out and buying an NFL franchise from
9 somebody that wanted to sell it. I really believe that. I
10 think in looking around I believe, because by the time this
11 takes place, if it ever takes place, which it probably
12 won't, and I hope it doesn't, by the time anything would
13 happen I think it is probably a lot easier and cheaper to
14 go out and buy an NFL franchise, if you want to know the
15 truth.

16 MR. ROTHMAN: I will phrase my question again if
17 your Honor will permit me.

18 Q. How much did you pay for the Generals?

19 MR. MYERSON: I object.

20 THE COURT: I think the jury gets the sense of
21 the difference in the costs of the USFL team and an NFL
22 team. I will sustain the objection not only under 402 but
23 403 considerations.

24 MR. ROTHMAN: May we go to 114, please. Same
25 speech, Mr. Trump, line 20. The same meeting, May 9, 1984:

1 "I will tell you something fellows, you better
2 get smart. We are kidding ourselves. We could spend all
3 the money we want. I am going to go along and I will pay
4 my share and we will get some idiot telling us we should
5 stay here, we should do this. The bottom line if we do not
6 move, we are going to have problems. We are not going to
7 have the merger and we are not going to have the psychology
8 and we are not going to have the challenge and we are not
9 going to have the television. End."

10 Do you recall making that statement to your
11 owners at the May meeting?

12 A. It is very possible that I did, because to a
13 very great degree that's the way I felt, yes. I thought we
14 lost our number one. That word psychology is very
15 important. The psychology of playing football in the fall
16 to me meant everything. Having the psychology of being a
17 fall league was totally critical in my opinion to
18 everything, and I think everything you are reading has to
19 do with psychology. If we don't have the psychology, we
20 are not going to have a league. If we don't have the
21 television we won't have a league, and if we don't have a
22 merger we will not have a league. We will not be able to
23 survive against the monopoly.

24 MR. ROTHMAN: Your Honor, that is the third time.

25 THE COURT: I will ask the jury to disregard it.

1 MR. ROTHMAN: I might reflect for the record,
2 your Honor, that is the third time. I have tried to keep
3 this in mind.

4 Q. Was it not the central focus of all of your
5 strategy in August of 1984 to accomplish a merger with the
6 National Football League?

7 A. The NFL had made it impossible for us to compete.
8 The NFL, I now learn, had had the Harvard business study on
9 how to conquer our league. I have listened to Mr. Donlan
10 about how they were going to spend our money, how they were
11 spending our money, and they were good owners and decent
12 people. In many cases they lost everything they had over
13 football.

14 MR. ROTHMAN: If your Honor please, may I
15 respectfully --

16 MR. MYERSON: I object to interrupting the
17 witness. He asked the question six different ways six
18 different times and the witness is entitled to answer.

19 MR. ROTHMAN: Your Honor, I do not believe --

20 THE COURT: I will let you rephrase the question.

21 Q. Was it not the central focus of all USFL
22 strategy in August of 1984 to accomplish a merger with the
23 National Football League?

24 A. By August of 19 --

25 THE COURT: Allow the witness to answer fully.

1 THE WITNESS: Thank you, sir.

2 A. By August of 1984 the NFL had virtually
3 decimated the United States Football League. I see where
4 the Harvard Business School on how to conquer the League.
5 I see so many things now that of course at the time I
6 didn't know.

7 I see where they were trying to spend our money,
8 and they were certainly doing a good job of it. By August
9 of 1984 our league was in very, very serious trouble and
10 decent people were in serious trouble. Thousands of jobs
11 were being thrown out or ready to be thrown out. The
12 League was in serious trouble. If merger in August of 1984 --
13 if merger was a prevalent thought at that time, nobody
14 could ever blame it.

15 However, my thought was always to get, and it
16 still is to this day and hopefully this will come out of
17 the trial, to be the United States Football League, to have
18 a television contract, and to be on television getting
19 enough revenues so that we perhaps break even, so that we
20 lose a little money, but not so we are put out of money
21 with the thousands of jobs and everything else.

22 That was my prevailing thought. Merger, sir,
23 was an alternative. It has been an alternative in every
24 league that has ever been formed.

25 Q. I will ask the question again.

1 MR. MYERSON: I object to it being asked again,
2 your Honor.

3 MR. ROTHMAN: I respectfully submit I haven't
4 had an answer to that question. I had a speech.

5 MR. MYERSON: Your Honor --

6 MR. ROTHMAN: A long speech.

7 THE COURT: I have indicated to the jury that
8 based on the form of the question, the witness was entitled
9 to answer it fully, and he now has completed his answer. I
10 suggest we move on to another subject.

11 MR. ROTHMAN: If your Honor please, may I pass
12 to the witness Exhibit 109.

13 MR. MYERSON: Your Honor, before we spend a lot
14 of time on this may I just ask for a preliminary question
15 as to whether or not Mr. Trump has ever seen this exhibit?

16 THE COURT: You may ask voir dire yourself.

17 MR. MYERSON: May I, your Honor?

18 THE COURT: Yes.

19 VOIR DIRE EXAMINATION

20 BY MR. MYERSON:

21 Q. Mr. Trump, have you ever seen a copy of what's
22 been marked as Defendants' Exhibit 109 before?

23 A. I don't believe so, sir.

24 MR. MYERSON: Your Honor, I believe your Honor
25 is aware of who defendants' designated witnesses are

1 beginning with their first designated witness for the first
2 part of their case, and I'm going to object along the lines
3 of getting into this with this witness with whom they have
4 designated as being their first witness coming up, who
5 would appear to be the proper party in light of this
6 witness saying he has never seen this before.

7 MR. ROTHMAN: Your Honor, if I may, this falls
8 within the same framework we have discussed with your Honor
9 before. You will note --

10 THE COURT: How is it being offered?

11 MR. ROTHMAN: It is offered as an admission, if
12 your Honor please, and we assure the court we will lay the
13 foundation with the appropriate witness. We have the
14 deposition testimony laying the foundation. There is no
15 objection as to authenticity. It is exactly the same
16 situation as existed in 84, and which was admitted before
17 the lunch hour. Identical situation.

18 MR. MYERSON: Your Honor, do I understand that
19 in the representation that the proper foundation will be
20 laid, that the defendants have represented to the court
21 that the deposition testimony of the party who wrote the
22 letter, as in this case and in the other will be read in as
23 part of defendants' case to explain what this letter means?

24 THE COURT: No, I don't understand that at all,
25 Mr. Myerson, but on cross-examination of the witness when

1 he is called I suppose that you may endeavor to do that.
2 In any event, I have difficulty differentiating 109 for
3 identification from 804 in evidence based on considerations
4 of Rule 801(d)(2)(A), which is the admission exception to
5 hearsay: I am referring to Exhibit 84.

6 I am going to allow it in evidence unless there
7 is an objection other than hearsay to be heard with respect
8 to the document.

9 MR. ROTHMAN: May I pass it to the jury, your
10 Honor?

11 THE COURT: Yes.

12 (Defendants' Exhibit 109, marked for
13 identification, was received in evidence)

14 MR. ROTHMAN: May I have the last page first.

15 BY MR. ROTHMAN:

16 Q. You will first note on the very last page, Mr.
17 Trump, under cc. indicating carbon copies, it reflects that
18 a copy went to will D. Trump.

19 A. Yes, sir.

20 Q. Is it your testimony you have never seen that
21 document?

22 A. No, I may very well have seen this document, but
23 I don't remember it.

24 Q. It is a question of whether you recall it, but
25 you don't deny that it came to you?

1 A. I don't know if it came to me or not. It may
2 have gone to the Generals' office.

3 To the best of my knowledge I have not seen the
4 document.

5 Q. Let's go to the first page of the document if we
6 may. It is from the owner of the Oakland Invaders to Mr.
7 Simmons, who was the commissioner in August of '84, is that
8 correct?

9 A. Yes, sir.

10 Q. You will note that the third paragraph:

11 "The central focus of all USFL strategies must
12 therefore be to bring about a merger or accommodation with
13 the NFL."

14 Did you have any conversations with Mr. Taube in
15 or about August of 1984, about the central focus of all
16 USFL strategies to be bringing about a merger with the NFL?

17 A. I don't believe I did personally.

18 Q. Did you have any conversations with Mr. Simmons,
19 the Commissioner, in or about August of 1984, in which you
20 discussed the central focus of all USFL strategies being a
21 merger or an accommodation with the NFL?

22 MR. MYERSON: I object to the statement on the
23 grounds it is a misstatement of what is said.

24 First of all, it is about four times removed,
25 but even as to the first person who purportedly is saying

1 it, the way the question has just been asked it is a
2 misstatement of what is stated in the letter. It has taken
3 out the second subparagraph on that first page out of the
4 very context that's been put in context by the first
5 paragraph.

6 THE COURT: Your objection is on the record. I
7 will allow the witness to answer.

8 Q. The question is did you have any conversations
9 in or about the second of August of '84 in that general
10 time frame with Comm. Simmons about the central focus of
11 USFL strategy?

12 A. Not as a central focus. I have always had
13 conversations from day one with Chet Simmons as to moving
14 to the fall. That was never a central focus. It may have
15 happened, but it was never a central focus.

16 MR. ROTHMAN: Page 2, please.

17 A. I might add, sir, if I might, to that answer --

18 Q. Your counsel can cover it. I have no further
19 questions about that point. I am on paragraph 2 now.

20 MR. MYERSON: Your Honor, I think if the witness
21 wants to add to the prior answer --

22 THE COURT: I will permit it.

23 A. This letter was written after two years of Mr.
24 Taube losing almost everything, as I understand it, or
25 substantially everything he had. This was not a letter

1 that was written at the formation of the league. This is
2 not a letter that was written one year into the league.
3 This is a letter that was written substantially after this
4 man the lost a great deal, a great percentage of everything
5 he had on playing football.

6 Mr. Taube could very well have been -- this
7 could very well have been his attitude at this time, and
8 maybe it was his attitude, and I don't necessarily blame
9 him, but this was not a letter that was written at the
10 inception of the league or the start of football. This is
11 after a very decent human being had lost almost everything
12 trying to fight these people.

13 Q. Mr. Trump, this letter, August the 2d, 1984, was
14 written before the USFL owners decided to move to the fall,
15 is that correct?

16 A. That is correct. Yes.

17 Q. On page 2, consolidation of franchises:

18 "We have too many, or in many instances
19 geographically misplaced, or in other instances
20 underfinanced franchises to effect the strategy leading to
21 a merger or an accommodation with the NFL. Clearly, if
22 there is to be a merger, the USFL must be present in
23 logical markets for NFL expansion."

24 I am not reading the rest of the paragraph.

25 Do you recall having a discussion with the

1 owners of the National Football League -- I am sorry, with
2 the owners of the United States Football League about
3 moving out of cities that you were in so you could posture
4 yourself for a merger when and if it came?

5 MR. MYERSON: I object to the form of that
6 question, your Honor. And additionally, since this is not
7 Mr. Trump's letter, he doesn't remember reading it before,
8 I will ask he be given leave to read paragraph 1 before he
9 answers.

10 THE COURT: Mr. Trump may read paragraph number
11 1 and the paragraph number 2 in its entirety to himself,
12 and then answer the question.

13 MR. ROTHMAN: Thank you, your Honor.

14 A. Yes, sir. Okay. Thank you.

15 Q. The question was, did you have a discussion with
16 any of the owners of the United States Football League in
17 or about August of '84 when you discussed the issue of
18 moving teams from out of USFL cities into other cities for
19 the purpose of posturing yourself for a potential merger
20 with the United States Football League?

21 A. It is possible I discussed the moving of
22 franchises because it was impossible for numerous of the
23 United States Football League teams to compete in cities
24 where you already had the NFL in terms of stadiums, in
25 terms of a lot of other things. So it is very possible I

1 had discussions with them as is related in paragraph 1.

