

THE ART OF THE DON DEAL

Brigade of illegal aliens cleared Trump site: suit

By TOM ROBBINS
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WHEN HE WROTE his best seller, "The Art of the Deal," Donald Trump did not include a single reference to the Polish Brigade in his chapter on Trump Tower.

He told how he built the 68-story building that launched him into the pantheon of the very rich and famous — how he assembled the land on Fifth Ave., cunningly won tax breaks and low-cost financing, and gilded it with rose-hued marble, polished brass and an 80-foot waterfall.

But he didn't tell the story of the more than 200 demolition workers who came to be known as the Brigade.

Imported illegally from Poland, these laborers sweated through round-the-clock shifts razing the old Bonwit Teller department store to make way for Trump Tower.

They worked under dangerous conditions and lived in slum housing, some sleeping on the floors of the building they were knocking down.

In the end they were stiffed for even the illegally low wages they were promised.

Based on court documents, there is little or no disagreement that the Poles were exploited. What is in dispute is who is responsible.

Now, the most unlikely of challengers says that it was Trump himself.

After a seven-year legal battle, Harry Diduck, a crusty ex-boxer and dissident member of the house-wreckers union, has wrestled Trump into federal court with charges that he coldly mistreated the Poles.

And, Diduck, 67, is determined to make New York's wunderkind of wealth the star witness at a Manhattan Federal Court trial set for April 26.

"He's a millionaire. So what? That don't bother me. He knew what was going on with those Polish workers. I want to see him explain how this happened," says Diduck.

HE DENIES HIRING 'EM

Citing the litigation, Trump declined comment, but in pre-trial testimony, he has said the story of the Polish Brigade has nothing to do with him or Trump-Equitable, the joint venture he formed with the Equitable Life Assurance Society Co. to build Trump Tower.

If anyone was responsible, Trump testified, it was his

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demolition contractor, whose work "turned out to be a disaster." Beyond that, he said, "I am not familiar with who (was) hired."

Still, a federal appeals court ruled last May that Diduck's case had enough merit to force Trump, the contractor and five others into the dock on Diduck's claim that they deprived his union pension fund of contributions that should have been made on behalf of the Poles.

Either way, as outlined in court papers, testimony and interviews, the story of The Donald and the Polish Brigade is unlike any in "The Art of the Deal," with a cast that includes a mob informant and a phantom Trump employe and charges that a Trump aide battled the Poles' efforts to be paid with threats of deportation.

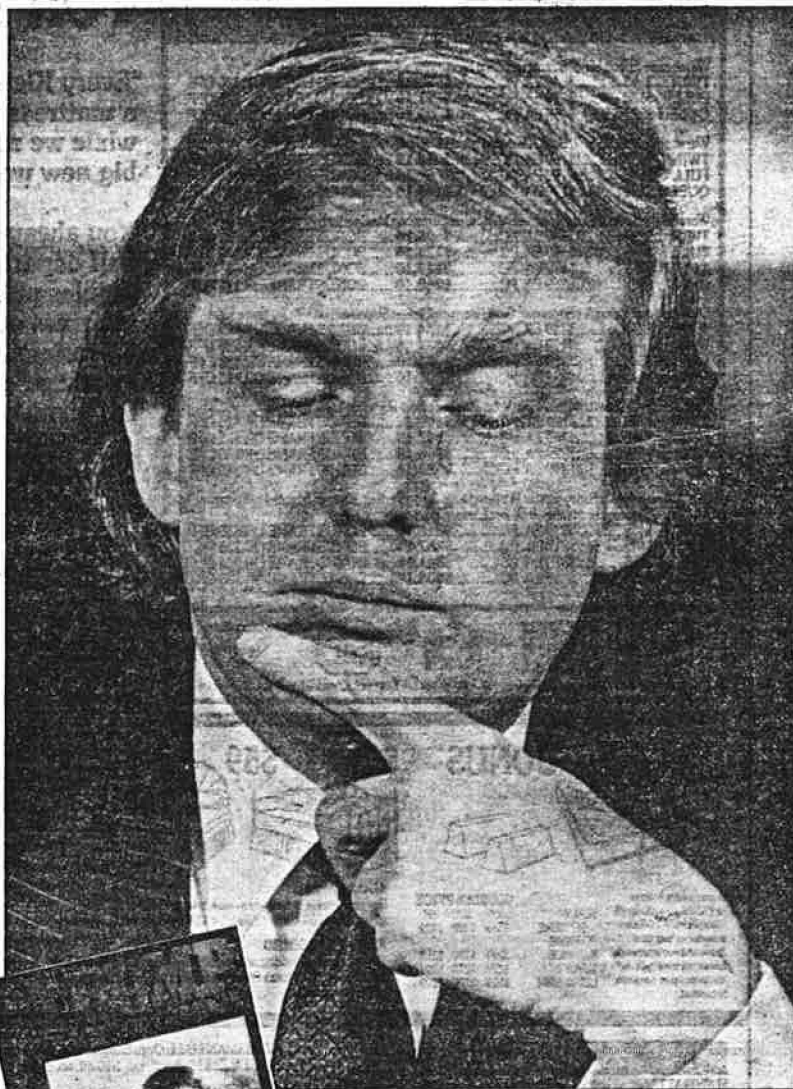
SMALL-TIME PLAYER

William Kaszycki, a small-time contractor, made big profits exploiting illegal aliens.

