

“THE FIRES...” by JOE FLOOD
INSTANCES OF ERRORS, MISREPRESENTATIONS, SPECULATION
AND ANALYTIC DEFICIENCIES

Catherine O’Hagan Wolfe

INTRODUCTION

This analysis provides detailed information to establish that Mr. Flood presents to the reader facts that are false or misleading and analysis that is fundamentally flawed to support an otherwise unsupportable thesis.

Briefly stated, the author argues that in the 1970s the loss of property through fire in New York’s poverty-stricken neighborhoods was caused by deliberate decisions the Fire Department Chief made to allocate manpower in ways that deprived those neighborhoods of critical fire protection. Mr. Flood asserts that the Chief, John T. O’Hagan, made those decisions based upon faulty information from the RAND Corporation for the dual purposes of ingratiating himself with those in politics and the real estate industry who could advance his career and retaliating against those who crossed him.

Having started with this thesis, Mr. Flood makes his case by recasting and misrepresenting facts to suit the thesis, engaging in analytic sleights of hand and relying on speculation when facts fail him. These serious errors manifest themselves in four fundamental respects.

First, though he describes the socio-economic upheaval of the 60s and 70s, Mr. Flood attempts to situate the city’s fire crisis outside that context by asserting that Fire Department management decisions caused the destruction. The facts he presents simply don’t support that conclusion. RAND’s analytic tools and O’Hagan’s decisions, whatever their motivation, did not

lead to fires that were accidental or set by members of an unraveling community. See for example the books listed in the Appendix. Moreover, Flood fails to link the destruction to the management decisions. He recites a handful of undifferentiated statistics - notwithstanding his disdain for quantified data - regarding the increased workload some 12 units (less than 4% of the department's 375 engine and ladder companies and excluding some 90 special units) experienced when Chief O'Hagan disbanded or relocated units. In a city where the number of alarms and fires per year were increasing at unprecedented rates - a phenomenon beyond the Fire Department's control - that increase alone does not demonstrate that the changes were unfounded.

Second, Flood never describes how the Fire Department's management decisions were made. The Fire Department's annual reports are the only official materials cited in his bibliography; and though cited, little of the information in the reports can be found in the book. Not one primary, contemporaneous Fire Department or City Budget Office memo, report or other analytic document is cited in the book. Nor is there reference to a single statement or document by Chief O'Hagan or his senior staff that directs or explains any management decision. Not even the RAND reports he cites shed any light on how those decisions were made. Moreover, he presents none of the analysis that would demonstrate the extent to which actual management decisions had an actual impact on property loss or civilian deaths. Instead, Mr. Flood relies on non-specific quotes from old-time union officials and firefighters who were junior at that time - few, if any, of whom participated in those decisions. Weaving speculation and conjecture into often anonymous quotes, Mr. Flood crafts conclusions that support the thesis with which he began. It is a classic strawman technique.

Third, Mr. Flood mis-characterizes RAND's participation in Fire Department affairs and he materially misrepresents the studies RAND performed in an effort to portray management decisions as grounded in deeply flawed analyses. In truth, in 1968 RAND was brought in to assist the department (and other city agencies) when the traditional means the department employed to address increased fire alarms failed. From 1964 -1970 as the number of alarms doubled, the Fire Department budget increased to \$250M. Nearly 1400 firefighters were hired - 10 companies in

1967 and 1968 alone. Notwithstanding re-deployments and cuts, by FY 1974 -1975 the Fire Department's budget exceeded \$375M - and the still-increasing alarms were straining operations. RAND's mandate was to help develop measurement tools the department could use in making decisions that would limit loss of life and property with the finite resources at hand. RAND was not in the room when the decisions were made. See *Models in the Policy Process*, Greenberger, Crenson, Crissey, cited in the book's bibliography. The RAND reports speak for themselves in describing their mandate and each report sets out the factors that would limit its applicability in the field. Mr. Flood disingenuously uses these articulated limitations as evidence that the RAND reports were flawed. It should be noted that the Fire Department Vital Statistics report to this day prominently features response time as a measure of the department's performance. And, the validity of the RAND response time study was recently confirmed using GPS data. With no primary information from the Fire Department about how the management decisions were made, Mr. Flood claims the decisions were grounded in the RAND analyses. By discrediting RAND he backs into his thesis that the management decisions were flawed.

Fourth, in answering the question why such flawed programs were implemented, Mr. Flood offers an unsupported explanation. He posits that the Fire Chief, and later Commissioner, John O'Hagan, sacrificed the city's poor neighborhoods to curry favor with (1) the mayors he served and from whom he expected promotions, and (2) the real estate industry from whom he wanted support in enacting a high-rise building code. He further posits that O'Hagan made decisions in order to retaliate against those who crossed him. Not one of these motivations is grounded in anything other than generic statements of others, often anonymous or self-serving, and the speculation/conjecture with which Mr. Flood cloaks them. He relies on no statements from O'Hagan, written or oral. Had he asked in our several conversations, I would have told him that O'Hagan had no political ambitions. He declined to run for Congress and had no intention of serving as Deputy Mayor. Mayors Lindsay, Beame and Koch knew this. He planned to retire no later than the end of 1977 to open a consulting firm. Had Mr. Flood asked what O'Hagan considered his greatest professional failure, he would have learned it was the loss of 12 men at the 23rd Street fire. He loved the fire service and its men - second to God and arguably before the

family. He loved being a firefighter and never saw the need to be anything else. Absent a malefactor acting intentionally, the book is devoid of narrative energy. Mr. Flood casts John O'Hagan in that role - dead 20 years and now resurrected not as he was but as Mr. Flood would have had him be - to hold together a book that otherwise has no historic or analytic legs. Loosely bound together by a chimera of misrepresentation, speculation and the occasional turn of phrase, the book is worthy of a tabloid, not a respected publisher.

In sum, Mr. Flood himself put his finger on the fatal flaw in his book. When describing a well known 1951 football game between Princeton and Dartmouth he wrote, "The problem is that our perception of the facts is colored by which side, which storyline, we have already bought into." See p. 114 - 115. Mr. Flood has written a book trying to fit the facts to a storyline he had already bought. Given the Sean McDonald, editor of the fiction posing as memoir, *Million Little Pieces*, reportedly purchased this book for publication, perhaps that is not surprising.

SECTION I: CHAPTERS ONE - FOUR

P. 14 -Flood states that in 1970 census tract 2, located in a Bronx neighborhood known as Soundview, “held 836 residential and commercial buildings. By 1980, there were nine left. Statistically, it wasn’t even the most devastated area in the borough - that was tract 173 ...” Flood offers no authority for these statistics, which he repeats on **P. 185**. Data from the U.S. census reports for 1970 and 1980 demonstrate that these assertions misrepresent the facts. If Flood drew his data from this source, the 836 figure represents housing units, not residential or commercial buildings. In addition, both the number of housing units and population in Soundview increased during that 10 year period. If 9 buildings were left standing in tract 2 in 1980, where did the 3376 residents live? In addition, tract 2, is in Community District 9 and is not considered part of the South Bronx.

While we know residential housing units were lost to fire or abandonment during the period between censuses, it is impossible to determine from census data the number of structures that were lost because the census doesn’t track residential structures beyond noting the number of housing units that were located in structures built within particular time frames. For example, from the census we know that in census tract 173, most of the more than 1100 housing units lost between 1970 and 1980 were in structures built prior to 1949 and during the same period some 1500 units were built. Just as the census doesn’t track residential buildings, it doesn’t track commercial buildings. Where Flood got his figures is unclear.

Cumulatively, between 1970 and 1980, New York City lost 823,000 residents; nearly 303,000 of those were Bronx residents. As a point of information, the Bronx began to lose population between 1950 and 1960, followed by an uptick during the 1960s.