2 This is a man, again, who lost a great deal of
3 everything he he had trying to play football against the
4 NFL, and he states that the League cannot tolerate being
5 weakened by another \$60 million in losses. This is a
6 desperate man. And you can't blame him, Mr. Rothman. You
7 would have been equally as desperate, I'm sure, sir.

8 Q. My question to you, Mr. Trump, and I repeat it
9 again, is did you have any discussions with owners of the
10 United States Football League in or about August of 1984,
11 with respect to moving teams out of cities that they were
12 in so that they would be postured for a merger when and if
13 a merger came about?

14 A. Not for merger purposes, but for purposes of
15 being able to be in areas where the NFL wasn't because the
16 areas that the NFL was in were impossible to compete in.

17 Q. Did you discuss with Mr. Taube his statement the
18 USFL must be present in logical markets for NFL expansion?

19 A. I don't even remember having seen the letter.
20 However, I will tell you that Mr. Taube's statement is
21 really addressing the bigger issue that the USFL could not
22 compete in NFL cities. There was no way we were allowed to
23 compete.

24 Q. Do you see paragraph 2, the words that are
25 underlined?

1 A. Yes.

2 Q. They read:

3 "the USFL must be present in logical markets for
4 NFL expansion."

5 A. Yes, sir, I see that.

6 Q. Does that not mean to you for the purposes of
7 merger with the NFL?

8 MR. MYERSON: Objection.

9 THE COURT: I will sustain the objection to the
10 question.

11 MR. ROTHMAN: All right, sir, may we have
12 Exhibit 130 B.

13 Your Honor, for the purposes of the record, to
14 clarify the record, 130 B is a document which is in
15 evidence. Exhibit 204 is a precise duplicate except that
16 it has the cover page indicating it was sent to Mr. Trump.
17 I can use the 130 B designation if that will be less
18 confusing for the record, if your Honor please.

19 THE COURT: I don't have 130 as being in
20 evidence.

21 MR. ROTHMAN: 130 B, your Honor. 130 and 130 B
22 are both in evidence, your Honor. I would think we would
23 recall that episode.

24 THE COURT: Why don't you proceed as you see fit.

25 MR. ROTHMAN: Thank you.

1 Your Honor, I am passing to the jury Exhibit
2 Number 204, which is 130 B --

3 MR. MYERSON: Your Honor, I have never seen 204.
4 I don't know what 204 is.

5 THE COURT: The best way to protect the record
6 is to show it to opposing counsel so that the court will be
7 aware whether there are any objections to it.

8 MR. ROTHMAN: Your Honor, for the court's
9 convenience I will pass 130 B, which is in evidence, and
10 your Honor can observe they are identical documents.

11 THE COURT: Why don't you just show it to Mr.
12 Myerson.

13 (Pause)

14 MR. MYERSON: We have no objection to 204, your
15 Honor.

16 THE COURT: Defendants' Exhibit 204 is received
17 in evidence.

18 (Defendants' Exhibit 204, marked for
19 identification, was received in evidence)

20 MR. ROTHMAN: May I pass it to the jury, your
21 Honor?

22 THE COURT: Yes.

23 I don't have it before me, but 130 I have as of
24 January 13, 1985 a memorandum from Mr. Taube to Mr. Usher,
25 and now you have before me 204, which you claim is the same

1 document, is that correct?

2 MR. ROTHMAN: 130 B, your Honor.

3 THE COURT: I see. I'm not going to confuse the
4 record further by pressing the point as long as Mr. Myerson
5 is in agreement with what you are doing.

6 MR. MYERSON: Your Honor, perhaps I might just
7 say so that the court will -- to be sure I am working on
8 the right understanding.

9 I understand Mr. Rothman is representing that
10 204 is the identical letter to Mr. Trump from Mr. Taube
11 that 130 B was from Mr. Taube to Mr. Taubman, is that
12 correct? On that basis I am not objecting to 204.

13 MR. ROTHMAN: That is correct.

14 THE COURT: Thank you for that clarification.

15 Q. Mr. Trump, you will notice this letter, 204, is
16 directed directly to you.

17 A. Yes, sir.

18 Q. Have you seen it before?

19 A. I am vaguely familiar with it. I can't really
20 specifically say with great certainty that I have seen it
21 before, but I think I might have seen this letter.

22 Q. Mr. Trump, do you have any distinct recollection
23 of receiving any letters from any USFL owners while you
24 were --

25 MR. MYERSON: Objection. Objection, your Honor.

1 THE COURT: Sustained.

2 Q. You were in this case served with a subpoena,
3 were you not, to produce documents?

4 A. Yes, sir.

5 Q. And pursuant to that subpoena you did not have
6 one single document to produce, did you?

7 MR. MYERSON: Objection. Objection, your Honor.
8 That is a misstatement in front of the jury.

9 THE COURT: Yes, I will sustain the objection.
10 I don't think we should pursue this line of questioning.

11 Q. On this document now, 204, is it your testimony
12 that you did receive it, you didn't receive it or you don't
13 recall receiving it?

14 MR. MYERSON: I object. Asked and answered.

15 THE COURT: Sustained.

16 Q. Referring to the document, this, Mr. Trump, is
17 approximately -- this is August the 10th, which is about
18 two weeks before you had your meeting in which you voted to
19 move to the fall, is that correct?

20 A. Yes, sir, it is.

21 Q. "Dear Don."

22 "Don," I take it is you?

23 A. I assume so.

24 MR. MYERSON: Your Honor, this document is
25 already in evidence and has already been read to the jury

1 once. If this is just going to be another reading, I'm
2 going to object to the procedure. It has been done once.
3 If there are specific questions as to specific items in the
4 document, I don't object.

5 THE COURT: Let Mr. Rothman proceed in the
6 manner he deems appropriate.

7 Q. "As you are aware, we will be meeting on August
8 22nd to debates issues which are destined to have major
9 impact on the future and viability of the League. It is
10 crucial that these issues be examined in the proper context
11 and it is critical that all of us are united in support of
12 whatever direction our deliberations may lead us."

13 Now, I am going to skip for the purpose of going
14 on down to the bottom paragraph, page 1.

15 "Therefore, it would follow that the USFL has
16 only two options:

17 "1. If we are committed to compete with the NFL
18 for players, for TV revenues, etc., then, in order to
19 survive, the central focus of all USFL strategies must be
20 to bring about a merger or accommodation with the NFL."

21 That philosophy of competing with the NFL was
22 your philosophy, was it not?

23 A. Sir, I think I would have to respectfully
24 request that the second paragraph of this letter bears a
25 direct relationship to what you have just read. He says in

1 the second paragraph there is a lack of unanimity
2 concerning the other owners.

3 This is one owner that's lost a lot of money.
4 At a late date in the game trying to do something to
5 survive, and if that something in his particular case was
6 merger, that's fine.

7 He states in the second paragraph, the lack of
8 unanimity among other owners, and he is concerned about it.
9 You have to go into the second paragraph.

10 Q. I am asking you if that was your view.

11 MR. MYERSON: Your Honor, I object. What was
12 his view?

13 MR. ROTHMAN: I am trying to finish the question.

14 THE COURT: Counsel, I must caution you that the
15 reason I allow complete answers at times when it might not
16 be appropriate to what you call a speech to be given by the
17 witness, is because of the form of the question, and in
18 fairness I have to let the witness answer fully. We now
19 are in that situation again and Mr. Trump will have the
20 opportunity to answer fully based on the question that you
21 asked, and whether you call it a speech or not, he will
22 have an opportunity to answer, so it depends how you frame
23 your questions.

24 MR. ROTHMAN: Is it my turn, your Honor, or his?

25 THE COURT: Why doesn't he answer the question

1 and I won't cut him off.

2 Q. My question is was it your position that if we
3 are committed to compete with the NFL for players, for TV
4 revenues, the central focus of all USFL strategies must be
5 to bring about a merger or accommodation.

6 MR. MYERSON: I object to that because it takes
7 out of context the precise words Mr. Trump was talking
8 about, that in order to survive, the central focus. If we
9 are going to read from the document, let's read the precise
10 language.

11 THE COURT: The witness may answer.

12 A. This was not my view. This was Mr. Taube's view.
13 This letter was not written by me, sir. This was written
14 to me, and I assume other people from Mr. Taube. Mr. Taube
15 perhaps had this view, but in the letter he expressed doubt
16 as to many other owners in the League, that they perhaps
17 did not have this view. This was not a central issue.
18 This was perhaps an alternative, that merger has already
19 been an alternative, and it has to be an alternative.

20 Q. I am asking you whether or not it was your view,
21 your, Mr. Trump's view, that the USFL strategies should be
22 to bring about a merger or accommodation in August of '84.
23 Is it your view?

24 MR. MYERSON: I object to that, your Honor, in
25 that it is a clear misstatement of what is said in the

1 document. And if he is going to ask him whether it was his
2 view, he has to do it based on what's said in the document.

3 THE COURT: We will take it step by step.

4 Had you completed your answer to the question
5 prior to this one, Mr. Trump?

6 A. Well, substantially that this was Mr. Taube's
7 letter, and that Mr. Taube in writing the letter expressed
8 concern that very few people agreed with him, or that not
9 everybody agreed with him, and that the merger, his merger
10 feeling, after years, by the way -- this was not expressed
11 at the beginning because he was in I believe as an original
12 owner, but that his merger idea now, he was a pretty
13 desperate guy. He was pushed around pretty good, so that
14 would be a completion of my answer, yes.

15 THE COURT: Now we move to the next question as
16 objected to by Mr. Myerson. Taking into consideration the
17 question and the objection, you may answer.

18 If you want to have it read back we will have
19 the reporter do it.

20 MR. ROTHMAN: I will reframe it if it will take
21 it a little faster.

22 Q. My question is was it your view that to compete
23 with the NFL in order to survive, the central focus of your
24 strategies should be to bring about a merger or
25 accomodation with the NFL, were you agreeing with that

1 point raised by Mr. Taube?

2 A. No, sir. My point is, all I wanted is very
3 simple, a television contract, a network television
4 contract, and we will be able to compete with the NFL. We
5 will be able to compete with the NFL, sir, if the NFL
6 allowed us to have fairly a network television contract.
7 If they do not allow us to have a network television
8 contract, then, obviously, there is no survival for this
9 league and the only possible out would be a merger, but my
10 central theme is, and what I would most prefer, is a
11 television contract, if the NFL allowed it, which I don't
12 believe they will.

13 Q. Sir, did you convey to the owners in any fashion
14 after the letter of August 10th, 1984 was written, that you
15 did not feel that merger should be a central strategy of
16 your league, did you convey that to any owner at any time?

17 MR. MYERSON: Objection.

18 THE COURT: I'm afraid, Mr. Rothman, you are
19 opening the door in fairness to the witness to another
20 lengthy answer. He has been through this several times.

21 Do you really wish him to go through it again?

22 MR. ROTHMAN: Your Honor, I think the question,
23 this question has not been put.

24 THE COURT: Not in this form, but I know what
25 the answer is going to be because I have heard it several

1 times. So if you wish him to go through it again.

2 MR. ROTHMAN: Thank you for the warning, your
3 Honor. My question is simply this:

4 Did you, after August 10, 1984, at any league
5 meeting or in any conversation with any owner convey to
6 them the fact that merger was not one of your desires or
7 strategies?

8 A. Merger, sir, was always an alternative. My
9 strategy and desire was for a network television contract
10 so we could be able to compete with the NFL.

11 MR. ROTHMAN: Let's have the next page.

12 MR. MYERSON: Your Honor, I don't know how much
13 longer this will be, but it is 3:25. If it is to continue
14 much longer I think we ought to have a break.

