



## **City Blames Judge Instead of Racist FDNY**

By David R. Jones  
February 9, 2012

The Fire Department has been fighting for years to remain a special preserve in the City of New York where racial discrimination in hiring looks to be the accepted norm. A few years ago, the FDNY had about 1,000 black and Latino firefighters out of a total of over 10,000. The numbers of minority firefighters in the FDNY have hardly moved over the years, although the combined black and Latino population of New York City now comprises over half its total population. The city has the least diverse fire department of any major city in America; 57 percent of Los Angeles, 51 percent of Philadelphia and 40 percent of Boston firefighters are people of color.

In response to this, a lawsuit was filed, *United States v. City of New York*, which originated from two Equal Employment Opportunity Commission (EEOC) charges filed by the Center for Constitutional Rights. The EEOC attempted an informal resolution of the dispute between the parties. However, conciliation attempts failed when the city would not come to the table. So the case was turned over to the U.S. Justice Department in 2004. It, too, found the charges legitimate. The FDNY refused to meet with them, too, and so the Justice Department filed the lawsuit in 2007.

After a trial in U.S. District Court, Judge Nicholas Garaufis ruled on October 4, 2011, that the Fire Department's hiring practices are broadly discriminatory on the basis of race and ordered major reforms to be overseen by the court. In his decision, Judge Garaufis characterized the department as "a stubborn bastion of white male privilege."

After losing one fight after another, the department, backed by the Bloomberg administration, has reached the desperate point of accusing Judge Garaufis of being unfair and having a "one-sided assessment of the evidence." The city wants the judge removed from the case.

The city's Corporation Counsel attempts to minimize the FDNY's lack of diversity by saying that the city should be credited for increasing diversity in other city agencies besides the Fire Department. But diversity in other agencies doesn't provide a justification for the FDNY's apparent status as a white preserve.

While this struggle has been fought out in the courts and the media, where has the city's leadership been, including its black leadership? Also, we have heard nothing about this issue from those candidates getting ready to run for mayor next year, probably because the FDNY union has considerable political clout.

All the talk about removing the judge detracts from the city's failure to make changes in its hiring practices. The personal attacks on Judge Garaufis are simply another symptom of the city's striking lack of cooperation in remedying the massive racial gap in one of its largest and most visible departments.

Community Service Society research on black and Latino participation in the city's labor market has made us particularly interested in the hiring practices of local government agencies. Our labor market studies have made it clear that large segments of the city's population are consistently and historically shut out of the labor market in both public and private sectors.

Mayor Bloomberg maintains that working men and women should be given the chance to secure their future through meaningful employment. Then the mayor should follow through on this by getting the FDNY open up to all New Yorkers, rather acquiescing to the department's stonewalling.

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David R. Jones is president and CEO of the Community Service Society (CSS), the leading voice on behalf of low-income New Yorkers for over 168 years. For over 10 years he served as a member of the board of directors of the Puerto Rican Legal Defense and Education Fund. The views expressed in this column are solely those of the writer.