Another point worth noting is that the census data demonstrate that during the fire crisis, housing stock continued to be built throughout the City. According to the 1980 Census, the Bronx consisted of 340 tracts, not 289 as Flood asserts (without cited

authority). Of those, 206 recorded stable or an increased number of housing units. One hundred thirty-four recorded reductions in housing units; 82 of those tracts had been specially designated during the 1970 census as comprising 10 low-income neighborhoods. Thirty-eight of the 134 tracts, notably in the South Bronx’s community districts, lost at least half of their housing units. The point is that the story of the destruction of housing and commercial stock in New York is more complex than Flood would have the reader believe. The tables below further illustrate that point as it is reflected in tracts 2 and 173. See United States Census 1970 and 1980, Tables H-1, H-2, H-7, and Documents relating to Bronx neighborhoods designated as ‘low-income’. See also the discussion on p.8.

	<u>1970</u>	<u>1980</u>
<u>Tract 2</u>		
<u>Population</u>	2,737	3,376
<u>Housing Units</u>	836	1,009
1-2 units/structure	794	887
3-4 units “	32	96
5-49 units “	10	18
Trailers etc.	-	8
<u>Units in Structures</u>		
<u>Built Pre-1959</u>	671	607
<u>Units in Structures</u>		
<u>Build 1970 -Mar.1980</u>		131

	<u>1970</u>	<u>1980</u>
<u>Tract 173</u>		
<u>Population</u>	4,937	4,892
<u>Housing Units</u>	1,539	2,004
1-2 units/structure	144	57
3-4 units “	126	101
5-49 units “	1,161	603
50+ units “	108	1,243
<u>Units in Structures</u>		
<u>Built Pre-1959</u>	1,523	811
<u>Units in Structures</u>		
<u>Built 1970-Mar.1980</u>		1,156

P. 18 - Flood relies upon percentages to demonstrate that the arson rate in the city was never significant - ranging from < 1% in the ‘50s to <7% in the late ‘70s. But 7% of what? The total number of runs? All fires? Structural fires? Or fires determined to be “suspicious” or “incendiary”?

Not all fires believed to be incendiary were investigated as such. In a 1977 article Flood cites, Chief Francis Cruthers estimated that 25-40% of structural fires were incendiary and would be so identified if fire marshals investigated them all. He went on to say that of the number of investigated fires, 3600 - 4600 each year from 1972 through 1977 were determined to have involved arson. In 1977, structural fires totaled nearly 51,000. Using Chief Cruthers’ estimate, between 12,750 and 20,400 fires were incendiary. See *New York Times*, 6.16.77 cited **P. 305 n.**

Later in the book, Flood first criticizes O’Hagan for reducing fire marshals when there was a “slight uptick” in arson and then he faults O’Hagan for starting marshal street patrols in 1977. **P. 22, 192, 247.** This pattern of criticizing both sides of management

action is consistent throughout the book, as pointed out below.

The City developed several initiatives to reduce arson, including two programs O'Hagan helped inaugurate: liens imposed by the City on the insurance proceeds paid to a landlord following an arson and the use of auxiliary police officers to monitor alarm boxes from which false alarms frequently were transmitted. See Letters from Commissioner Robert O. Lowery to Mayor John V. Lindsay, 11.28.1972., 1.24.1973. Flood's treatment of the role arson played in the destruction of housing and commercial properties is emblematic of the superficial analysis he brings to his thesis as a whole.

P. 18 - Flood quotes former Fire Commissioner Thomas von Essen about firefighting in the Bronx, "You know, in some ways the job became easier after 1975 or so, because even though there were all those fires, they were mostly in abandoned buildings." During the 1960s through 1970s, by some estimates, the South Bronx lost 40% of its residential and commercial buildings through fire, abandonment and demolition. That said, Von Essen is wrong. The table below, based upon the 1975 through 1978 Annual Reports, which Flood cites, demonstrates that fires in occupied buildings substantially exceeded those in fully vacant or partly vacant and deteriorating buildings.

	<u>City-Wide</u>	<u>Bronx</u>
<u>1975</u>		
Total Structural Fires	54,957	13,738
Occupied/Partly Occupied Gd. Cond.	43,665	9,608
Vacant/Partly Vacant Det. Cond.	11,292	4,130

<u>1976</u>	<u>City-Wide</u>	<u>Bronx</u>
Total Structural Fires	56,810	13,996
Occupied/Partly Occupied Gd. Cond.	43,851	9,383
Vacant/Partly Vacant Det. Cond.	12,959	4,613
 <u>1977*</u>		
Total Structural Fires	50,941	12,120
Occupied	41,181	8,647
Vacant	9,750	3,473
 <u>1978*</u>		
Total Structural Fires	44,670	10,054
Occupied	38,416	7,937
Vacant	6,194	2,127

* FD statistical categories changed these years.

P. 19 - 22 - Flood argues that during the 1970s, when alarms and fires hit record highs, 34 of the City's busiest units were closed in high fire activity neighborhoods. Later in the book he focuses on the 12 engine and ladder companies that constituted the second sections - backup units designed to relieve primary units that were overextended in responding to alarms. He maintains that these companies were selected because they were located in poor neighborhoods, to facilitate slum clearance and consequent re-development and lacked the political clout to fight the closures. Reducing the level of fire service in those neighborhoods doomed them to destruction. **P. 176, 179, 217, 224, 244.**

Throughout the book, much of Flood's discussion of the Fire Department units is confusing. The Appendix consists of a list of company openings, disbandings and reorganizations from 1965 through 1977 that facilitates understanding Flood's assertions. It is first organized by borough and year. In addition, because the bulk of the Department's changes occurred in 1972, 1974 and 1975, the information is presented in a second format, organized by year. The list is based upon a publicly available historical list of all the companies and units. See www.nyfd.com Also included is a city-wide map of each company's location.

From 1965-1977, the Bronx gained 10 companies and lost 5, Brooklyn gained 8 and lost 8, Manhattan gained 2 and lost 9, Queens gained none and lost 4, and Staten Island gained 1 and lost 2 Overall, the department opened 23 and disbanded 28 companies. In addition, 25 special units were opened and 45 were disbanded. These special units included fireboats, an air tank refill unit, a field communications unit, the TCUs (tactical control units), and squads (units that combined an engine with a ladder). To put the loss of companies in perspective, during the fiscal crisis as the department's labor force was reduced by 19%, fire fighting companies were reduced by only 7% as a result of management initiatives to minimize the negative impact of the crisis on fire protection levels. See *Models in the Policy Process*, Greenberger; Unofficial List of Fire Units, www.fdns.com. This unofficial list is interesting for another reason: it demonstrates that during the Department's long history companies were frequently organized, disbanded, relocated and re-organized to meet the City's needs. The list also illustrates that during this period no fewer than 37 companies were relocated to new or renovated quarters, changes that themselves altered the response times throughout the City. .

De-constructing Flood's evidence in support of the thesis reveals it to be a game of smoke and mirrors. The 12 units he cites constituted less than 4% of the 375 engine and ladder companies, excluding some 90 special units. Of the 12 companies, 7 were in the Bronx, 3 in Brooklyn and 2 in Manhattan. Seven were truly closed - i.e., disbanded, not re-located

or otherwise re-deployed. In 1972, one company was closed (Brooklyn, E 217-2). In 1974, six others were closed (Bronx: E 50-2, L 17-2, E 41-2; Brooklyn: E 103-2; Manhattan: E 91-2, L 26-2).