15 THE COURT: We would like to have a break at
16 this time. Ladies and gentlemen, 10 minutes.

17 (The jury left the courtroom)

18 MR. MYERSON: Your Honor, may we have a brief
19 side bar?

20 THE COURT: Do you need the reporter?

21 MR. MYERSON: I don't need him.

22 (Discussion off the record at the side bar)

23 (Recess)

24 (Continued on next page)

25

1 (In the courtroom in the presence of the jury.)
2 BY MR. ROTHMAN:
3 Q. Mr. Trump, I have placed before you defendants'
4 exhibit 79. I will ask you, that is a letter which was
5 directed to you on December 23, 1983?
6 A. It's directed to a number of people. I am one
7 of the people, sir.
8 Q. Did you receive this letter?
9 A. I believe I did, yes.
10 Q. Do you have a recollection of receiving it?
11 A. I believe I do, but I can't tell you. It's a
12 long I'm ago time ago, 1983.
13 MR. ROTHMAN: I will offer the letter, your
14 Honor.
15 THE COURT: What is it? Will you identify it
16 for the record?
17 MR. ROTHMAN: 79, your Honor.
18 THE COURT: Do you have a copy for me?
19 MR. ROTHMAN: Yes, your Honor.
20 (Pause)
21 THE COURT: Are there any objections?
22 MR. MYERSON: Your Honor has my position with
23 respect to this letter and the others which your Honor has
24 already ruled on, and I'm not going to burden than the
25 record at this point. But I think your Honor is aware of

1 my position on that.

2 THE COURT: I want to be sure if there is any
3 403 objections --

4 MR. MYERSON: No. Additional to that, I do have
5 403 objections.

6 MR. ROTHMAN: To save time, I am not going to
7 pass the document to the jury, and the portion I am going
8 to read from does not have any 403 problems.

9 MR. MYERSON: May I know the portion that is
10 going to be read from?

11 THE COURT: Yes. Why don't you counsel get
12 together outside the hearing of the jury and see if you can
13 work it out.

14 (Pause)

15 MR. MYERSON: Your Honor, I think the way to
16 handle this is at the side bar. It was just shown to me.
17 I think it's best if we take the matter up at the side bar.

18 THE COURT: All right.

19 (At the side bar)

20 MR. MYERSON: Your Honor, what's just been
21 pointed out to me as what they are going to read begins on
22 the last page, with the word "ultimately," through the end.
23 And I do object to this, your Honor, strongly, on the
24 following grounds: The thrust of all these paragraphs is
25 pure speculation on Taube's part as to what may or may not

1 be in Trump's best interest, or what may or may not be
2 Trump's best strategy. There is also a reference to Mr.
3 Davis, which your Honor will see in there, and I think
4 again on probative bases, particularly in light of the
5 other documents that have already come in, that on 403
6 grounds this should not come in, on a balancing of
7 probative value, particularly in a cumulative sense,
8 against speculation, misleading to the jury, and prejudice
9 to my clients.

10 MR. ROTHMAN: That is preposterous. This is a
11 letter from Taube, an owner, to Trump, an owner. Trump
12 says he recalls possibly getting it. It is a clear
13 statement, declaration of admission --

14 MR. MYERSON: It is not at all, your Honor.
15 That's my point. My point is what is said in these
16 paragraphs is pure speculation. In fact, he says it. "It
17 may be in Trump's best interest to do it."

18 THE COURT: I am going to allow it into evidence
19 under 801(d)(2)(A), but as I understand, the only 403
20 objection had nothing to do with the use of slang language.

21 MR. MYERSON: Well, it does in other parts of
22 the memo, but not with respect to what he says he is going
23 to introduce.

24 THE COURT: The record should be clear that I am
25 only allowing the last 4 paragraphs on page 4 in evidence.

1 The rest of the document at this time is not in evidence
2 because of 403 considerations. We will cross that bridge
3 when we come to it, if either side offers other portions of
4 it. Because I see the only objection by the USFL would be
5 403 based on slang. There is no reason to construe this
6 any differently than the other two letters that I have let
7 in evidence today.

8 (End of side bar conference)

9 MR. ROTHMAN: Your Honor, we are offering
10 defendants' exhibit 79, page 4 only. I will represent to
11 the Court that in due course we the redact those portions
12 of the balance of the document and deal with that at a
13 later time.

14 At this point, page 4 only.

15 THE COURT: As I understand it, it's not only
16 page 4 only, it's the last four paragraphs on page 4 only.

17 MR. ROTHMAN: Yes, your Honor.

18 THE COURT: To that extent at this present stage
19 of the record, defendants' exhibit 79, last four paragraphs
20 on page 4 are received in evidence.

21 (Defendants' exhibit 79 was received in
22 evidence)

23 BY MR. ROTHMAN:

24 MR. ROTHMAN: We are redacting first two
25 paragraphs, Judge.

1 Q. This is page 4, Mr. Trump. Do you have the
2 document in front of you?

3 A. Yes, I do.

4 Q. December 23, '83, from Mr. Taube to you, as
5 well as to Mr. Bassett and to Mr. Taubman.

6 "Ultimately, however, it is clear that no plan,
7 irrespective of how well conceived, will come to fruition
8 without highly disciplined and controlled implementation of
9 such plan or strategy. In a survival mode I don't think
10 that the league can or should allow individual owners to
11 pursue plans, programs and strategies which are suited to
12 their perceived best interests or whims. For example, only
13 and with no implication, it may be in Don Trump's best
14 interest to pursue a strategy which gains him leverage
15 politically or otherwise, to move to Shea Stadium and
16 become the NFL franchise which the City of New York is
17 apparently ready to underwrite at any price (If Al Davis
18 doesn't do it first).

19 Don's best strategy for the Generals could be
20 devastating for the United States Football League as a
21 whole. Therefore, a survival plan, if it is to be agreed
22 upon, must be conceived for the longer term benefit of the
23 league as a whole and must be implemented, monitored, and,
24 where necessary, imposed on a dictatorial basis with an
25 organizational structure which is designed accordingly."

1 I'm not reading the last paragraph.

2 Did you have any conversation with Mr. Taube
3 after you received this letter in which you discussed the
4 fact that your best interests might be different than the
5 interests of the other members of the league?

6 A. He didn't say that. He used me as a possible
7 example and says here, "for example, and only with no
8 implications, it may be in Don Trump's" -- it may be. And
9 he didn't discuss that.

10 Second of all, I disagree with it in the sense
11 that without a league I have nothing either. You see, Mr.
12 Rothman, if we don't have a league, Donald Trump has
13 nothing -- I mean, it's wonderful to have a wonderful
14 football team but I need people to play with.

15 So frankly, if the league is going to go by the
16 wayside but I'm going to be good and strong, that doesn't
17 do me a lot of good, Mr. Rothman.

18 Q. Mr. Trump, when you received this letter and saw
19 Mr. Taube alluding to Don's best strategy for the Generals
20 could be devastating for the USFL, did you call up Mr.
21 Taube and say, "What are you talking about, Tad? That
22 isn't my view." Or did you do anything to respond to that
23 statement that I have just shown you on the board?

24 A. Well, let me just say that you again misquoted
25 because you didn't put the word "but" in. You say Don's

1 best strategy. The word "but" changes the whole meaning of
2 that sentence, as you well know, Mr. Rothman.

3 Q. I will try it again.

4 A. Thank you.

5 Q. When you read the statement, "But Don's best
6 strategy for the Generals could be devastating for the USFL
7 as a whole " -- when you say that with the word "but" in it,
8 did you call Mr. Taube and say in words or substance, what
9 are you talking about, my strategy is not that, or did you
10 in any way discuss that with him?

11 A. I would say over a course of months that I
12 discussed with him the concept of the league, and in fact,
13 I discussed with him and with everybody, just to show you
14 where the meaning really is, and I think this was very well
15 reported in the newspapers, it was my idea, as you know,
16 Mr. Rothman, to have a Galaxy Bowl which would be really
17 effectively the winner of our league playing the winner of
18 the Super Bowl and I think it would have been a great thing
19 for both leagues.

20 This was not a merged league. This was a
21 separate league playing a game, a championship game at one
22 point later on in the season. This was something that
23 everybody in the room that is a reporter knows that I have
24 been advocating from the beginning. This is not a man
25 dying to have a merger. This is a man that would like to

1 have ideally the television contract with the other.

2 I discussed this with Mr. Taube, I discussed the
3 fact that without other people to play football with, the
4 Generals can be the greatest team ever assembled, it can be
5 the most exciting franchise in sports, but it doesn't mean
6 a darn thing, Mr. Rothman, because I need other people.

7 Q. Did you say to Mr. Taube, that you did not have
8 a strategy which was inconsistent with the interests of
9 other owners? Did you say that to him?

10 MR. MYERSON: Objection.

11 A. He's not --

12 MR. MYERSON: Objection to the form of the
13 question.

14 THE COURT: I will allow you to answer.

15 A. Mr. Taube is not saying I did say it. He is
16 using this as an example. He is saying that New York as an
17 example might be better suited for this or that. But he is
18 not saying that I said it. And I didn't say it.

19 Q. Mr. Trump, was Mr. Taube a member of the
20 Executive Committee of the United States Football League?

21 A. I don't know, but I believe he was at that time,
22 yes.

23 Q. What do you mean, you don't know?

24 A. I really don't know specifically, but I believe
25 that Mr. Taube was a member at that time. I don't know

1 whether the time period we are talking about is. I think
2 that in December of 1983, which is very shortly after I
3 arrived in the league, but I believe that in that time
4 period Mr. Taube was, but I can't be a hundred percent sure.

5 Q. I'm going to show you another document and I
6 will be just about through with these documents, exhibit 89.

7 (Pause)

8 Q. At this point in the record I'm not going to
9 spend time with you on this document except to ask you if
10 you can identify this document, exhibit 89, as a document
11 sent to you on or about the date it bears, April 6, 1984.

12 A. I think it was, yes.

13 Q. Do you recall receiving this from Mr. Taube?

14 A. Very, very sketchily, but I believe I did, yes,
15 sir.

16 Q. Do you recall reading it?

17 A. Perusing it, perhaps. I don't know about
18 reading it in any great detail.

19 MR. ROTHMAN: Your Honor, at this time I am
20 simply going to offer it in evidence. I'm not going to
21 display it to the jury at this point.

22 THE COURT: I will hear whether there are any
23 objections. Give Mr. Meyerson a chance to review it and
24 see whether he has any specific objections.

25 (Pause)

1 MR. MYERSON: Your Honor, I do have objections
2 to portions of this on 403 grounds. I'm not sure this is
3 the appropriate time to get into it. Also, I would suggest
4 that this may not be the appropriate time if there are no
5 questions of this witness on the document, to introduce the
6 document.

7 THE COURT: Yes. I don't understand why you
8 wish to offer the document seeing that this witness is no
9 better than any other witness.

10 MR. ROTHMAN: If your Honor please, it's being
11 offered through this witness because he is the recipient of
12 it. I may want to inquire of other witnesses about it.

13 THE COURT: The way I would proceed with that,
14 Mr. Rothman, if I may suggest, is to show it to the witness
15 and ask him if he can identify it, and then you have that
16 testimony, and you don't offer it in evidence.

17 There apparently are some 403 objections to it,
18 unless you want to go through them at this point, I cannot
19 take it in evidence unless I hear argument at the side bar.

20 MR. ROTHMAN: I have already asked the witness
21 those foundation all questions. May we proceed on this
22 basis, that subject to redacting for the 403 reasons we
23 have discussed, may the document be offered?

24 MR. MYERSON: I will hear Mr. Meyerson fully of
25 course, but it appears to me that in the same way that the

1 last four paragraphs of defendants' exhibit 79 were
2 received in evidence, that it should be also.

3 MR. MYERSON: Your Honor, my suggestion would be
4 rather than taking up the court's time --

5 THE COURT: It is not in evidence at this point.
6 Let's move ahead.

7 MR. ROTHMAN: if your Honor please, I'd like to
8 now offer pursuant to our discussions in chambers, exhibit
9 685, pages 101 and 102. These are transcripts of the
10 meeting of January 18, 1984.

11 THE COURT: This has not been discussed in the
12 robing room specifically, but let's go over it. You'll
13 have to give Mr. Meyerson adequate time to review it.

