

Race Relations Smolder at D.C. Fire Department



D.C. fire investigators Gerald Pennington and Gregory Bowyer say they were reassigned to a community service unit after calling attention to botched investigations. They are suing the city in federal court. (By Courtland Milloy -- The Washington Post)

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When it comes to the D.C. fire department, racial progress for blacks has been won through decades of protests and civil rights litigation. Even when President Ronald Reagan tried to turn the department into a centerpiece of his campaign to eliminate affirmative action in the 1980s, the city's elected officials firmly resisted his efforts.

Now comes a "whistleblower" lawsuit, recently filed by two black D.C. fire investigators, that reads like a complaint straight out of the Jim Crow era. This time, it's Mayor Adrian M. Fenty who appears to have turned a blind eye to the struggles of the past.

For District residents who wonder how the top echelons of the fire department went from black to white seemingly overnight, the case of Gregory Bowyer and Gerald Pennington might offer valuable insight.

The suit alleges that after Fire Chief Dennis L. Rubin, one of several high-profile white department heads recruited by Fenty, took over in 2007, he immediately began implementing "a new race-based policy" that favored whites.

"Since 2007, the presence of African Americans in the [Fire Investigation Unit] has dropped from 70% to 40%," the complaint reads. "Now all of the supervisors in FIU are white, whereas before 2007 they were all African American."

Maybe if you could prove that the white hires really were better than the black firefighters and that public safety had improved, such a reversal of fortune could be understood. But the suit says that's not the case.

"None of the white firefighters whom the Department assigned to the Unit . . . met the qualification requirements for membership in the Unit," the lawsuit alleges. "In fact, these firefighters still lack the necessary qualifications, as all of them, on two or more

occasions, have failed portions of the written, physical and psychological examinations required for assignment to the position of fire investigator."

Baseless allegations, say city officials, who last week filed a motion in U.S. District Court asking that the lawsuit be dismissed.

"It's quite an effort that these two guys are making, giving TV interviews, filing complaints," Peter Nickles, the city's attorney general, told me Monday. He went on to cast doubt on their integrity. "We dispute almost everything they claim, including that they are individuals of distinction."

Yet, Bowyer and Gerald Pennington have been honored repeatedly for their performance. Colleagues say they are top-notch investigators and consistently had among the highest arrest rates in the unit.

Pennington, 48, has been a D.C. firefighter for 18 years and an arson investigator for eight years. As a member of an elite rescue squad some years ago, he was awarded the Silver Medal of Valor for rescuing a man from a burning building. Bowyer, 38, a D.C. firefighter for 17 years, also has worked as a fire investigator for eight years.

In May 2007, the two men were awarded the Bronze Bar "for the highest degree of judgment, zeal or integrity." They received certificates of appreciation from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives for their work on a serial arson task force that tracked down the culprit who set dozens of house fires in the Washington area between 2003 and 2005. They also have been honored by the D.C. Firefighters Association and the U.S. attorney's office.

Their troubles began when they started criticizing inexperienced white colleagues who they said had botched investigations, including the probe of the 2007 fire that caused \$30 million in damage to Eastern Market.

Last summer, they were abruptly reassigned to a "community service unit," on which their duties include checking fire hydrants and testing smoke detectors. They say no reason was given. They are also tasked with serving refreshments to firefighters on the scene of fires -- which makes them water boys, in effect.

"A supervisor, who is white, drops me off on a street corner, and I walk around checking fire hydrants while he drives around checking on me," Bowyer told me. "It's pretty demeaning."

To prove that their reassignment was retaliation, the city contends, Bowyer and Pennington must show that "the change of duties resulted in a loss of pay, benefits or promotion possibilities, or resulted in a change in position that was not as 'high profile.' "

And, of course, as the city sees it, walking the streets checking fire hydrants is as high-profile as working undercover or in plainclothes as an arson investigator.

I told Nickles that I was concerned that racial progress at the fire department had slowed considerably, and he responded: "I'm concerned about the general issue, and I have talked to the chief and continue to talk to the chief because it's a matter I want to believe we've taken steps to improve. And I intend to monitor our improvements. But I would say if you've come to that conclusion based on the allegations of those two individuals, I don't believe it's accurate to say that nothing has changed or that we are reverting back to the past. "

The case is in the hands of the courts. But what's come out so far strongly suggests that when it comes to racial progress, the clock is slowing at the D.C. fire department.

Let the case go forward, and we'll find out whether the clock is going backward.

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