The remaining 5 units were not closed but re-deployed elsewhere within their respective boroughs (Bronx: E 46-2, E 85, E 88-2, L 27-2; Brooklyn E 233-2). Specifically, in 1969, E 46-2 was disbanded to organize E 88-2. Three years later, E 88-2 was disbanded to organize E 72 which was never disbanded in the 1970s. Another example is L 27-2. In 1972, that unit was disbanded to organize L 58 - at the same address. Similarly, E 82 and E 85 were located at the same address from 1967 until 1971 when E 85 was re-located 4 blocks away with a TCU (tactical control unit). E 85's workload at its new location on Boston Road was sufficient to warrant assigning the newly formed L 59 to that address in 1972. And, E 233-2 was re-organized as L 176 and relocated to Rockaway Ave., also in Brooklyn. Only E 72 was re-located more than one mile from the unit's prior location; the other re-organized units were located no more than $\frac{3}{4}$ mile from the prior location. Flood makes it sound as if each of the company changes, with the exception of E 46's re-deployment at E 88-2, removed all the fire resources rather than re-locating half the resources. A look at the map illustrates that company assignments in New York's poor neighborhoods were dense and proximate to the high activity areas.

The Fire Department's rationale for selecting the units closed or moved in 1972 and 1974 and the measures taken to mitigate the negative effects of the closings were set forth in the *Fire Bell Club News Notes*, press accounts at the time, and publicly available court records. *See Maye v. Lindsay*, 72 Civ 4912 (S.D.N.Y.1972); Lowery Affidavit; *Towns v Beame*, 74 Civ 5411 (S.D.N.Y. 1974). O'Hagan Affidavit, Bishop Testimony. These mitigation strategies and additional flaws in Flood's treatment of the second sections are discussed below at p.23 - 26, 29 - 31, 37.

Flood's analysis is flawed in several other important respects. In further support of his thesis, to demonstrate that the second section changes adversely impacted fire

protection in the South Bronx, Harlem and Brooklyn, Flood recites in a cursory way the increased number of workers the remaining units handled following the withdrawal of the backup unit. A discussion of “workers’ as a poor measure of workload begins on p. 28.

P. 21 - Flood claims that while the national fire fatality rate fell 40% during O’Hagan’s 14-year tenure, NYC’s fire fatality rate doubled. **P. 284n.** He cites for this statement the National Research Council’s Committee on Fire Toxicology report “Fire and Smoke: Understanding the Hazards”, a report on the degree to which fire deaths are caused by materials (i.e., plastic, etc.) that ignite rapidly or generate toxic fumes. The text of the reference refers only to the national rate; there’s no mention of the New York rate. Moreover, the national rate quoted therein is adjusted for population and omits fire-related transportation deaths.

It is impossible to determine how Flood calculated the figure he ascribes to New York. Using the grossest of measurements, total city population divided by total civilian deaths, the rate might be said to have increased 61% from $\approx 23/M$ to $\approx 37/M$ - with no adjustment for population or omission of fire-related transportation deaths. Moreover, since the census is conducted only every 10 years, the population data used for this calculation is not accurate on a year to year basis. Flood’s reliance upon this calculation flies in the face of his position that fire resources should be allocated according to the intensity of fire activity. By distributing the risk evenly across population, Flood at least implicitly concedes that fire protection resources similarly should be evenly allocated across the population.

There are at least 4 other ratios involving civilian fatalities that measure fire fighting effectiveness: deaths per total number of fires, deaths per total number of serious fires (defined as an all-hands or greater alarm), fires in which a death occurred per total number of fires or serious fires. Using Flood’s preferred measurement - total fires, i.e., workers - the ratio ranges from 2.26deaths/1K to 2.23/1K. Per serious fires, the ratio ranges from 112deaths/1K to 63deaths/1K. If the ratio uses the number of fires in which a death occurred - i.e., in 1970, 310 deaths occurred in 245 fires - the ratio is even less.

It's also worth noting that in 1970, the year civilian deaths peaked, the Fire Department's manpower also peaked at 14,325 uniformed men. Conversely, in 1975, the year fires peaked and manpower hovered at 11,500, civilian deaths fell to 245 in 198 fires.

Two other analyses demonstrated that the fatality rate did not increase during that period. Analyses of the deaths that occurred in structural fires from 1967 - 1972 demonstrated that the ratio of deaths per structural fire did not increase during that time. *See* "Fire Casualties and Their Relation to Fire Company Response Distance and Demographic Factors", *Fire Technology*, Vol. 12, No. 3 (1976), pp. 193-203. This article explains in detail the difficulties in using civilian fatalities as a measure of relative risk across the City. Another study covering 1972 - 1978 showed a ratio of 0.0054, lower than the ratio of 0.0061 for the period 1958 - 1971. In addition, Deborah and Rodrick Wallaces' work, which Flood cites, projected 340 civilian deaths for 1976. In truth, 289 civilians died in fires that year, a figure lower than the projection and perhaps a reflection of successful management techniques. *See Management Science, supra*, p. 429.

These studies also put in context Flood's statement that the civilian death rate increased more than 100 percent "over the past few years." **P. 178**. The point is that Flood's grave thesis is based upon superficial, unsophisticated analysis.

Another number of interest is that from 1968 through 1978 firefighter deaths never exceeded 9 per year. That figure includes the firefighters lost at the Waldbaum's fire.

Flood also asserts that civilian deaths were under reported because (1) the Fire Department didn't include people who succumbed to their injuries subsequent to the fire and (2) deaths were often categorized as heart attacks or homicides to avoid being included in the count **P. 246, 305n**. Flood provides not one example when either claim occurred. His account of the 1976 statistical error in counting civilian deaths does not address either of these serious assertions. **P. 305n**. Moreover, his assertion that the calculation error was not corrected for many years is simply false. The news article Flood cites in the note is dated September 1977, nine months after the end of the year in which the error occurred.

According to material in the Lindsay archive, the chief in charge of the fire reported on victims taken to the hospital and recorded deaths as they occurred. *See Lindsay Archive, FDNY Statement 9.23.66.*

Deaths often occurred due to delay in discovering and reporting the fire, and some fire-related deaths occurred under circumstances where the Fire Department was not even called. The Annual Reports explain the contexts in which civilian deaths occurred. For example, of the 196 deaths in 1965, 67 were categorized as having occurred due to carelessness; 32 involved children who were left alone. Look also at the 1970 statistics, the year civilian deaths peaked at 310 in 245 fires. Ninety-three deaths related to smoking; 38 involved children playing with matches; 27 involved open flames. 21 of the 62 children who died had been left alone. One hundred ninety-four of the 245 fires were in dwellings; 214 people died in those fires. Ninety-six deaths occurred in non-structural fires. The following chart places the 1970 civilian deaths in context:

<u>Types of Fires</u>		<u>Civilian Deaths</u>
Commercial	6,439	12/35**
Residential	32,342	212/249
Public Space	1,941	8/8
Vacant Building	7,024	3/3
Miscellaneous	79,503*	12/15

* includes 48,699 rubbish fires

** # fires / # deaths

P. 22. Flood maintains not enough was spent on the purchase and repair of equipment or the maintenance of hydrants. **P. 121, 192, 220, 224, 245, 304n.**

Each annual report details expenditures made on repairs. On average 1000+ shop and 7000 - 7800 field repairs of apparatus occurred each year.

The reports also describe equipment deliveries, orders and capital allocations. For example, in 1969 newly delivered equipment included 40 new pumping engines, 4 conventional aerial ladders, 2 rear mount aerial ladders, 4 tower ladders. The capital

allocation for the following FY was \$5.6M. Eighty pumping engines, 21 aerial ladders and 6 tower ladders had been ordered for delivery in 1970.

In eight years, department-wide, the equipment replacement cycle was reduced from 30 to 10 years. See Annual Reports and Letter from Mayor John V. Lindsay Letter to Robert O. Lowery, 9.11.73.

Even at the height of the fiscal crisis, 1975, more than \$8M was allocated for equipment.