14 MR. ROTHMAN: 101 line 22.

15 MR. MYERSON: Your Honor, may I hand this up to
16 the Court, please; because I think your Honor will
17 understand why, if I hand it up.

18 (Pause)

19 MR. MYERSON: I refer the Court to beginning on
20 line 22 of page 101, which was specifically discussed at
21 the side bar before.

22 (Pause)

23 MR. ROTHMAN: Your Honor, our discussions at the
24 side bar was before the document was offered in evidence.

25 THE COURT: I have no reason to differentiate

1 this from the ruling of the other day. I have cautioned
2 the jury that we have transcripts taken by stenographers
3 where the suggestion was from Mr. Myerson's objection that
4 there was a great deal going on during these meetings,
5 people talking at the same time, there was no checking of
6 the transcript for their accuracy.

7 Based on all those considerations, I see no
8 reason not to let it go in evidence under 801(d)(2)(A) of
9 being an admission of a party.

10 MR. MYERSON: Your Honor, I want to raise with
11 the Court what was raised at the side bar in terms of 403
12 considerations here. Balancing -- I refer your Honor to
13 the specific paragraphs, which is all that's being talked
14 about there. And I think that there are clear 403
15 considerations on a balancing of probative versus the down
16 side situation, under 403.

17 MR. ROTHMAN: Respectfully, if your Honor please,
18 that is a statement that goes directly to credibility of a
19 witness.

20 THE COURT: I have already ruled on this and it
21 would be inconsistent of me to not permit this in evidence
22 unless there are some specific words which counsel wish to
23 have me direct my attention to. But I will not be
24 inconsistent in my rulings and it has been identified, as I
25 understand it, as defendants' exhibit 685. It's the last,

1 beginning at the bottom of page 101 of the stenographic
2 minutes of the USFL meeting held January 18, 1984, going to
3 the top of the page 102, through line 9. And I am mindful
4 also that on redirect, that Mr. Meyerson may examine Mr.
5 Trump concerning the statements to be sure the jury is
6 fully aware of what Mr. Trump has to say with respect to it.
7 So let's proceed, gentlemen.

8 MR. ROTHMAN: Would you please put it up.

9 Q. Mr. Trump, we are putting onto the screen a
10 statement made by you to your owners January 18 -- or
11 allegedly made by you January 18, 1984 at your league
12 meeting at the Regency in New Orleans. I will read it for
13 you. Do you have it in front of you?

14 "Now, the NFL, the biggest fear they have, and
15 I know this, you know, they had their meeting at the grand
16 height. I own the Grand Hyatt hotel, and they had their
17 meeting there so they were checking for bugs and everything.
18 The only thing they didn't check is waiters that have 140
19 IQ, you know. Guys handing out water and stuff. They
20 never checked. The biggest fear these people have, I don't
21 think they are going to have their meetings there anymore."

22 Do you recall saying that to the assembled group
23 of owners in January?

24 A. Not specifically, but it's very possible.

25 Q. What did you mean by the fact they didn't check

1 the waiters that hae 140 IQ, you know, guys handing out
2 water and stuff?

3 MR. MYERSON: Your Honor, I am going to object
4 to that on the ground there is no authentication that that
5 was actually what was said, in light of your Honor's
6 statement to the jury and the fact of Mr. Trump's saying he
7 doesn't specifically recall saying that. I object to that.

8 THE COURT: Overruled.

9 Q. What did you mean by that?

10 A. It's very simple what I went by it. I was as I
11 told you before, the NFL used the Grand Hyatt Hotel I think
12 largely due to a friendship with Mr. Rozelle, that may
13 Rozelle may not want to admit. And during this period of
14 time there came a time when their last meeting at the Grand
15 Hyatt Hotel when it was too late to cancel, and my
16 purchasing a team just prior to that meeting, or very
17 shortly prior to that meeting where they felt, as I
18 understand it, very uncomfortable with the hotel because of
19 the fact that I happened to own it.

20 But they were stuck there because of the timing.
21 And I said, and I said it in jeft, more than anything else,
22 but I said they checked the room and they checked for bugs
23 and they checked for everything else, perhaps in terms of
24 the meaning, the only thing they didn't check was waiters
25 with 140 IQ. I don't know any waiters in the building, I

1 didn't speak to any waiters in the building but it was said
2 to me in a rather joking fashion by somebody at the hotel
3 at that time.

4 Q. Is it your testimony now that this statement
5 made by you was made in jeft?

6 A. That statement --

7 MR. MYERSON: I object to the characterization
8 of "now," your Honor.

9 THE COURT: Overruled.

10 A. That statement is a statement that was made in
11 jest. It was made in a somewhat laughing manner; if it was
12 accurately portrayed, which I just don't know if it was or
13 not because you had so many people in the room. And they
14 did not check, as I understand it, and I hear that they did
15 check for bugs and they did check for everything else, and
16 they did not check the waiters.

17 I did not speak to any waiters. I did not have
18 the occasion to speak to any waiters. I didn't care, I
19 couldn't have cared less about the waiters. But
20 nevertheless as I understand it, they checked the room for
21 bugs. They check the room for everything. The only thing
22 they didn't check was the waiters.

23 Q. What do that mean, did they check the waiters?

24 A. They didn't check the waiters going back and
25 forth in the room, that is what I understand.

1 Q. To determine whether or not the waiters were
2 giving information out that they shouldn't be giving out?

3 A. No, they didn't check the waiters to see perhaps
4 whatever they wanted to see. They checked the room and I
5 was told or I heard that they checked the room, by somebody
6 at the hotel.

7 Q. Mr. Donald Trump, didn't you honestly mean when
8 you made this statement, that the NFL wasn't checking the
9 waiters and the waiters were giving information to the USFL
10 in your hotel so you knew what was going on? Isn't that
11 what you meant?

12 A. Absolutely not. I said just exactly as it says
13 there. If it was said, it was said exactly as it said
14 there, that the waiters were not checked, and I hear the
15 room was checked for bugs and the waiters were not checked.
16 And that's exactly what the statement says.

17 Q. All right, Mr. Trump.

18 Mr. Trump, going to the meeting of May 9, let me
19 first first ask you a few questions about your coming into
20 the United States Football League. When you came in in
21 late 1983, you announced that you were going to go to war
22 with the NFL over the acquisition of players, is that not
23 correct?

24 A. I felt it was necessary for the survival of the
25 league to fight very hard, yes. And I was --

1 Q. I used the word very carefully. You announced
2 to the world that you were "going to war," against the
3 NFL --

4 MR. MYERSON: I object to that, your Honor. If
5 there is a quote and he is referring to a document, I want
6 to know what the document is.

7 THE COURT: Overruled.

8 A. I would not be surprised. Mr. Rozelle told me
9 we would not be getting television contracts. He was
10 saying things that, there was no way to compete against the
11 NFL. If you want to term it war, I'd be very honored to
12 use that word.

13 Q. I don't want to term it anything--

14 A. I will term it, then.

15 Q. What you did then was to sign players
16 immediately that were under contract to the NFL in what we
17 have now learned to be future contracts, is that right?

18 A. Some, yes. The very few, but some.

19 Q. How many did you sign?

20 A. I don't exactly remember the specific number.

21 Q. More than one?

22 A. Yes, sir.

23 Q. More than two?

24 A. Probably four or five or six.

25 Q. You signed future contracts with NFL players

1 before NFL did the same thing to the USFL, didn't you?

2 A. I don't know exactly what the timing was. Again,
3 I was in there a lot later than a lot of other people, but
4 I could see that the NFL was decimating the USFL and
5 something had to be done.

6 Q. Do you have any evidence -- any evidence
7 directly or indirectly that the NFL signed a future
8 contract before you started the war?

9 A. I have evidence that the NFL was trying to put
10 the United States Football League out of business. Whether
11 it was through the use of increasing salaries, increasing
12 wages, Mr. Donlan has testified about the increasing
13 salaries and spending the USFL money. Whether it was that
14 as it turns out to be that we didn't know at that time
15 about the increasing and spending the USFL's money. At
16 that time, sir, we didn't know.

17 Q. Mr. Trump --

18 A. But Mr. Rozelle told me that we wouldn't get
19 contracts, that he controlled the networks. I would
20 consider that much more serious than signing players.

21 THE COURT: Mr. Rothman, are you moving to
22 strike the answer as not responsive to the question?

23 MR. ROTHMAN: Yes, your Honor, I certainly am.

24 THE COURT: The motion is granted.

25 MR. ROTHMAN: Thank you.

1 Q. I ask you again: Do you have any evidence
2 directly or indirectly that a single USFL future contract
3 was signed prior to you starting the war and you signing
4 NFL players to future contracts?

5 A. Are you also referring to the talking to various
6 players, Mr. Rothman, or signing?

7 Q. I am talking about signing contracts, Mr. Trump.

8 A. I'm not that aware of it, Mr. Rothman. I'm not
9 that involved and I'm not that aware of it. I would not be
10 the one to ask that question. I'm not aware of it.

11 Q. Mr. Trump, do you know who Lawrence Taylor is?

12 A. I certainly do.

13 Q. Lawrence Taylor is a football player who was
14 playing for the Giants of the National Football League, is
15 that correct?

16 A. That is correct.

17 Q. And he had four years on his contract left at
18 the time you approached him and signed him to a contract on
19 the USFL, is that correct?

20 A. That is about right, yes.

21 Q. When did you sign Mr. Taylor to a contract?

22 A. I don't know the exact date of the signing of
23 Mr. Taylor.

24 Q. Give me the century in which you did it?

25 A. I would say it was probably in 1983, early '84,

1 something like that.

2 Q. All right. So you signed him in '83 or '84 to
3 a general contract with the USFL, is that correct?

4 A. That is correct.

5 Q. And his contract to play in the National
6 Football League did not run out until 1987?

7 A. I don't know what the date is. I'd say 1987,
8 '88, something like that.

9 Q. Four or five years, is that right?

10 A. I thought it was four years; yes, sir.

11 Q. What earthly reason did you have for signing an
12 NFL player to a contract with the Generals four or five
13 years before he was even able to leave the NFL?

14 A. Well, it's really very simple. Lawrence Taylor
15 is a great player, one the greatest players. If our league,
16 which was unable to get television, which was unable to get
17 any of the things that a league needed in order to survive,
18 if our league was to sign a player of the caliber of
19 Lawrence Taylor, it was going to be a great tribute to the
20 team and a great coup for the league. You didn't need that
21 because you had all of these things.

22 Lawrence Taylor is a great guy in addition to
23 everything else. Lawrence Taylor was not being paid his
24 due. Lawrence Taylor wasn't looking to leave per se, that
25 the NFL got used to signing players and doing whatever they

1 wanted with them, because again they never had any
2 competition.

3 All of a sudden, I hear about this horrendous
4 price that I am paying, that I am supposedly going to pay
5 Lawrence Taylor; and what happened is that a lot of reports
6 came out that I was paying Lawrence Taylor a lot of money,
7 too much money. Reports from the NFL. Lawrence Taylor
8 eventually was sold back to the NFL at a profit, so I guess
9 I wasn't paying Lawrence Taylor justly much. But if they
10 would have paid him what he was justly due, they would have
11 not had the problem in the first place. And it was a great
12 sense of public relation for our league, which desperately
13 needed some public relations, just as Joe Namath was great
14 public relations for the American Football League, it was a
15 great thing for our league at the time the signing of
16 Lawrence Taylor.

17 It showed some form of credibility for our
18 league.

19 Q. Mr. Trump, was your signing a player who still
20 had four years to run on his NFL contract some kind of act
21 of charity on your part towards Mr. Taylor?

22 A. It was an important element of the viability, of
23 trying to persuade the world that our league was viable
24 enough that a man such as Lawrence Taylor, who was not
25 being properly treated by the NFL, could leave the NFL even

1 at a future date and come over to our league and play.