His wife recruited workers in Poland, offering transportation, housing and \$4 to \$6 an hour, by Polish standards a princely wage. Once here, Kaszycki assigned the workers to 12 and 18-hour shifts with no days off or overtime.

His promise of housing meant sleeping as many as eight to a room in a slum apartment or motel room. When eight rose for work, they'd be replaced on the bed or floor by eight more.

Kaszycki had been working this scheme for years when he was introduced to Donald Trump in 1979 by Tom Macari, Trump's vice president for operations.



AUTHOR! AUTHOR!

Use of illegal aliens to demolish Bonwit Teller building didn't make it in Donald Trump's tome, "The Art of the Deal."

At his deposition, Trump had a different recollection of his initial dealings with Kaszycki. "I might have met him a couple of times but I don't remember specifically," he said.

TIPTOE THRU THE TRUMPING

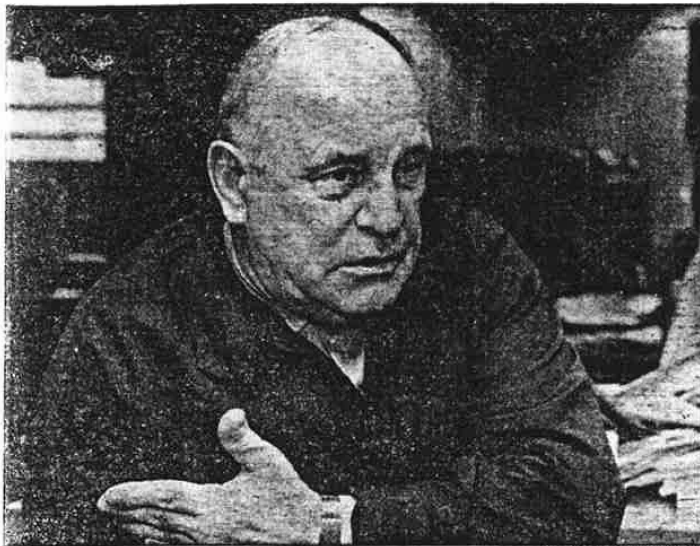
The demolition work did not get off to a good start.

Several Brigade members testified they began in December 1979 and one, Albin Lipinski, said Kaszycki ordered the workers to "sneak into the building" and "surreptitiously" start demolition.

The job was such a secret, he said, that electric power was still on. When it came to cutting a live wire, Lipinski said, "I would unravel it and cut the strands one by one to avoid serious shock."

Macari swore in an affidavit that demolition began Feb. 1, 1980. In his book Trump declared it began March 15. The city did not issue a permit until April 22.

To get a permit, the city requires an inspection to insure the building is vacant, notice to adjoining owners, cutoff letters from gas and

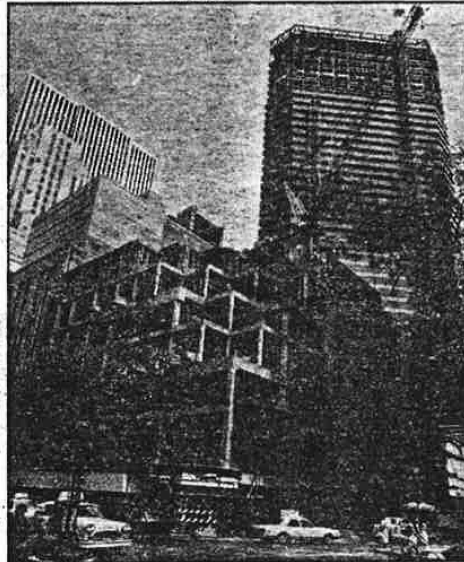


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SUITED: Union member Harry Diduck (l.) charges Donald Trump used illegal aliens to raze Bonwit Teller (lower l.) to make way for Trump Tower (below, while under construction). A Trump friend, Daniel Sullivan (above), said he told The Donald to dump the illegals.



Sons and requiring both their signatures on checks. That step, according to Diduck and his lawyers, placed Donald Trump in the middle of Kaszycki's scam.