Non-functioning hydrants posed a vexing problem. To address it in a way that enabled firefighters to access broken/distant/low water pressure hydrants, the *1969 Annual Report* reports the development of in-line pumping techniques and novel ways to lay hose in the fire truck. See p. 9-10. The E.P.A Department of Water Resources bore primary responsibility for maintaining fire hydrants. In January 1970, Mayor Lindsay sent a memo to the relevant department heads directing that the defective hydrant problem be addressed. By letter dated, January 20th, the EPA responded with its plan. See Memorandum from Mayor John V. Lindsay to Budget Director Frederick O'R. Hayes et al., 1.5.1970; Letter from Maurice M. Feldman, E.P.A.. to Mayor John V. Lindsay, 1.20.1970.

P. 24 - Flood writes, “ And so, for all the paradoxes inherent in closing busy fire stations while the neighborhoods around them burned, the greatest irony would be the who and the how and the why of these closings: John Lindsay, an ardent supporter of civil rights overseeing policies that burned down New York’s black and Puerto Rican ghettos; John O’Hagan, the most influential and forward looking fire chief in the country, gutting his own department; and the RAND Corporation, an organization devoted to logic and rationality, recommending the most illogical of policies.”

Each of these notions makes for poetic rhetoric but each is a false paradox not supported by fact.

P. 30, 34, 35 - Noting that O’Hagan served in WWII as a paratrooper with the 11th Airborne Division, Flood describes an episode of Japanese retaliation that he assumes O’Hagan witnessed and goes on to imagine how O’Hagan recounted those wartime experiences over the years. References to O’Hagan’s reticence in talking about the war, thick beard and skin

condition are accurate. The rest, uncited, is made of whole cloth.

P. 30, 33 - Flood fictionalizes O'Hagan throughout the book. One example is on **P. 30**.

Commenting on what he supposes was O'Hagan's elementary school education in the Catholic catechism, Flood writes, "The second advantage of the Catechism was that it contained, conveniently organized by topic and theme, hundreds of complicated questions about society, morality, and religion, all answered in succinct, lucid prose ... It didn't inspire abstract poetry, but as a model for how to organize subjects and synthesize complex ideas into clear writing, it was hard to beat. A knack for math and science made O'Hagan a natural test-taker, but the writing skills he developed helped translate that analytic aptitude into his greatest intellectual strength, the ability to turn abstract quantifications into useful concepts, to give numbers the power of narrative."

This is almost too silly to address, except that it illustrates Flood's effort to create a character he later fashions as the malefactor for his own narrative. Need it even be said that math and science skills do not a successful test-taker, analyst or writer make. As for writing skills, no one who read O'Hagan's articles or book on high-rise fires would think he had a powerful narrative writing style. See O'Hagan article cited on p. 19.

P. 40 - Flood writes, "O'Hagan was cautious in his dealings with the real estate industry, speaking to them not in the blunt terminology of a fire chief looking to save lives, but that of a businessman looking to limit liabilities."

It's hard to tell what this sentence means. Loss of life and property have gone hand in hand from the time each insurance company employed its own formal fire brigades. The key to the sentence seems to be the terms "cautious", "blunt" and "businessman" to convey some negative impression. In addition, the assertion is unsupported by an authoritative source. Flood uses this section to set the stage for his later assertion that O'Hagan facilitated destruction of property to assist unidentified real estate interests. Flood also overlooks the fact that many New York fire departments began as arms of insurance companies that protected the neighborhood insureds from fire loss.

P. 65 -70 - Flood notes with approval a variety of innovations that improved the Fire Department's

operations, including staggering unit assignments according to where the data demonstrated fire activity had increased. Later in the book these are the very innovations he criticizes. He also writes, “O’Hagan’s greatest ambition went beyond new technology and the day-to-day running of the department ... A professionalized, objective way of doing business that O’Hagan thought could be applied not only to the FDNY but to bureaucracies everywhere ... O’Hagan’s goal of reshaping the civil service far outstripped his mandate as the second in command of a single municipal department, but the chief had never fallen short of an overambitious dream before.”

This is another of the innumerable sections in the book where Flood spins speculation, supposition and hyperbole to build his case. The City turned to RAND because, as Flood acknowledges on **P. 69**, the traditional ways of assigning staff and allocating companies no longer worked as the Department confronted the quickly escalating demands for fire protection throughout the City. As one RAND report put it, “In 1968, ... the Department was faced with unprecedented demands for its services. ... At 8 o’clock on a summer evening in the Bronx ... typically about half the fire companies were unavailable because they were already busy... Communications channels and dispatching centers were clogged with alarms - it was not unusual during peak evenings for it to take five minutes or more to dispatch units to an alarm...” See *Improving the Deployment of New York City Fire Companies*, (1974), p. 1.

From that beginning, to ascribe to O’Hagan the ambition of extending RAND practices across government is unfounded. It is though an assertion repeated on **P. 222**. The Mayor, not O’Hagan, engaged RAND to work on a number of projects, initially with four municipal agencies. The decision had nothing to do with one chief down many rungs on the city hierarchy ladder. In the last sentence of this chapter Flood further confuses things by seeming to ascribe the ambition he assigned to O’Hagan now to Lindsay, who at least had the authority to think in those terms.

SECTION II: CHAPTERS FIVE - TEN

P. 103 - Flood describes the 23d Street fire, a singularly painful event, as having “served its purpose”, enabling O’Hagan to “consolidate his power”. To the extent he may be ascribing that interpretation to O’Hagan, it’s unfounded. O’Hagan saw the fire as the most significant failure of his 14-year tenure.

P. 104 - Flood asserts that three months after the 23d Street fire O’Hagan resumed fighting “the slow-slog bureaucratic trench war”, a statement at odds with his recitation of O’Hagan’s innovations on **P. 65 - 69**.

P. 116 -119 - Flood describes a series of tragic fires that involved loss of civilian lives. However, the citations in the book date these fires to 1968, a time when units were being added to the Department. From 1968 - 1970 the Fire Department’s uniform force grew each year, peaking at more than 14,300.

P. 119 -120 - Flood claims that O’Hagan was not an expert in “‘ghetto firefighting’ - fighting fires in the crowded row houses and aging tenements of poor ...neighborhoods. Ghetto fires cause a disproportionate number of civilian and firefighter deaths, but they held none of the intellectual challenges O’Hagan sought. The physics of fire and smoke-flow in tenement buildings was well understood (particularly after O’Hagan and a group of scientists staged a series of experimental fires in an abandoned building in Bushwick) as were the weaknesses and strengths of the building construction.” He writes that O’Hagan was “drawn to high-rise houses and elite rescue squads - they fought some of the biggest, toughest fires, but went on fewer runs, which left him more time to study and get ahead.” Then Flood adds, “Ghetto firehouses had a different feel to them: the danger and camaraderie were a little closer; the men rowdier, less concerned with rising through the ranks than with fighting as many risky blazes as they could.”

In truth, as *The Daily News*, 3.21.65 reported, O'Hagan "sought and got assignments in many companies." O'Hagan said, "Book knowledge is not enough. If you want to get ahead in the department, you have to have practical, diversified experience. It is best to move around the city. Each section has its own fire-fighting problems. The more experience, the better. I believed in practical experience I always tried to get active assignments. I would get bored if not active."

O'Hagan was assigned for 10 years to Brooklyn companies, including the relatively slow E 318 in Coney Island and the busy L 110 in downtown Brooklyn. As a lieutenant he served with L 168 in Bensonhurst and L 102 in Bedford-Stuyvesant. As captain, E 279 in Red Hook and Rescue 1 in Lower Manhattan. As battalion chief in Manhattan's 9th Battalion and as deputy chief in midtown Manhattan at the 3d Division. Multi-family row houses, excessive occupancy, unexpected conditions and deteriorating construction were common to these assignments. During those years, 1947 - 1964, O'Hagan received five citations for bravery.