2 Q. Mr. Trump, isn't it true --

3 MR. MYERSON: Were you finished? I believe the
4 witness was not finished.

5 Q. Were you through?

6 A. Not particularly, but I could be convinced to be
7 through, yes.

8 Q. Isn't it true, Mr. Trump, that the reason you
9 signed Lawrence Taylor, who still had four years to run on
10 his NFL contract was to show your power and muscle and to
11 force a merger by taking these key players while they were
12 still under contract to the NFL?

13 A. The signing of Lawrence Taylor to a contract
14 that wasn't going to take place effectively for four years
15 in the future would have had no effect on a merger. What
16 it would have done is given credibility to the United
17 States Football League and for a time it did.

18 It was it was much the signing of Joe Namath to
19 the American Football League. It was a sign of credibility.
20 And our league needed credibility.

21 Q. As a sign of that credibility which you were
22 seeking so hard to get, you then took \$750,000 in cash to
23 release Mr. Taylor and let him go back to the NFL, didn't
24 you?

25 A. For two reasons.

1 Q. What happened to your credibility, sir?

2 A. I think it was higher than ever.

3 Q. Did you not also instruct your employees that
4 they should cause the NFL to think that you were interested
5 in players when you really weren't interested in them, just
6 so the price could be driven up and the NFL would have to
7 pay more money?

8 A. I was interested in trying to have our league
9 survive. Our league was being badly hurt by salary wars,
10 our league had no choice but to go out and either sign or
11 at least negotiate with players, even if it wasn't
12 necessarily a top priority signing players. We did sign
13 some, we didn't sign others. Some we really probably
14 didn't have a great intention of signing, if they had an
15 intention at all.

16 But it was important for our league to go out
17 and negotiate with players, because the NFL was decimating
18 our league with salaries.

19 Q. I am asking you again: Did you not instruct
20 your personnel to dishonestly advise the NFL or cause the
21 NFL to believe that you were interested in a player, so as
22 to drive up the price and cause the NFL to pay more money
23 for that player because they thought you were interested?

24 MR. MYERSON: I object to the form of the
25 question, your Honor.

1 THE COURT: Overruled.

2 A. Not dishonestly. I told my people to go out and
3 negotiate and negotiate with players, whether you wanted
4 them or not, but to do everything in your power because we
5 were being just killed by this whole situation with rising
6 of the USFL salaries. We were being hurt very badly.

7 And I told my people to go out and to negotiate
8 frankly whether you wanted the player or not.

9 MR. ROTHMAN: May I have 164, please.

10 (Pause)

11 MR. ROTHMAN: Page 164, if your Honor please, of
12 exhibit 769. Just again to reframe where we are, Mr. Trump--

13 A. What page is that, sir?

14 Q. 164. We are back to the meeting of May 9, 1984.
15 The owners of your league at the Grand Hyatt. You are now
16 speaking again at the meeting:

17 "Mr. Trump: Mr. Commissioner" --

18 MR. MYERSON: Excuse me, your Honor.

19 (Pause)

20 MR. MYERSON: Has this been received in evidence
21 already, your Honor?

22 THE COURT: Not that I am aware of.

23 MR. MYERSON: Not that I am aware of either,
24 your Honor. And I turn around than it's up on the screen.

25 MR. ROTHMAN: What's the problem?

1 MR. MYERSON: Can we get it off the screen,
2 please.

3 (Pause)

4 THE COURT: Let's clarify whether all of the
5 owners meetings were received under 769 or only a portion.
6 That is the problem, Mr. Rothman.

7 MR. ROTHMAN: Your Honor will recall I read into
8 the record two minutes before the lunch hour what pages I
9 was referring to.

10 THE COURT: All right. And we had to add pages
11 to 769. That was part of the problem. I don't know now
12 whether this was a page you are still about to add or
13 whether it was part of the original offer.

14 MR. ROTHMAN: Your Honor, it was part of the
15 original offer, not being added. It was discussed on the
16 record.

17 THE COURT: As long as Mr. Meyerson was aware of
18 that at the time we had a break. I wasn't a party to it.
19 I have to rely on counsel.

20 MR. ROTHMAN: I assure your Honor that it was.

21 MR. MYERSON: Well--

22 THE COURT: Why don't you confer outside the
23 hearing of the jury and see if you are on an agreement; Mr.
24 Rothman and Mr. Meyerson. Why don't you confer on it.

25 (Pause)

1 MR. ROTHMAN: Your Honor, I also believe this
2 was in your original packet.

3 MR. MYERSON: Your Honor, we have a 403
4 redaction. Other than that, in light of your Honor's prior
5 rulings, I don't object. But for record purposes, your
6 Honor is aware of my continuing objection to the use of
7 each of these so-called owners transcript pages.

8 THE COURT: Repeat the page, Mr. Rothman.

9 MR. ROTHMAN: Yes, your Honor. Page 164, line 8.

10 THE COURT: You are correct. It was part of the
11 original document you offered. As I understand it, there's
12 been a redaction with respect to the 403 objection, is that
13 right?

14 MR. ROTHMAN: Yes, your Honor. You are correct.

15 THE COURT: Is there any other redaction that you
16 are referring to, Mr. Meyerson?

17 MR. MYERSON: Looking at it, it's the only one
18 that I see.

19 THE COURT: You may proceed, Mr. Rothman.

20 MR. ROTHMAN: Thank you, your Honor.

21 Q. Again we are back at the meeting of May 9, 1984
22 at your hotel, the Grand Hyatt. You are addressing the
23 meeting. Before I read the paragraph, you refer to a
24 gentleman in the colloquy named Jay, J A Y. That would be
25 Jay Seltzer, one of the employees of your New Jersey

1 Generals?

2 A. Perhaps, yes.

3 Q. "The other day, Jay got a call, for whatever
4 reason. Maybe he is an NFL guy. He got a call from
5 Houston Oilers and they wanted to know whether or not we
6 were interested in a certain player."

7 Let me stop for a minute. The Houston Oilers or
8 are a team in the NFL, is that correct?

9 A. That is correct.

10 Q. "He got a call from the Houston Oilers and they
11 wanted to know whether or not we were interested in a
12 certain player. We had no interest in this guy whatsoever.
13 I said, 'Jay, do me a favor, tell them we are offering this
14 guy millions.' They signed this guy, they paid him so much
15 more money than they would have. We said, very nicely
16 through Jay, please don't sign him, we are offering him a
17 million dollars bonus, \$900,000 a year for the rest of his
18 life. They ended up paying him a fortune."

19 Do you recall saying that to the owners?

20 A. I don't recall that, no, sir.

21 Q. Did that in fact happen?

22 A. I don't know. I was a big proponent of signing
23 people. I signed Flutie and Herschel Walker and I signed a
24 number of other people, and I am a big proponent of
25 spending the money so that we got some stars. As you

1 mentioned, I signed Lawrence Taylor. But I don't remember
2 that specific statement, no, sir.

3 Q. You mean to say that you do not recall telling
4 Jay Seltzer that he should tell the Houston team that you
5 were interested in a player when in fact you really weren't,
6 so that Houston would pay more money for him?

7 A. It's possible something was said, but I don't
8 remember that at all, no, sir.

9 Q. Mr. Trump, does that document on the board in
10 any way refresh your recollection as to what you said at
11 that meeting?

12 A. Well, there was so many owners at that meeting
13 up and down screaming back and forth, that I find it hard
14 to believe that anybody could have really even taken down
15 steno of it.

16 Q. Maybe somebody else said it --

17 MR. MYERSON: Objection, your Honor.

18 A. Anything could be possible. I just don't
19 remember it. And I would say that I would have said
20 effectively that we have to go out and spend and we have to
21 get the right players. I just don't remember the specific
22 statement, sir.

23 Q. Let's try an it differently: Mr. Trump, did you
24 instruct your personnel to indicate that they were
25 interested in players so as to raise the price for those

1 players when in fact you were not at all interested in them?

2 A. I instructed my personnel to go out and try and
3 get the business players they could, not solely for the
4 reason of raising price, but for the reasons of getting the
5 names, because our league needed names, and we were --

6 Q. No, no, I'm not talking about whether you signed --

7 MR. MYERSON: Please don't interrupt --

8 MR. ROTHMAN: Your Honor, that didn't respond to
9 my question.

10 MR. MYERSON: May we have the witness able to
11 finish?

12 THE COURT: Yes. He may complete the answer.

13 A. As far as a specific, I don't know the player
14 that we are referring to here. Maybe we even made him a
15 offer, I don't know, Mr. Rothman. But I don't remember the
16 specifics of this paragraph, no, sir.

17 Q. I didn't ask you that. My question was a
18 different one now. I accept the fact you say you don't
19 remember --

20 MR. MYERSON: I object to the statement, your
21 Honor.

22 THE COURT: Overruled.

23 Q. Was it your instructions to your personnel, Jay
24 Seltzer or others, that they should exhibit an apparent
25 interest in a player so as to drive the price up and cause

1 the NFL to pay more money than they otherwise would want to
2 pay?

3 A. I don't believe it was, sir, no.

4 Q. If it was not your practice to do that, do you
5 have any complain explanation for the circumstances which I
6 have read to you that are now on the board?

7 A. Well, I already told you that I think it was an
8 impossibility for a stenographer to take down what was
9 going on in the room at that time, I really do, in any
10 accurate method or fashion. I think it was impossible for
11 any stenographer to take down in any accurate way what was
12 happening in that room with everybody screaming back and
13 forth and shouting and trying to make their own points .
14 But I don't recall anything like that, sir.

15 Q. Is it your now your testimony under oath that
16 the stenographic reporter reported the instance that is now
17 to the board indirectly?

18 A. I just don't remember having made a statement.
19 I don't say that they reported the incorrectly, I don't
20 even say necessarily that it was made.

21 But I don't remember having made that statement.

22 Q. Mr. Trump, going to the issue of the stadium in
23 New York, we have had some testimony in this trial from
24 several gentlemen about that stadium.

25 (Continued on next page)

1 Q. Firstly, you are aware, are you not, that Mr.
2 Hess indicated sometime in January or February of 1986 that
3 he was not going to bring his team back to New York, is
4 that correct?

5 A. Yes, sir.

6 Q. So that since January or February of '86, you
7 have been aware of the fact that there was going to be no
8 NFL team in the New York City stadium, is that correct?

9 A. Well, I'm not sure if I'm totally aware of that.
10 There has been talk of another NFL team possibly coming in.
11 Nobody understands the talk, but I am not sure I am
12 specifically aware of that, Mr. Rothman.

13 Q. You have announced that the Generals of New
14 Jersey would play their '86 season in the Meadowlands, is
15 that correct?

16 A. No, sir, we have not announced that.

17 Q. Where are you playing your '86 season?

18 A. We are determining to see what happens with this
19 trial. If it is likely we are victorious in this trial, we
20 will be allowed to come to New York with a television
21 contract. Come to New York and play in New York City.

22 Q. What is preventing you right now from announcing
23 to the public that you will come to Shea Stadium in '86,
24 what's stopping you from that?

25 A. Because right now the City of New York is

1 without a television contract, as Mr. Tese I believe has
2 testified or I'm sure would testify. Without a television
3 contract, the United States Football League is not looked
4 upon as something that the City of New York would take in
5 lieu of the possibility of getting an NFL franchise.

6 Q. Does that mean that you would play the '86
7 season in the Meadowlands but not in Shea Stadium because
8 of the television situation?

9 A. No, sir. We have to see what happens with the '86
10 season. We are looking right now at what happens with this
11 trial. If we are able to get a television contract because
12 of the results of this trial which allows us to at least
13 moderately fairly compete with the NFL, then in all
14 likelihood the Generals will come to New York and will play
15 in New York and will provide the jobs and the income which
16 New York lost when the Jets left and when the New York
17 Giants left.

18 Q. Irrespective of this trial for a moment, if you
19 can set it aside in your mind, are the Generals going to
20 play in the fall of 1986?

21 A. If we don't get a television contract, if we do
22 not show victory with the outcome of this trial, my basic
23 feeling is that the League should not play, because I don't
24 believe that anybody will be able to compete against this
25 horror of this NFL. I don't believe anybody will be -- so

1 my basic answer is that thousands of jobs, millions of
2 dollars of income to New York City and to a lot of other
3 places hinge upon this trial.