"Any suggestion that Trump didn't know precisely what he was doing would be preposterous," says Wendy Sloan, a Diduck attorney.

From that point on, Kaszycki testified, Macari was on the job "20 to 30 times a day," and at least once, according to witnesses, he personally paid some workers in cash. Nonetheless, the situation continued to worsen.

First, the demolition workers union — representing fewer than 40 workers at the site — threatened to stop the job if Kaszycki didn't cough up pension fund contributions. Trump paid — but only for the union members and not for the Brigade — thus violating pension laws, according to Diduck's suit.

Then, Daniel Sullivan, a business acquaintance of Trump's, advised the tycoon to quickly get rid of the Poles.

A burly ex-Teamster and FBI informant, Sullivan said in a sworn affidavit that Trump told him in June 1980 that "there were some illegal Polish immigrants" on the job.

"I told him he was nuts," Sullivan said. "I warned Trump that employing illegal aliens would jeopardize his attempts to win a casino license in New Jersey."

A month later, Sullivan said, Trump told him that the "Polish workers were threatening to hang Tom Macari."

Diduck and his lawyers view Sullivan's account as crucial to showing Trump had firsthand knowledge of the Poles. But Trump's attorneys dismiss Sullivan as a con man and convicted tax cheat who was once dropped by Trump from a business deal after New Jersey casino authorities challenged Sullivan's ties to mobsters.

One way or the other, the Brigade was soon laid off in large numbers. Many of the Poles were never paid. The demolition was completed,

and the way was cleared for Trump Tower.

If the Polish Brigade was gone, it wasn't out of the picture — and the phantom Trump aide was about to surface.

John Szabo, a plucky Queens lawyer who agreed to help the Poles win back wages, told Macari he believed Trump-Equitable could be liable for penalties under the Federal Fair Labor Standards Act. He asked Macari to have Trump's lawyers contact him.

A few minutes later, Szabo said, a "Mr. Baron, an attorney for the Trump Organization," phoned, threatening to sue him for \$100 million because he'd filed liens on the project.

Several days later, Szabo said, another Trump attorney, named Irwin Durben, called, describing himself as "Mr. Baron's boss." Durben, according to Szabo, said Trump would not pay and would produce 125 members of the wreckers union to swear the Poles were not on the job for any length of time.

Further, Szabo said, Durben warned that Trump would ask immigration authorities to deport the Poles.

Durben, a long-time Trump family attorney, said in an interview he does not remember Szabo or the phone call.

But what of Baron?

Trump himself testified that John Baron was but "a pen name" used by an aide. "Mr. Baron is me," Macari admitted in his deposition.

FEDS WERE LISTENING

Dismissed by Trump, Szabo's complaints got a sympathetic ear in federal law enforcement offices.

In November 1980, agents from the Newark U.S. attorney's office raided two motels on the Jersey Shore and arrested more than a score of Poles working a Kaszycki job in Atlantic City.

Investigators also met with Trump officials as part of a probe that led to a successful Labor Department suit against Kaszycki for back wages and damages for the Polish Brigade.

Although the government won a \$570,000 judgment, it was unable to collect, partly because Kaszycki faced a federal criminal probe.

Kaszycki eventually pleaded guilty and was fined \$10,000 and served two months in jail — less time than some members of the Brigade, who were jailed as material witnesses to testify against Kaszycki.

Szabo said he gave prosecutor Jo Ann Adlerstein detailed information about the Trump Organization's role. Adlerstein, now in private practice, said everything related to Trump Tower was forwarded to the Manhattan U.S. attorney's office. Officials there said they have no record of an investigation.

At the time, the executive assistant to the Newark U.S. attorney was Maryann Trump, Donald Trump's sister. Mel Kracov, the current executive assistant, said that although Maryann Trump technically supervised all cases in the office, she had no involvement in the Kaszycki matter.

electric utilities, caps on sewer and water pipes, and a certified rodent extermination.

The Bonwit job was well along before any of that was done, although, according to the city, the building owner — Trump-Equitable — was responsible for the permit.

Kaszycki testified that demolishing a building was far more expensive than he'd thought, and the work was slow going. At first, he saved money by having his foremen pay workers selectively. Then he stopped paying altogether.

According to a report by federal prosecutors, "weeks would go by without any pay ... At one point (the workers) were reduced to drinking milk and eating donuts for

more substantial food."

The situation exploded in early March 1980 when the Poles staged a sit-down strike, and, Lipinski said, he visited Trump in his office to bring the matter to his attention.

Trump's version, again, is different — that he knew nothing of what was happening. "I was no different than anybody walking up and down the sidewalk," he testified.

NEW BUSINESS IDENTITY

When Kaszycki stopped paying suppliers and his insurance was cut off, Macari, Trump's vice president, opened a checking account with Kaszycki, listing himself