O'Hagan's personal journal of fire responses from 1965 through 1974 lists 482 responses - 169 Brooklyn, 155 Manhattan, 80 Bronx, 61 Queens, 17 Staten Island. See *O'Hagan v. Board of Trustees*, Supreme Court, New York County Index No.12164/78. In addition, the *Fire Bell Club News Notes*, from 1965 - 1977, are replete with accounts of fires O'Hagan commanded.

This section is also inconsistent with an earlier section of the book where Flood notes that O'Hagan developed standard operating procedures for fighting "old-law tenements" and conducted tests to better understand fire science. **P. 65 -70**. These initiatives are the hallmark of an expert, notwithstanding Flood's later assertion. As further evidence of O'Hagan's expertise and familiarity with Bronx firefighting, several of the RAND studies with which O'Hagan was involved were simulations based upon data drawn from the Bronx - companies, response profile, location of fires and units, etc.. See, *A Simulation Model of the New York City Fire Department: Its Use in Deployment Analysis*, 1975; *A New Era in the F.D.N.Y. tactical control force*" John T. O'Hagan, W.N.Y.F. 1st Issue, 1970, p. 4.

Finally, Flood concludes the section with a non sequitur describing the

psychological and sociological “feel” of ghetto firehouses. Toward what end?

P. 120 - Flood states, “If John O’Hagan and the new generation of get-ahead-test-takers he came up with were at one end of the spectrum of “professionalism” (in the by-the-book, buttoned-down sense), most ghetto firefighters seem to be at the other. O’Hagan was a military man and he like a military operation - uniforms pressed, shoes shined, the rig fresh-washed and gleaming ... Most busy houses in the Bronx had so little time between fires that the rigs went unwashed ...Shoes were shined ... but they were left inside lockers...O’Hagan didn’t bear any ill will toward ghetto fire companies, but he didn’t hold them in particularly high esteem either, certainly not the regard he had for specially trained rescue crews or companies in high-rise districts whose officers could match wits with architect and engineers. Some of O’Hagan deputies had more experience in the ghetto, but most of his top aides were from the same mold as he, and the unspoken assumption they held was that any jamoke could put out tenement fires and bust balls in some raucous firehouse in the South Bronx, the real pros were in Manhattan.” Flood then quotes a Bronx captain to that effect.

To start, this section is representative of many gratuitous throw-aways in the book that only contribute to a general pejorative tone - pejorative toward all firefighters as well as to O’Hagan. **P. 24, 37, 38, 120.** With regard to the firefighters, Flood paints a negative stereotypic picture of firefighters in the Bronx, using quotes from one of their own - Captain Tom Henderson. To impute that view to O’Hagan is simply unfounded. To O’Hagan , all firefighters were courageous professionals. The firefighters assigned to high fire response neighborhoods were the guys he’d want at any fire because they were fearless, savvy and fire science knowledgeable. Moreover, the analyses and tests conducted in Brooklyn to improve tenement firefighting attest to O’Hagan’s belief that such fires required skill, savvy and science to successfully fight - and the men fighting them should have the benefit of the best thinking and training on the pertinent subjects.

Flood’s unfavorable comparison of the relative levels of expertise possessed by

Bronx versus Manhattan firefighters also flies in the face of the criticism he levels at O'Hagan on **P. 119** where he asserts that O'Hagan lacked important ghetto fire experience by virtue of not having been assigned to the Bronx before becoming Chief. If the experience was so valuable, why demean it? O'Hagan recognized the value and included men with that experience on his staff, as Flood acknowledges.

Flood uses a similarly pejorative tone to paint a picture of O'Hagan, as when, for example, he refers to him as, "hard Irish", Little Lord Fauntleroy or speculates about a rumor that O'Hagan scored well on the promotional tests because he had advance access to exams. **P. 38, 60.** To the extent people Flood interviewed felt that way, these are fair comments.

With regard to the text, what does Flood mean by "'professionalism'(in the by-the-book, buttoned down sense)"? For O'Hagan it meant extinguishing fires in the safest, quickest way that minimized the collateral damage to property. The 11th Airborne's wartime experiences were far from 'spit and polish duty'; however, a pressed uniform goes hand-in-hand with that professionalism. It reflects self-esteem and pride in one's work - attributes important for firefighters working under the most difficult conditions. A leader honors his men by recognizing both aspects of professionalism. It's callow for Flood to suggest otherwise.

For years on Saturdays mornings O'Hagan visited units in high fire activity areas to show support - early Mass, breakfast, trip to the firehouse, listen and talk with the men, home by noon.

P. 121 - Flood claims O'Hagan had a "blind spot" about conditions companies located in poverty- stricken neighborhoods faced.

The addresses of the fires listed in his journal and the *Fire Bell Club News Notes* attest to O'Hagan's familiarity with poor neighborhoods. This familiarity extended to social inequalities. When questioned by the judge during a hearing in a discrimination

case whether the 20 questions regarding civics were necessary to be a good firefighter, O'Hagan replied, "No." A settlement was shortly reached setting a formula for hiring people of color. *The Daily News*, 10.4.73.

O'Hagan secured federal HUD Model Cities funding to introduce a program designed to prevent housing from becoming vacant after a fire. He developed a collaborative inter-agency program to demolish vacant buildings and also obtained LEAA money to develop a program designed to track suspicious real estate transactions as a predictor of arson.

As described above at p.9, O'Hagan devoted resources to better understand fire science in order to better protect the residents of low-income neighborhoods. Along that line, O'Hagan also established the fatal fire study, which matched a fire in which a fatality occurred with a similar fire in which no fatality occurred. The objective was to determine factors that were significant when there was a loss of life and counter those factors.

P. 121 - Flood concludes this chapter stating, "And so a blind spot, a rare hole in the chief's own experience and in the perspectives of the men he surrounded himself with, allowed O'Hagan to downplay the alarming trend in ghetto fires, just as a similar blind spot was allowing Mayor Lindsay and RAND to overlook the broader economic and social collapse underlying those fires."

This is another instance of Flood closing a chapter with a flourish of speculation and hyperbole untethered to fact. Having fictionalized O'Hagan's expertise and ascribed to him and his staff perspectives that fit his narrative, Flood supposes O'Hagan "downplay[ed] the alarming trend in ghetto fires". The assertions are based upon nothing. As the Annual Reports and the fire buff newsletter attest, the department daily monitored responses to identify weekly and monthly trends. To say that Mayor Lindsay had a similar blind spot is contrary to even the most critical historical accounts of his mayoralty, many of which Flood cites.

P. 159 - 160 - In his account of the socio-economic changes in the Bronx, Flood notes that merchants began moving from the county in 1963 as murders increased. This fact argues against his thesis. And, as noted above, middle class flight from the Bronx started in the 1950s. On **P. 160** Flood describes socially deteriorating conditions in the Bronx in 1968, a time when the Fire Department was adding resources to address increasing demand for fire protection.

P.176 -185 - The assertions Flood makes in this section constitute serious misrepresentations that he then uses to support the book's fundamental thesis as described above. Flood argues that RAND's assessment of a Bronx company with a second section (E 82 and its second section E 85) was flawed, and because the assessment aligned with O'Hagan's supposed bias against the second sections - a bias based on the unions' support of the second sections - the flawed assessment was adopted. He also asserts that by withdrawing all the second sections, the work of the remaining companies increased to what Flood believes were unacceptable levels.