4 Mr. Rothman, if we don't win this case, it is my
5 strong feeling that there cannot be not only a USFL but any
6 other football league. I don't believe that you can have
7 another football league if the outcome of this trial is
8 negative to the United States Football League. There will
9 never be another football league.

10 Q. I ask you one more time, sir, and I don't know
11 if you can answer it. Are the Generals going to play
12 football this fall --

13 A. I told you it is dependent upon the outcome of
14 this trial.

15 MR. MYERSON: I object. Asked and answered.

16 THE COURT: Sustained.

17 Q. Is there anything other than this trial which
18 prevents the Generals from coming into Shea Stadium if you
19 choose to bring them?

20 MR. MYERSON: I object to the form of that
21 question, your Honor. There has been no testimony that
22 this trial prevents them from doing it. I object to the
23 form of the question.

24 THE COURT: Sustained.

25 Q. Is there anything that prohibits the Generals

1 from coming into New York City?

2 A. Well, the arrangement with the city is that an
3 NFL team has a tremendous advantage with respect to a lease,
4 which in itself is a big problem.

5 Bringing the Generals into New York as an
6 example, an NFL team would get concessions, they would get
7 revenues, they would get a lot of other elements.

8 A USFL team or anybody other football team
9 doesn't. The rent paid by an NFL team would be
10 substantially smaller, as I understand the agreement, than
11 the rent paid by an NFL team. All of the problems that are
12 consistent with our fight against the NFL are prevalent in
13 the lease at Shea Stadium, Mr. Rothman. The lease is a
14 disaster for any but an NFL team. Any other league,
15 whether the United States Football League or somebody else
16 that wants to try and establish a league for New York City
17 so that New York City can get a team is going to be
18 estopped or estopped from coming into this city in my
19 opinion, because of the prohibitive lease arrangements for
20 any other team other than an NFL team.

21 Q. That's a lease arrangement that has to do with
22 the City of New York, isn't it?

23 A. No, that's a lease arrangement that has to do
24 with a lot of factors. The City of New York has a lease
25 right now with the Mets, in that lease is prohibitive for

1 anybody coming in outside of the NFL to play at Shea
2 Stadium.

3 Q. Mr. Trump, in fairness, that lease with the Mets,
4 a baseball team, has nothing to do with the NFL, does it?

5 A. I don't know that for a fact, sir. I am trying
6 to figure out why the NFL has provisions or there are
7 provisions, NFL provisions that are extremely strong and
8 extremely beneficial to the NFL. I don't know why they are
9 there. I don't know how they are there. Perhaps it is by
10 accident, perhaps it is the ultimate form of strength when
11 you can have a lease drawn and you are protected just by
12 and of itself without even saying anything, but the NFL,
13 Mr. Rothman, has a lease which would make it very
14 attractive for an NFL team to come to Shea Stadium and very
15 unattractive for any other team in any other league,
16 whether USFL or any other football league from coming to
17 Shea Stadium.

18 Q. Mr. Donald Trump, do you have any evidence,
19 directly or indirectly, in any fashion whatsoever that
20 indicates that the NFL has anything whatever to do with the
21 lease at Shea Stadium between the Mets and the City of New
22 York?

23 A. Mr. Rothman, I have no idea. I can only tell
24 you what's in the lease. What's in the lease is a
25 prohibition effectively from any team other than the NFL

1 entering the City of New York. So you are talking about a
2 city that lost millions and millions and millions of
3 dollars, thousands of jobs by the Giants and the Jets
4 leaving this city. So you tell me, Mr. Rothman.

5 MR. ROTHMAN: Your Honor, I have probably
6 another 15 minutes. I don't know what the court's desire
7 is. I can finish in about 15 minutes.

8 THE COURT: We will adjourn for the evening and
9 we will start tomorrow at 9:30.

10 Ladies and gentlemen of the jury, please don't
11 talk about this case with anyone and don't read anything
12 about it and don't watch anything on television about it.
13 If anyone does contact you, directly or indirectly
14 concerning this case, please let me know immediately.

15 Have a nice evening and I will see you tomorrow
16 at 9:30 in this courtroom.

17 (Trial adjourned until Tuesday, June 24, 1986,
18 at 9:30 a.m.)

19

20

21

22

23

24

25

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Donald J. Trump	4024	4062		

EXHIBIT INDEX

Defendants	Identification	In Evidence
84		4109
109		4161
204		4168
79		4180

1 UNITED STATES FOOTBALL LEAGUE, et al.,

2 v.

84 Civil. 7484 PKL

3 NATIONAL FOOTBALL LEAGUE, et al.

4

5

6

June 24, 1986

7

10:40 a.m.

8

9

(Trial continuing)

10

(In open court, jury not present)

11

THE COURT: May I see counsel at the side bar.

12

(Discussion off the record at the side bar)

13

(Jury present)

14

DONALD J. TRUMP, resumed.

15

THE COURT: Ladies and gentlemen, because we all

16

had problems getting here today, I will try to save a

17

little bit of the time we lost, not too much, but one half

18

hour by making it a one-hour lunch, and if it is convenient

19

for counsel, we will make it 12:30 to 1:30, so we will pick

20

up a half hour of the hour and a half we lost. The lost

21

hour certainly will not be taken away from the USFL.

22

Let's proceed.

23

CROSS-EXAMINATION (continued)

24

BY MR. ROTHMAN:

25

Q. Mr. Trump, I would like to just back up a moment

1 for one question. Going back to the time in which you
2 placed your deposit for the original USFL franchise, which
3 I believe was sometime in 1981. I will ask you if you can
4 recall when it was in '81 that you were supposed to make
5 the second installment on your down payment.

6 A. I don't recall exactly, sir, when that was. A
7 lot of the owners I know were very skeptical about making
8 the second down payment. There might have been a date, but
9 I don't think anybody met the date. I'm not exactly sure
10 as to that time.

11 Q. Just for the purposes of attempting to refresh
12 your recollection, I'll ask you to examine Exhibit 1442,
13 which is for identification only, and look at the third
14 paragraph and just ask you if that will refresh your
15 recollection as to when it was that you were supposed to
16 make the second payment.

17 A. This says --

18 Q. You can't refer to it under the rules. I am
19 asking you whether that refreshes your recollection.

20 A. No, it doesn't at all, no.

21 Q. Would you agree that the second installment was
22 due sometime in 1981?

23 A. No, I wouldn't necessarily agree to that at all.
24 The second installment, as I remember, and it was a long
25 time ago, the second installment was an installment which a

1 lot of people didn't want to pay based on the fact they
2 weren't sure and didn't feel they were going to be making
3 television contracts.

4 There were a lot of people that frankly wanted
5 to go to the fall, but they felt in 1981 that it would be
6 impossible to get a network television contract, and
7 therefore --

8 Q. My simple question is can you recall the date on
9 which you were supposed to make the second payment. If you
10 can't, you can't.

11 A. I really can't say.

12 Q. Let's go to another subject, which is the
13 subject of the stadium which was to be built or which is
14 contemplated being built.

15 A. In New York?

16 Q. Sir?

17 A. In New York?

18 Q. Yes.

19 You are on the board of the Sportsplex, is that
20 correct?

21 A. Yes.

22 Q. That is the entity which is going to supervise
23 the construction of the new stadium, if indeed there is a
24 new stadium in New York, is that correct?

25 A. I don't believe that is correct, no, sir.

1 Q. What is the Sportsplex?

2 A. The Sportsplex is a group of individuals that
3 was appointed by Governor Cuomo to choose a site for the
4 home of the new stadium that New York City has been so
5 desperately trying to get for itself.

6 Q. This is the agency is that will choose the site?

7 A. I don't believe it is an agency. I think it is
8 much looser than that really.

9 Q. This is the entity that will pick the site?

10 A. Not that will pick it. It picked it about a
11 year ago.

12 Q. This is the entity that did pick the site?

13 A. That's much better.

14 Q. Is that fair?

15 A. That's accurate, yes.

16 Q. And you were a member of the board of directors
17 of that entity, is that correct?

18 A. I was a member of the board. It wasn't a board
19 of directors. It was a board, yes.

20 Q. You voted, therefore, as a member of the board
21 for where the site should be?

22 A. Yes, I did.

23 Q. If I can use the euphemistic expression, that is
24 one hat that you wore in connection with the new stadium?

25 A. That is correct.

1 Q. Secondly, you were also awarded the contract as
2 the developer of that stadium, when and if it is built,
3 right?

4 A. Yes. Through competitive bidding, sir, yes.

5 Q. That's a second hat that you are wearing?

6 A. That is correct, yes.

7 Q. Thirdly, you are the owner of the Generals,
8 which is a potential team that will play in that complex,
9 is that correct?

10 A. I hope so.

11 Q. So that is a third hat that you are wearing?

12 A. Yes, sir.

13 Q. Do you see any conflict in the fact, Mr. Trump,
14 that on one hand you are on the committee -- you are on the
15 board to select the site, the next hat you wear is you
16 build the site and the next hat you wear is to occupy the
17 site.

18 Do you find any conflict in any of those three
19 points?

20 A. Mr. Rothman, I am New Yorker. I want New York
21 City to get a stadium and a football team that has lost its
22 two football teams. I would like to see New York City get
23 a football team and I would like to see New York City get a
24 stadium. If you call that a conflict, then you can call it
25 whatever you want. I don't consider it a conflict at all.

1 I think it will be great for the City of New York.

2 Q. You think it might not have been appropriate for
3 you to say as a member of the board, since I have a bid in
4 as a developer, perhaps I should not vote on whether or not
5 there should be a particular location selected?

6 A. Well, I'm glad you asked the question because
7 somebody else thought there might be a conflict. Obviously
8 the governor of the State of New York didn't think there
9 was a conflict, but somebody that would have preferred for
10 their own purposes I believe brought that to the court's
11 attention and the court ruled that there was absolutely no
12 conflict, so that was a case that was brought, Mr. Rothman,
13 and perhaps you should have checked that before asking the
14 question.

15 I don't see a conflict. The governor of the
16 State of New York doesn't see a conflict, and neither does
17 anybody else.

18 Q. Mr. Trump, I will be talking a bit about that.

19 The original plans for the complex, new stadium,
20 was that a developer was to be selected by the 5th of July
21 of 1985, is that correct?

22 A. I don't remember the exact date, sir. It was --
23 a developer was going to be selected, but I don't remember
24 the exact date.

25 Q. You do recall that there was a six-month delay

1 in selecting the developer from the original intention?

2 A. Well, they had a very large number of people
3 bidding, larger than they expected, bidding on the stadium.
4 I know it is a little unusual for the NFL to hear that
5 people were bidding on something, but we were bidding on
6 the stadium.

7 MR. ROTHMAN: If your Honor please, I
8 respectfully submit that that is a gratuitous statement. I
9 ask it be stricken.

10 THE COURT: All right, I will ask the witness to
11 listen to the questions carefully and try to respond to the
12 question as asked.

13 I will ask the jury to disregard the last answer
14 of the witness.

15 A. The group was I believe larger than anticipated
16 that was bidding on the stadium, and I think it took a
17 little built longer, but I'm not exactly sure how much
18 longer it took.

19 Q. Are you suggesting you don't remember when you
20 were awarded the bid?

21 A. You didn't ask me that, sir. You said -- why
22 don't you ask me the original question. You didn't ask me
23 that question.

24 Q. Mr. Trump, when were you awarded the bid?

25 A. I believe it was sometime in January.

1 Q. Of what year?

2 A. Of last year.

3 Q. What was the date by which Mr. Hess was required
4 to advise the Meadowlands as to whether he was going to
5 stay or leave?

6 A. Well, I believe it was sometime in February, but
7 Mr. Hess could have worked along with the people doing the
8 stadium and they would have been very happy for his input
9 from the beginning, and he would have had plenty of time.

