

## Statement of Frank Ricci

Good Morning,

Thank you for the opportunity to appear before this distinguished committee. I accepted with honor the invitation to tell my story. Many others have a similar story and I feel I am speaking for them as well. The New Haven firefighters were not alone in their struggle. Firefighters across the country have had to resort to the federal courts to vindicate their civil rights.

Technology and modern threats have changed our profession. We have become more effective and efficient but not safer. The structures we respond to today are more dangerous, constructed with lightweight components that are prone to early collapse, and we face fires that can double in size every thirty to sixty seconds.

Too many think that firefighters just fight fires. Officers are also responsible for mitigating vehicle accidents, hazardous material incidents and handling complicated rescues. Rescue work can be very technical. All of these things require a great deal of knowledge and skill.

Lieutenants and Captains must understand the dynamic fire environment and the critical boundaries we operate in. They are forced to make stressful decisions based on imperfect information and coordinate tactics that support our operational objectives. Almost all of our tasks are time

sensitive. When your house is on fire or your life is in jeopardy, there are no do-overs.

The Lieutenant's test that I took was without a doubt a job-related exam that was based on the skills, knowledge and abilities needed to ensure public and firefighter safety. We all had equal opportunity to succeed as individuals and were provided a road map to prepare for the exam.

Achievement is neither limited nor determined by one's race but by one's skills, dedication, commitment, and character. Ours is not a job that can be handed out without regard to merit and qualifications. For this reason I and many others prepared for these positions throughout our careers. I studied harder than I ever had before. Reading, making flash cards, high lighting and reading again all while listening to prepared tapes. I went before numerous panels to prepare for the oral assessment. I was a virtual absentee father and husband for months because of it.

In 2004 the City of New Haven felt not enough minorities would be promoted and that the political price of complying with Title VII, the Cities' civil service rules and the charter would be too high. Therefore they chose not to fill the vacancies. Such action deprived all of us the process set forth by the rule of law. Firefighters who earned promotions were denied them.

Despite the important civil rights and constitutional claims we raised, the Court of Appeals panel disposed of our case in

an unsigned, unpublished summary order that consisted of a single paragraph that mentioned my dyslexia and thus led everybody to think that this case was about me and a disability claim. This case had nothing to do with that. It had everything to do with ensuring our command officers were competent to answer the call and our right to advance in our profession based on merit regardless of race.

Americans have the right to go into our federal courts and have their cases judged based on the Constitution and our laws, not on politics and personal feelings.

The lower courts' belief that citizens should be reduced to racial statistics is flawed and it only divides people who don't wish to be divided along racial lines. The very reason we have civil service rules is to root out politics, discrimination and nepotism, although our case demonstrates that these ills will exist if the rules of merit and law are not followed. Our courts are the last resort for Americans whose rights are violated. Making decisions on who should have command positions solely based on statistics and politics where the outcome of the decision could result in injury or death is contrary to sound public policy.

The more attention our case got, the more some people tried to distort it. It bothered us greatly to see so many reporting this case as involving a testing process that resulted in minorities being completely excluded from eligibility for promotion. That was entirely false as minority firefighters

were victimized by the city's decision as well. As a result of our case, they should now enjoy the career advancement that they earned and deserve.

Enduring over five years of court proceedings took a toll on us and our families. But at some point we began to understand that this case was no longer about the twenty of us but about so many other Americans who had lost faith in the court system because of what happened to us. We understood that firefighters and others of all races and different ethnicities wanted what we sought, which was simple fairness, the right to be judged on merit, and the rules and the law to be enforced even handedly. Many were counting on us and when we finally won our case, the messages we received from every corner of the country made us know it was all worth it.

We never asked for sympathy from the courts. We simply asked for serious consideration of our claims and an acknowledgement of our basic right to be treated fairly. That is the just expectation of all Americans.

Again, thank you for the honor and privilege of speaking to you today.