Flood's argument misrepresents both O'Hagan's position and the RAND analysis. The implementation of the second sections took place with O'Hagan's approval. In assessing the operation of the second sections, RAND observed that the rules alarm dispatchers were required to use mandated that the new E 85 was often sent to complete the standard complement of engines directed to an alarm. That complement was comprised of the engine company directed to respond as the primary and the now-available E 85. Had E 85 not existed, the incomplete E 82 would have constituted the entire fire response, unless additional companies were requested. E 85's responses as the "filler" constituted real work, but skewed the statistics because if E 85 hadn't responded there still would have been a unit dispatched to the alarm. The remedy was to develop the adaptive response initiative to complement the second sections. Adaptive response meant that initially a smaller number of units would be sent to an alarm with more to follow if the alarm required it - i.e., the call was not a false alarm or rubbish fire. See *"Improving the Deployment of New York City Fire Companies"*, p. 8 et seq. This proved

to be a successful adjustment in the dispatching system.

Ultimately, of the 12 second sections that were formed (Bronx 6, Brooklyn 4, Manhattan 2), 10 were disbanded or relocated in 1972 and 1974, when fiscal constraints dictated that one unit be closed or relocated in places where multiple units provided coverage. See the Appendix.

One exception was E 70-2 which was closed in 1971, except for weekends in the summer. The second exception was E 85. In July 1971, E 85 was moved from Intervale Avenue, where it backed E 82, to Boston Road to join with TCU 712. In that new location - 4 blocks from Intervale Ave. - E 85 remained one of the top 25 busiest units due to the increased alarm activity in that area. So great was the increase in alarm activity that one year later, L 59 was created from Manhattan Squad 6 to assist at the Boston Road firehouse. In his account of E 85's relocation, Flood does not mention this aspect of the move. He only asserts that O'Hagan "closed" E 85 in vindictive retaliation against the then union president, Michael Maye, who was a member of E 82, the company E 85 had been paired with on Intervale Avenue. **P. 193.** Further discussion of the second sections can be found at pp. 9-11, 27, 33.

P. 176 - Flood quotes the Walker report to say, "To relieve its workload, the department created a new company (E85) in July 1967, and put it in the same firehouse as Eng 82. It was expected that Eng. 82's workload would be cut in half. But in 1968, Eng 85's first full year of operation, Eng 82 was still the busiest company in the city and Eng. 85 was the second busiest. Instead of helping the busy units, there were now two busy units," at an additional cost of \$600,000. The problem with the second sections, RAND decided, was false alarms" and concludes that RAND determined that the "second sections were a waste of resources." In the next paragraph Flood imputes to RAND the view that "85 was just an extra engine going on useless false-alarm runs."

That is not what the report says. Walker never mentions false alarms nor does the report conclude that the second sections should be eliminated. In the context of explaining how E 82 and E 85 worked during 1968, the first year the second section operated, he notes

the sharp increase in alarms across the city. Walker then factors out that workload increase in explaining why merely adding units to the area didn't solve the problem. The section explains the value of quantitative study. See *Performing Policy Analysis for Municipal Agencies: Lessons from the New York City-RAND Institute's Fire Project* (1975), p. 6-12.

The phenomenon observed with E 82 and E 85 - i.e., an increased annual workload for the two units rather than a reduction - occurred with other second sections too. In 1969, E 46-1 and E 46-2, E 91-1 and 91-2, L 103-1 and 103-2 and L 26-1 and 26-2 all experienced unexpected workload increases that put them in the top 25 companies. Another RAND report, *Improving the Deployment of New York City Fire Companies* (1974), which Walker co-authored, explained the increase. "Adding Engine 85 did not relieve the workload of Engine 82 because of the unexpected interplay of two seemingly logical dispatching rules which together comprised the traditional dispatching policy: (1) always dispatch the units closest to the alarm, and (2) send three engine companies and two ladder companies - if they are available, but send at least one engine and one ladder. Our analysis showed the Department that, since in busy periods, many companies are not available, as little as one engine company and one ladder company are often sent. Then, our simulation model showed that the new company was drawn into the role of "filling out" the response to alarms, primarily providing an unneeded second or third engine at trash fires and false alarms. As a result of the dispatch policy, instead of the same number of responses being spread over more companies, the total number of responses in the area was increased." P. 8. Two diagrams that follow this explanation illustrate the problem. The report goes on to explain the innovations RAND and the Fire Department explored to better allocate units in responding to alarms. These are discussed in more detail below. Greenberger and Dennis Smith, both of whom Flood cites, describe the success of the programs the Department negotiated with the union in 1969 in reducing the department's excessive workload. Greenberger, above, p. 275-278, *Report from Engine Company 82* (New York: McCall Books, 1972), Dennis Smith p. 12.

The table below, using alarm response statistics from the *1969 Annual Report*

place this explanation in a context:

	<u>City-Wide</u>	<u>Bronx</u>
Total Alarms	239,318	59,602
False Alarms	72,060	19,260
Total Fires	126,204	32,123
Structural Fires	47,492	10,937
Commercial	6,703	986
Residential	32,223	7,712
Public Spaces	1,986	354
Vacant Buildings	6,580	1,885
Rubbish Fires	47,006	14,435
Brush Fires	9,231	1,669
Motor Vehicles	17,823	3,905
Misc. Fires	13,883	2,846
Misc. Emergencies	41,039	8,218

In the face of these numbers it's hard to credit Flood's point that false alarms should have been considered as important as workers (any type of actual fire) in determining the deployment of companies and response complements. Flood's view that every alarm should receive a full response from the outset since every alarm has the potential to be a raging fire is consistent with his failure to distinguish among the various types of fires on the theory that all are equal in their potential capacity to devastate. However, in a world where scarce resources must meet varying levels of need, Flood's analysis doesn't work. As the Fire Department discovered, when every alarm received the same complement of three engines and two ladders, often there were no companies available to respond when alarms were turned in - because all units were out already answering alarms. Flood never explains why a full complement of 3 engines and 2 ladders should be sent to a false alarm or rubbish fire when there was a way to send fewer companies and conserve manpower resources for the nearly 11,000 structural fires the

Bronx experienced in 1969.

Walker's report, written in 1975, also is interesting in that it describes the RAND and Fire Department collaborations in applying RAND's analyses to the on-the-street, non-theoretical, challenges the Fire Department faced. See *Performing Policy Analysis for Municipal Agencies*, pp. 9 - 14.

P. 177 - Flood states that the tactical control units ("TCU") were housed in quonset huts and he describes the sense of dislocation firefighters suffered from not having a "brick and mortar firehouse" around which to develop esprit. What he doesn't say until later in the book is the TCU firefighters volunteered for that assignment, and each TCU was affiliated with a particular company at a particular firehouse address. For example, TCU 512 was housed with E 45 at 925 E. Tremont Avenue from the time it was organized in 1969 until it was disbanded in November 1971. He also doesn't note, as O'Hagan described in the 1970 *W.N.Y.F.* article cited at p. 20, that the program was successful with the participants and the companies the TCUs assisted.

P. 178 -179 - Flood returns to the erroneous assertion he made on **P. 177** that RAND blamed false alarms for the additional work E 85 and E 82 performed in 1968. Having set up that strawman, Flood now argues that in focusing on the number of false alarms, RAND missed the more important statistic - the number of workers (any type of actual fires) the 2 units responded to that year.

Since RAND never articulated the argument Flood ascribed to them, these pages, a cornerstone of Flood's thesis, constitute a serious misrepresentation.

In truth, the RAND reports consistently include statistics that reflect the alarms to which companies responded. See, for example, *Improving the Deployment of New York City Fire Companies*, (1974), pp. 2 - 6, 12; *Measuring Travel*, pp. 3 - 25.

Flood's effort to measure a unit's workload by looking at the number of workers

to which the unit responded in a year and comparing that number to the worker responses of other units is flawed in several respects.

At the outset, all fires are not equal as the table on p.25 - 26 demonstrates. The amount of resources, time, equipment, manpower and labor expended vary according to the circumstances of each type and episode. The information that differentiates among workers is readily available in the Annual Reports Flood cites in his bibliography, yet he ignores the statistics set forth in those reports that breakdown workers into types and structural fires into levels of severity, areas of building involvement, and areas of the building where the fire started. See for example, *1972 Annual Report*, pp. 4, 6 - 10, 12, 14, 27, 29.