10 Q. Mr. Trump, is it not true that the legislation
11 to authorize the building of the new arena was not
12 introduced into the state legislature until April of 1986,
13 some four months after Mr. Hess or three months after Mr.
14 Hess was required to make a decision?

15 A. Of course it wasn't introduced, Mr. Rothman.

16 Mr. Rothman, how can you introduce legislation
17 when you don't have a team? You lost the Jets. The Jets
18 have long ago decided to go to New Jersey and they were
19 staying in New Jersey, so now you have a stadium without a
20 team, so how can you introduce legislation to build a
21 stadium when you in fact don't have a team?

22 Q. Am I correct, sir, is that the legislation was
23 not introduced until April of 1986, roughly three to four
24 months after Mr. Hess was required to make a decision?

25 A. I don't know when the legislation -- I am just

1 telling you --

2 Q. That's the answer, sir. If you don't know you
3 don't know.

4 A. You can't introduce legislation when you don't
5 have the team.

6 Q. Mr. Hunt -- Mr. Trump, the new stadium was
7 contemplated to be built at a site on Willets Point, is
8 that correct?

9 A. Yes, it is, that is correct.

10 Q. And is it not true that on February the 27th of
11 1986 you met with six representatives of the Willets Point
12 Business Association for the purposes of discussing the
13 building of the stadium on that site?

14 A. I don't know the date exactly correct. It
15 probably is, but it was about that time, and I did meet
16 with some of the representatives, yes, sir.

17 (Continued on next page)

18

19

20

21

22

23

24

25

1 Q. And among those whom you met with was Mr. Rich
2 Musick, the president of that association, is that correct?

3 A. That is correct.

4 Q. Mr. Glenn vanBremer a member of the association,
5 is that right?

6 A. I believe so. I really don't know all of the
7 gentlemen's names.

8 Q. How many others were there?

9 A. Probably a total of five or six, maybe.

10 Q. In that meeting, didn't you tell the gentlemen
11 from the association that you would not build a stadium in
12 Willets Point once you got going with this project?

13 A. No, sir. I said very simply to them that
14 whether it was Willets Point or another site, that I wasn't
15 particularly keen on one site from the other. I thought
16 they had 3 sites that were relatively comparable. Some had
17 advantages and some had disadvantages over the others. The
18 advantage to the Willets Poit site was that it was next to
19 Shea Stadium and got the excess parking capacities, et
20 cetera.

21 I said very specifically, and I believe Mr.
22 Musick would say this, but I don't know what his
23 interpretation of what I said is, I said that I wasn't in
24 love with the Willets Point site, I wasn't in love with any
25 site. I think it's very important for New York City to get

1 site. I think it's very important for New York City to get
2 a stadium and to get it as quickly as possible because of
3 the jobs we have lost, the money we have lost and
4 everything else we have lost and the prestige we have lost,
5 and I wasn't particularly keen as to whether it was built
6 on the Willets Point site or any one of probably two or
7 three other sites that would also qualify.

8 Q. Did you not say to these gentlemen, sir, as
9 follows: "That the lawsuit that is now pending" --

10 MR. MYERSON: If we are having a quote, Judge,
11 I'd like to see the cite.

12 THE COURT: I will sustain the objection to the
13 form of the question. Ask him a question,.

14 Q. Did you say to the gentlemen that the lawsuit
15 and the stadium project were your program to get an NFL
16 franchise?

17 A. No, sir. I said to the people that a lot of
18 things will happen determinate on what happens with the
19 outcome of this lawsuit. In we don't win this lawsuit
20 there will never be a team in New York City, and I said
21 that very specifically. And I mean that. There is no
22 chance of ever having football coming back to New York and
23 in my opinion there is no chance, frankly, of ever having a
24 stadium built in New York which the city desperately needs.

25 If we win the lawsuit, there are a lot of

1 and, hopefully, we will have that league. We could also
2 conceivably have an NFL franchise because they are going to
3 have to do something to solve the problem that they caused
4 themselves.

5 Q. Mr. Trump, did you tell the gentlemen that this
6 lawsuit would force the NFL, to give you, Mr. Trump, a NFL
7 franchise?

8 A. No, sir. I said that a lot of things can happen --

9 Q. Sir, I think the answer is--

10 A. The answer is, I can't answer that in a yes or
11 no. I gave them lots of different -- I said certain things
12 can happen. We can have a very viable league and we could
13 have football brought back to this city. In the form of
14 NFL, in the form of USFL, in whatever form you like.

15 But the point is that football will be coming
16 back to New York if we win this lawsuit. If we don't
17 within the lawsuit, it's over with for any league because
18 nobody will ever compete again with the NFL.

19 Q. Do you recall telling the gentlemen that once
20 you got an NFL franchise, you would virtually guarantee
21 them that the stadium would be built not at Willets Point
22 but someplace else and they didn't have to worry about it?

23 A. No, sir, I didn't say that. I said if I get a
24 football team that is a viable product, if we get a network
25 contract or if through all of these convolutions that we

1 talked about there happens to be some kind of an
2 accommodation, as has happened many, many times over before
3 the years, that it is possible that if the stadium is built
4 it would not be witness at Willets Point, it could be built
5 at Willets Points, it could be built at someplace else, it
6 could be built anywhere in probably 3 different locations.

7 Q. Did you tell them, Mr. Trump, that once you got
8 an NFL franchise, you would have the leverage and the
9 bargaining power to tell Mr. Tese and the Governor to build
10 the stadium where you wanted to build it?

11 A. I didn't want the stadium built in any specific --

12 Q. Did you say that, sir?

13 A. I did not.

14 MR. MYERSON: Objection, your Honor.

15 A. I did not.

16 MR. ROTHMAN: Your Honor, my questions really
17 are calling for yes or no answers.

18 MR. MYERSON: Your Honor, the witness is doing
19 his best to answer the questions and he is continually
20 interrupted.

21 THE COURT: Mr. Rothman, if you want to protect
22 the record in moving to strike certain parts of answers,
23 you may do so. I think we will move along quicker.

24 MR. ROTHMAN: Thank you, your Honor, for the
25 statement.

1 Q. The question I am asking you now is, did you
2 tell the Willets Point gentlemen at the meeting that I have
3 now been referring to, once you got an NFL franchise you
4 would have the leverage and bargaining power to tell Mr.
5 Tese and the Governor to build a stadium where you wanted
6 to build it?

7 A. I just got finished telling you very
8 specifically that I didn't care, that I did not care where
9 the stadium was built, so what difference does it make to
10 me?

11 It might have mattered to the people at Willets
12 Point, but what difference did it take to me?

13 THE COURT: You can ask for a yes or no answer
14 or he can't answer with a yes or no, and we'll move along.

15 THE WITNESS: I can't answer that with a yes or
16 no, sir.

17 THE COURT: That is his answer. You mean you
18 can't answer that you did or did not make that specific
19 statement, is that correct?

20 THE WITNESS: That is correct, sir.

21 Q. I'm sorry, Mr. Trump--

22 THE WITNESS: In a different sense than I think
23 you mean, your Honor. I can't answer the question in that
24 that statement can only been a small part of the overall
25 statement that was made.

1 Q. Sir, the question I am asking is, did you tell
2 the gentlemen from Willets Point that once you got an NFL
3 franchise, you would have the leverage and the bargaining
4 power to tell Mr. Tese and the Governor to build the
5 stadium with you wanted to build it? Did you say that to
6 them?

7 A. I cannot answer that in a yes or no. I have to
8 go into a much longer answer and I'm sure you wouldn't want
9 to hear it, Mr. Rothman.

10 Q. Did you tell the gentlemen that you would be
11 interested in a stadium at the Ferry Point Park site or in
12 Nassau County, A, Willets Point was too small, and that the
13 air traffic over the Willets Points site was a problem?

14 A. I told the gentlemen that there would be other
15 alternatives. They suggested to me the Ferry Point site.

16 Q. Sir, I respectfully ask you, can you answer that
17 yes, no, or you cannot answer it?

18 A. I cannot answer it yes or no.

19 Q. All right. I will go on with the next question.

20 Did you tell the gentlemen from Willets Point
21 that they as businessmen should keep it quiet and go along
22 with you until after this lawsuit is over and then that you
23 would go public with a statement that you wanted the
24 stadium built somewhere other than Willets Point?

25 A. I told the gentlemen that they -- that the

1 gentlemen themselves had nothing to fight at this moment,
2 because as of this moment, without a team, without a
3 franchise for this city, there is no way that you are going
4 to have a stadium built anyway, so I didn't understand why
5 they would be really very interested necessarily in having
6 a stadium or fighting a stadium if that was their intention.

7 Q. Did you make the statement that I just read?

8 A. No, not as you read it, sir; no, sir.

9 Q. All right.

10 Mr. Trump, I want to move on to your meeting
11 with Mr. Rozelle.

12 A. Yes, sir.

13 Q. At the Pierre Hotel, that you testified to
14 yesterday. Do you recall that testimony?

15 A. I certainly do, yes.

16 Q. Firstly, the date of that meeting was March 22,
17 1984?

18 A. Yes, sir.

19 Q. And the meeting was held at a suite in the
20 Pierre Hotel that you arranged for and you paid for, is
21 that correct?

22 A. That is correct.

23 Q. Is it not true that you called Mr. Rozelle on
24 the morning of the meeting to set is the meeting up for
25 4:00 that day?

1 A. I believe it was probably that same day that the
2 call was made. I didn't care when the meeting was taking
3 place. Mr. Rozelle asked me to give him a call and I was
4 calling at his request, but I did make the call to Mr.
5 Rozelle, yes, sir.

6 Q. I think I misstated the date of the meeting, for
7 which I apologize. I believe the meeting was March 12,
8 1984?

9 A. Yes, sir.

10 Q. Is that correct, March 12?

11 A. I believe that is correct, yes, sir.

12 Q. Forgive me for that.

13 So you called Mr. Rozelle in the morning and
14 then following that conversation, you arranged for a suite
15 and you paid for that suite, is that correct?

16 A. That is correct.

17 Q. And the meeting then took place at approximately
18 4:00 that same day, is that correct?

19 A. That is correct, sir, yes.

20 Q. At that time, is it not true that you told Mr.
21 Rozelle that you were given the responsibility for
22 developing the antitrust case which was going to be filed
23 against the National Football League?

24 A. I was not given that responsibility. I am one
25 of a number of owners in the league. I was not given that,

1 and I did not say that to Mr. Rozelle.

2 Q. That is the answer. You did not say that to Mr.
3 Rozelle?

4 A. No, sir.

5 Q. All right.

6 A. We talked about the antitrust case because he
7 was very concerned with the antitrust case. I did not talk
8 to Mr. Rozelle that I was responsible.

9 Q. Mr. Trump, so that you and I understand each
10 other, the questions that I am now going to be put to you,
11 can be answered yes, no, or you can't answer yes or no, and
12 I wish you would tell me which of those 3 answers you are
13 giving before you allude to any responses, is that a fair
14 procedure?

15 MR. MYERSON: I am going to object to the
16 statement, your Honor, and suggest he proceed with the
17 questions.

18 THE COURT: You may proceed on that basis, Mr.
19 Rothman.

20 MR. ROTHMAN: Thank you, your Honor.

21 Q. Did you at that meeting say to Mr. Rozelle that
22 you were prepared to set up a big Florida real estate man,
23 the biggest in the state of Florida, to buy Washington, and
24 to move the Washington franchise to Miami? Did you tell
25 him that?

1 A. I can't answer that as a yes or no answer,
2 because it is not a yes or no answer.

3 Q. Did you discuss with Mr. Rozelle the fact that
4 you were prepared to set up a big Florida real estate man
5 to buy the Washington franchise and move it to Miami?