Flood's cursory recitation of the increased number of workers E 46, E 82, E 88, L 27 and E 233 handled following the move of their respective second sections doesn't begin to tell the story. To say that E 46's workers "jumped 40 percent that year and 90 percent in the next five years" tells the reader nothing germane to the work of E 46, yet alone the book's thesis the workload is invoked to support. **P. 179.**

To say that when E 88-2 "was closed 88-1 nearly doubled its number of working fires, jumping from the thirty-ninth busiest engine in the city to the sixteenth" is not only unilluminating, it's false. E 88-2 didn't close; it was re-deployed as E-72. **P. 217.** So too, when L 27-2 was disbanded to form L 58 - at the same address, 453 E. 176th Street, the residents of that neighborhood lost no service. Each of Flood's statements regarding the units is vulnerable to the same criticisms. **P. 176, 224.**

In addition to not differentiating among the various types of workers - structural fires, rubbish fires, car fires, etc., Flood fails to engage in other analysis. He does not explain the impact of the moves on the unit relocated or on the area that unit was assigned to serve. He does not explain the nature of the workers to which each unit responded. Nor does he explore the effect the strategies implemented to offset the move had on the unit.

Also, Flood does not address the Fire Department's statistical practice of crediting a response or worker to the home company, with no recognition that a work interchange

unit or other back up might have assisted in handling the alarm and shared in the work. See for example, *Fire Bell Club News Notes*, January, 1971, p. 6., for clarification of annual statistics. At a minimum, this type of information is necessary to properly critique the management decisions O'Hagan made.

P. 178 - Flood writes, "Not a ghetto firefighter by inclination or experience, the chief had stayed relatively aloof from the issue, focusing on high-rise fire codes and the kind of quantitative reforms he and Isenberg had been working on. O'Hagan knew he needed to hand off responsibility for the issue to someone and RAND's second-section studies and contract proposals proved a successful audition."

This is an example of Flood's strategy of spinning a paragraph to move from one unproven point to the next in the effort to build his thesis. Having created a fictionalized account of O'Hagan's experience and expertise, Flood now posits that O'Hagan distanced himself from what he calls "the issue." It's impossible to discern what this passage means. What is "the issue?" If it's ghetto firefighting, the discussion at pp. 16-20 of O'Hagan's experience and commitment refutes the first sentence. The second sentence is not supported by any citation. To whom did O'Hagan hand off responsibility? Responsibility for what? And what was the "successful audition?" The Chief, as the senior operational officer, is responsible for every aspect of operations, even those he delegates to others.

Flood's statement also is at odds with his later assertions that O'Hagan manipulated RAND results. See discussion at pp. 40, 53 relative to **P. 211, 244**. The two contentions are disjunctive.

P. 179 - In further explaining workers, Flood asserts that a unit could technically report a false alarm as a worker. See **P. 297n**. He also maintains that a truer measure of a unit's work is the "work time" - the time a unit spends fighting fires. But, he then points out the weaknesses in the "work time" statistic - limited availability and the often faulty memory of the officer reporting the number. To spend time musing about workload measures,

without actually explaining the details of workload information available in the Annual Reports at the very least is inexplicable.

P. 179 - Flood's continuing discussion of RAND's analysis of the second sections also continues the misrepresentations cited above. Flood asserts that RAND did not recognize the contributions the second sections made in that the researchers did not note that (1) E 85 worked actual fires when it responded as the "filler", (2) the work of other units fell when second sections were added, and (3) the comparative workload rankings of the busiest companies were affected by the removal of the second sections.

This is another example of Flood backing into his thesis by manipulating information

His assertion simply is not true. The analysis above at pp. 23 - 26 undercuts points (2) and (3). Flood's contention regarding (1) does not take into account the limitations of using workers as a workload measure discussed at p. 26. Absent Fire Department archival material about the second sections, Flood doesn't know what types of work the companies he compares actually engaged in. By lumping all fire responses into one category, equating a structural residential fire requiring multiple alarms with a trash can fire Flood is disingenuous.

Neither RAND nor O'Hagan panned the second sections. Each recognized the assistance the second sections provided when integrated with other deployment initiatives designed to maximize manpower at peak fire alarm periods - i.e., the expanded adaptive response program, implementation of the TCUs - units that operated during high peak hours - and other workload interchange practices that relieved pressure on units located in high alarm neighborhoods. Flood's reference to RAND's expansion of the second section studies implies that he knows his argument on this point is specious. **P. 194.** See, Greenberger, above.

As stated at p. 24 the second sections remained operational until the 1972 and 1974 fiscal crises when the units were closed or relocated because other units existed at the same firehouse that covered the same neighborhood. Elsewhere in the city, where

there was less fire activity, companies saw their manning reduced so that reductions in the higher activity part of the city would be minimized. A more detailed explanation of the second sections' closing is at p. 37.

In describing the success of the second section units Flood criticizes O'Hagan for closing one in order to open another. That criticism sits in a vacuum because Flood does not explore the Fire Department's specific rationale for individual company closings or relocations.

Such reasoning is available in the public record. For example, the rationale for each of the 1974 unit changes and the measures put in place to offset the losses are listed in documents included from *Towns, v. Beame*, 74 Civ. 5411 (S.D.N.Y.), O'Hagan Affidavit, Exhibits, Homer Bishop Testimony. The court papers describe how units were selected according to the proximate availability of other units. Then response time for those units was calculated and factored into the decision. When units were closed other mechanisms were put in place to minimize the loss. In poor neighborhoods, 32 companies had 6-man manning rather than 5-man manning as in the rest of the City. These units included L 26-1 in Harlem, the 14 ladder companies in the South Bronx, and 14 ladder companies in central Brooklyn. In addition, 5 squad companies - i.e., an engine company trained to work as an engine or ladder unit - were assigned to areas that lost units. During high alarm rate hours they worked as a first section of a busy engine company to relieve the workload. During low alarm rate hours they worked as an extra company to respond to serious fires. *See* Bishop Testimony, p. 100-101. Another relief mechanism was workload interchange, where one unit from a slow area spells a unit in a heavy volume area. O'Hagan Affidavit, Exhibits. The emergency reporting system, whereby a citizen tells the dispatcher what the alarm is so the proper complement of units can be sent also provided relief. *See* Bishop Testimony, p. 91.

It also bears noting that some low-income areas were not affected by the cuts. These included Jamaica, parts of Queens, Ladder 17 in the South Bronx, and parts of the Lower East Side.

Similar explanations for the 1972 cuts were offered in *Maye v. Lindsay*, 72 Civ. 4912

(S.D.N.Y. 1972), though most of that court file appears to be missing.

Both cases are discussed at p 50.

P.180 -181 - Flood asserts that O’Hagan rejected the six-page proposal of a Deputy Chief Kirby who advocated assigning to the Bronx additional units and forming liaisons with other city agencies to address social issues. He also describes O’Hagan’s general decision process: “RAND was pushing O’Hagan’s favored root approach for tackling problems: compartmentalize an issue, analyze it with comprehensive statistics, and charge ahead with a bold new solution.”

Deputy Chief Kirby’s ideas and the memo were never rejected. The memo is dated March 17, 1970. One month earlier, L 27-2 had been opened in th Bronx; before the end of 1970 two more second sections would open in the Bronx - E 50-2 and L 17-2. Moreover, as Flood himself states on **P. 180**, prior to March 1970, the community outreach and coordinated interagency action Kirby described had been integrated into operations across multiple agencies. The Annual Reports describe the Fire Department’s significant community outreach efforts. Included are the Mayor’s Urban Task Force, Neighborhood Anti-Poverty programs and fire/youth community activities aimed at 14-17 year old men. In addition, NYC-RAND’s first report to the City described a study of city services from residents’ perspectives. The neighborhoods surveyed included Highbridge, Morrisiana, Harlem, East Harlem, the lower East Side, Bushwick, and Brownsville. In 1973, a cross-agency program was implemented to encourage minority applicants to the Fire Department. *See* Letter from Commissioner John T. O’Hagan to Mayor John V. Lindsay, 11.5.73.