6 A. Excuse me. But the word "set up "sounds like
7 it's some onerous word like setup.

8 I have a friend in Florida who was interested in
9 buying a team that was very troubled, which was in
10 Washington. It had lost a tremendous amount of money, the
11 owners were going bankrupt. I recommended to my friend to
12 buy that team from Washington. I recommended to my friend
13 to move it to Florida, which is his home, that's where he
14 lives, he lives in Florida, and my friend looked at it and
15 almost went into the position, he was perhaps fortunate
16 that he didn't. But that was the answer.

17 You used the word "set up" like it's this covert
18 action. I just don't think it's an appropriate word to use.
19 I recommended to a friend of mine who happens to live in
20 Florida, who would have been interested in buying a team
21 for Florida to look at the possibility of buying the
22 Washington franchise. And that I believe that was
23 discussed with Mr. Rozelle, yes.

24 Q. So you then did discuss in that meeting with Mr.
25 Rozelle the fact that you had a friend in Florida who you

1 were trying to interest in buying the Washington franchise
2 and move it to Miami, is that right?

3 A. Who was interested --

4 Q. Did you discuss that with Mr. Rozelle?

5 A. Not the way you said it, sir. He was interested
6 in buying the Washington franchise. I was interested in
7 having something happen with that franchise because that
8 franchise was in serious financial trouble, the Washington
9 franchise. And that was very routinely discussed, yes, sir.

10 Q. Let me just see if I have it clearly. Did you
11 discuss with Mr. Rozelle the subject of your interesting a
12 Florida individual, real estate man, in acquiring the
13 Washington franchise and moving it to Florida?

14 MR. MYERSON: Objection on the ground that it's
15 been asked and answered 3 times.

16 THE COURT: Sustained.

17 Q. Did you discuss with Mr. Rozelle the fact that
18 you were trying to establish new ownership in the Chicago
19 area?

20 A. I don't know if I discussed Chicago. I think I
21 remember discussing with him the Washington. I don't know
22 that I discussed Chicago specifically, no, sir.

23 Q. Then do you recall saying to Mr. Rozelle that if
24 you are successful in getting a Florida man interested in
25 Washington moving to Miami, or if you are interested in

1 getting -- if you are successful in getting somebody
2 interested in Chicago, that you would then not be in a
3 position to do what you really want to do, because then you
4 would be too committed to the USFL?

5 A. I couldn't have said that because what
6 difference would it have made if we had two stronger
7 franchises instead of two weaker franchises; what
8 difference would it have made in terms of what I wanted to
9 do with the USFL?

10 Q. Then you never made that statement?

11 A. I never made that statement to Mr. Rozelle.

12 Q. All right.

13 Did you say to Mr. Rozelle in that meeting that
14 what you wanted was an NFL team and that you wanted to play
15 in the fall? Did you say that to him?

16 A. I told Mr. Rozelle that what I wanted is to play
17 in the fall. I did not say that I wanted an NFL team, no,
18 sir.

19 Q. Did you say to Mr. Rozelle that if you could get
20 an NFL team you it would sell the Generals to one of the
21 stiffes that would buy it? Did you tell him that?

22 A. Absolutely not.

23 Q. Did you tell Mr. Rozelle in that meeting that if
24 you got an NFL franchise and would then sell your team, the
25 Generals, to one of the stiffes who would buy it, you would

1 play in Shea Stadium or get a new stadium built in New York?

2 MR. MYERSON: I object to the form of the
3 question.

4 THE COURT: He's already answered part of that,
5 that he didn't say it, so you can't answer yes or no. What
6 do you want him to do, Mr. Rothman?

7 Q. Did you say to Mr. Rozelle that if you got an
8 NFL franchise, you would play in Shea Stadium or get a new
9 stadium built in New York?

10 A. Absolutely not.

11 Q. Did you have a discussion with Mr. Rozelle at
12 the Pierre in which you pointed out to him that the
13 dilution of television over three years of contracts -- I'm
14 sorry, I will start again.

15 Did you say to Mr. Rozelle that the dilution of
16 television over three years of contracts could be worked
17 out, that you would be willing to take less or nothing for
18 TV if you could get an NFL franchise?

19 A. Mr. Rozelle pointed out to me the dilution
20 factor. It was his job. He was explaining to me about the
21 dilution factor, which is something that frankly I had not
22 known about or thought about before. Mr. Rozelle explained
23 the dilution factor to me.

24 Q. Did you say that you would be willing to take
25 less or nothing from television if you could get an NFL

1 franchise in New York?

2 A. No, sir, I did not.

3 Q. Did you indicate to Mr. Rozelle that you
4 understood the problem of there being 3 teams in New York
5 and that maybe the way to solve that was that the 3
6 networks, CBS and ABC, would just carry the successful team
7 and not the unsuccessful team?

8 A. I wouldn't have said that, I didn't say it and I
9 couldn't have said it because you don't have 3 teams in New
10 York. You have no teams in New York. If the Generals ever
11 did come to New York, you'd have one team. The two New York
12 teams have left New York, sir.

13 Q. You never made such a statement?

14 A. I did not.

15 Q. And then did you say to Mr. Rozelle that if you
16 got a NFL franchise and if you therefore left the USFL,
17 that your departure from the USFL would be psychologically
18 devastating to the USFL?

19 A. He effectively stated that to me, sir.

20 Q. Did you say that to him?

21 A. He said that to me.

22 Q. So you did not say it to him?

23 A. I did not say it to him, and he said it to me.

24 Q. All, right.

25 I just want to go back and be sure I have the

1 last question here clearly in mind.

2 Did you or did you not tell Mr. Rozelle in that
3 meeting that you you would play in Shea Stadium or get a
4 new stadium built?

5 A. It could have been discussed in terms of concept
6 of stadium, because he knew I was involved with the
7 building of a new stadium. He knew that any team coming in
8 New York wasn't going to be going into a new stadium, that
9 they'd have to play at Shea Stadium until such time as a
10 new stadium was built. So it very possible something could
11 have been discussed as to a stadium or as to playing in
12 Shea Stadium or whatever.

13 What I was interested in was football for New
14 York and if that meant that you were going to play at Shea
15 Stadium or for a period of years, that would have fine.

16 Q. Who was going to play at Shea?

17 A. Anybody. Whether be the Generals or anybody
18 else. Somebody would have had to play at Shea Stadium or
19 Yankee Stadium for a period of years until a new stadium
20 was built.

21 Q. Let's see if we can stay with this for a time.
22 There was in the meeting with Mr. Rozelle some discussions
23 of a team playing at Shea Stadium or a new stadium in New
24 York, is that correct?

25 A. There could have been very light discussion

1 about it, because Mr. Rozelle knew and I was obviously
2 looking and hoping to be able to build a stadium in New
3 York City, yes, sir. So there could have been.

4 I don't know, it wasn't a very major point, to
5 be perfectly honest, but there could have been.

6 Q. What I am trying to understand is, i what
7 context would you be discussing with Mr. Rozelle in that
8 meeting a team playing in Shea Stadium? Would it be in the
9 context of an NFL team, a USFL team, your team -- explain
10 that to me.

11 MR. MYERSON: I am going to object to that, your
12 Honor, in that it calls for speculation to the witness. If
13 the witness has a precise recollection of whether or not it
14 was discussed, that's fine. But to say that he doesn't
15 recall whether or not it was and then ask in what context
16 it might have been, I object.

17 THE COURT: Overruled.

18 A. If the United States Football League obtained a
19 television contract, the Generals would have moved to New
20 York and would have played with their television contract
21 in Shea Stadium and Generals until such time as another
22 stadium could have been built, you know, a good stadium
23 could have been built.

24 Shea Stadium is not considered a good stadium
25 for professional football in certain respects. In other

1 respects I guess it's fine. But we wanted to and everybody
2 in the city wants to build a professional football stadium.

3 Q. Now, sir, what I am trying to understand is, you
4 are in a meeting with Mr. Rozelle. You have related what
5 you said happened at the meeting and I have asked you some
6 questions about that, which you have answered. And I am
7 trying to understand and ask you to help me understand the
8 context of which you were talking about Shea Stadium or
9 another stadium.

10 What were you saying to Mr. Rozelle and what was
11 he saying to you about that subject?

12 MR. MYERSON: I am going to object, your Honor.
13 Number 1, the witness's recollection was just given, and to
14 call for speculation as to what the context might have been,
15 I object.

16 THE COURT: It's proper, Mr. Trump, for Mr.
17 Rothman to ask you specific questions to see if it helps to
18 refresh your memory, so that based on his questions, if it
19 does so, you may so testify. But I'm certainly not
20 suggesting that you speculate about anything.

21 A. Well, sir, it just wasn't a very important part
22 of the meeting, and it's something that frankly is of not
23 very much consequence as far as I was concerned, relative
24 to that meeting.

25 The context of playing or possibly playing in

1 Shea Stadium it would be that the Generals, if we were able
2 to, which we were not able to, if the United States
3 Football League could have gotten a contract, a national
4 television contract that we should have been able to get
5 based on everything, we would have played at Shea Stadium,
6 and that's possible that that was mentioned at the meeting.

7 Q. Mr. Trump, you are in a meeting with the
8 Commissioner of the National Football League, March 12 at
9 the Pierre Hotel. Is it not true, sir, that what you were
10 saying to him was, Commissioner, if I can get an NFL
11 franchise, I will play in Shea Stadium or in a new stadium?
12 Isn't that what it was about?

13 A. That is totally false, sir.

14 Q. Then was it, sir, your saying to him, Mr.
15 Commissioner, I am going to put the Generals into Shea
16 Stadium? Is that what you said time?

17 MR. MYERSON: I am going to object again on the
18 ground that the witness has given his testimony of his best
19 recollection.

20 THE COURT: Mr. Meyerson, this is
21 cross-examination.

22 MR. MYERSON: I am just protecting the record,
23 your Honor.

24 THE COURT: I am going to permit it.

25 A. I just stated to you, sir, that the only way

1 that could have come up based on the meeting was that if we
2 got the television contract, that the Generals would have
3 moved into New York into Shea Stadium as the Generals.

4 Q. So you were telling the Commissioner in that
5 March meeting that you were going to move the Generals, a
6 USFL team into Shea Stadium, that was the purpose of it?

7 A. The purpose of what?

8 MR. MYERSON: Objection, your Honor.

9 THE COURT: Overruled.

10 A. The purpose of what, Mr. Rothman?

11 Q. The purpose of the discussion with Commissioner
12 Rozelle about moving into Shea Stadium?

13 A. The purpose of the discussion with Mr. Rozelle
14 was started by Mr. Rozelle when he asked me to call him.
15 He did call me. We had a meeting, we set up a meeting.
16 And Mr. Rozelle's purpose was to get us to stay in the
17 spring and to not bring the antitrust lawsuit. That was
18 the purpose of the meeting. Not as a whether or not the
19 Generals are going to do this or do that.

20 MR. ROTHMAN: We'll leave it with that, sir,
21 thank you.

22 THE WITNESS: Fine.

23 THE COURT: Is there redirect?

24 MR. MYERSON: Absolutely no redirect, your Honor.

25 THE COURT: Mr. Trump, thank you very much.

1 You are excused.

2 THE WITNESS: Thank you, your Honor.

3 (Witness excused)

4 THE COURT: I might say, Mr. Rothman, when you
5 said a half hour more, you were fairly accurate on that.

6 MR. ROTHMAN: Thank you, your Honor. I
7 appreciate the thought.

8 MR. MYERSON: Your Honor, the plaintiffs call
9 Jay Moyer.

10 JAY MOYER, having been been called as a witness by the
11 plaintiffs, was duly sworn and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. MYERSON:

14 Q. Mr. Meyerson, you are Mr. Moyer the lawyer?

15 A. Yes, sir.

16 Q. You are the executive vice president and
17 general counsel of the National Football League?

18 A. I am executive vice president and in house
19 counsel. I have never had the title of general counsel,
20 no, sir.

21 Q. As executive vice president and in house counsel,
22 you have the number two position in the National Football
23 League office under Commissioner Rozelle?

24 A. Administratively, yes, sir, that's true.

25 Q. When were you first employed by the National