As for O’Hagan’s decision process, Flood offers no authority for the explanation. Again, absent reference to contemporaneous Fire Department archival materials, Flood simply does not know what that process entailed. A reading of the RAND reports indicates that no deployment issues were “compartmentalized.”

P. 182 - Flood writes, “It is impossible to determine the exact mix of motives behind O’Hagan’s decision to side with RAND over Kirby, but by all indications the chief’s belief that the

FLAME second sections were a personal affront to him played a role in the decision ... RAND told him exactly what he wanted to hear (that second sections were useless: that spending money on poor, politically weak neighborhoods would do little good) blinded the chief to the very real success that second sections had in cutting the number of workers....” See also **P. 195**.

In the absence of any factual support for these assertions, Flood baldly creates the “facts” that are necessary for him to sustain his thesis. RAND and O’Hagan recognized the success of the second sections, adaptive response and TCUs, among other initiatives as explained in the RAND reports and *Towns v. Beame*, 74 Civ 5411 (S.D.N.Y. 1974). There was no “sides” to take as Kirby’s ideas had never been rejected, as discussed above.

The notion that the second sections were closed because they were a “personal affront” is baseless. O’Hagan formed the first second section, E 85, in 1967. The others were formed in 1968 through 1970. As stated above, with adjustments in deployment policies, the second sections remained operational until the 1972 and 1974 fiscal crises.

P. 185 - Flood writes, “For the chief, though the decision contained no such momentousness. In fact, for all the personal, political and philosophical issues that motivated his fateful choice [not to side with Chief Kirby], as far as O’Hagan was concerned, it was just one aspect of a larger political battle he was waging for the good of the city and the department. This other battle, and the time, energy, and political capital it required, was the reason why O’Hagan’s third option for handling ghetto fires - digging in and studying the problem himself, unleashing the keenest firefighting mind in the business on what was fast shaping up to be the most disastrous wave of fires any modern city had ever known - was never really an option at all. The chief had bigger fish to fry, and not in the slums of the Bronx, but in the high-rise canyons of Manhattan.”

In this passage, Flood resorts to several analytical sleights of hand to reach conclusions that are unsupported by any facts. He has recast the city-wide deployment of fire protection services as part of a deliberate decision - if not conspiracy - to consign the

Bronx to destruction. Then, he ascribes motivation to the decision by constructing a false dichotomy - asserting O'Hagan chose to pursue enactment of a high-rise building code instead of protecting the Bronx. Such a dichotomy never existed, as the record of Fire Department initiatives demonstrates. Pursuit of one goal did not deter or obviate pursuit of the other. More importantly, Flood's grave assertion that O'Hagan deliberately withdrew companies from the Bronx or any other poor neighborhood for the purpose of facilitating "slum clearance" is not supported by any fact contained in the book - or in any public or private record. Combined with the veiled assertions Flood makes in the section below that addresses Local Law 5, it is calumny at its starkest.

To base such an allegation on a supposed rejection of Chief Kirby's memo, especially when Kirby's ideas were never rejected, is ludicrous. Also ludicrous is Flood's assertion that one person alone - O'Hagan - could solve the complex socio-economic problems associated with the fire devastation the city experienced at that time - fires that Flood recognizes at **P. 121** were a manifestation of those socio- economic problems. Flood continues this theme on **P. 192**.

SECTION III: CHAPTERS ELEVEN - TWELVE

P. 187 - 193 - Flood offers very little substantive discussion of the passage of Local Law 5 ("LL5"), the high rise building code. He doesn't even state the year it was passed - 1973. Both here and in other parts of the book he alludes to O'Hagan having acted in an unprofessional, if not improper, way in advocating passage of the law. At some points he speculates that O'Hagan expected passage of the bill to make him eligible for elective office. At other points he argues that O'Hagan ignored the problems in the Bronx in order to focus on LL5. Still at other points he states that O'Hagan cut units in the department in order to curry the mayor's favor. Flood seems to suggest that O'Hagan had an unspoken compact with the real estate industry that in exchange for passage of the law, fire protective resources would be withheld from the Bronx, thereby priming it for redevelopment. Flood even seems to suggest that City Hall and Bronx politicians were complicit in the plan. Flood weaves it all together with phrases about O'Hagan's "accumulation and exercise of political capital". **P. 40, 184, 185, 219, 306.**

Absent any specific evidence of these veiled assertions, Flood's account is a serious misrepresentation of fact. The only citation for this section is a note that Jack Rudin was an honorary pallbearer at O'Hagan's funeral. **P. 298n.** Another note on the same page, suggests that New York's Catholic leaders visited a hideaway called "Dropkick Murphy's" in Boston. The result leaves the reader with an ambiguous but unsavory impression of LL5's adoption that does a disservice not just to O'Hagan but to the members of the real estate industry that supported LL5.

It is also noteworthy that LL5 was not uniformly supported by the real estate industry. Industry opponents challenged the law and only after five years of litigation- in 1978 - was it declared constitutional. See *New York Times*, 7.21.1978.

A last note - if the real estate industry had been angling to clear the Bronx and other poor neighborhoods in order to redevelop it, the 30 year delay in redevelopment argues against that theory.

P. 190 - Flood writes, “After losing the WTC battle, O’Hagan realized that for the first time in his career, power - more than test-taking prowess, managerial skill, or technological competence - was what he needed to achieve his goals. He began seeking out that political capital more formally, by becoming active in the Brooklyn and Queens Democratic organizations and in the Catholic Church, which still had considerable political sway in the city. But for all his juice with the Democratic Party, the most important politician in the city was still O’Hagan’s boss, John V. Lindsay.[Lindsay] actually thought of O’Hagan as an apolitical civil servant, an image O’Hagan had cultivated with this tough-minded approach to management and budget-making.”

Again, Flood has woven an entire passage of whole cloth. As Flood himself notes on **P. 191**, construction of the WTC was a Port Authority-controlled project. What Flood doesn’t note is that it was also a Rockefeller-controlled project. The City had no role in the construction: the towers were not subject to any City requirements. In addition, construction of the towers commenced in 1966; the North tower was completed in December 1970; the South tower followed one year later. At the time the building specifications were determined O’Hagan had no influence. Quite simply, there was no battle to fight.

As much as Flood might wish otherwise, O’Hagan was a civil service chief during this period, with no ‘juice’ in any political party. Flood’s statements here and in other parts of the book that O’Hagan was active in political clubs or the Catholic Church is based upon Tom Henderson’s statement that he “assumed O’Hagan knew influential club politicians.” The assertion is not supported by a single cite to a person, club or activity. That’s because O’Hagan was not politically active, cultivated no political patrons and had no political aspirations. From 1964 through October 1973 when he was Chief, O’Hagan’s boss was not Mayor Lindsay, as Flood contends, but the Fire Commissioner. O’Hagan was Commissioner under Lindsay for approximately 3 months, at the end of 1973 long after the WTC issues were resolved.

Another point on cultivating political influence - the Brooklyn and Queens political organizations were local organizations, not the places to build political clout that

would matter in Manhattan or city-wide politics.

In addition, as much as Flood's narrative needs to cast O'Hagan as a budget cutter, for the first 6 years of his tenure as Chief the Fire Department increased its budget to add equipment, build new firehouses and hire additional firefighters. Management changes during that time were not made in the context of cost savings, they were to better deploy the department's resources. Even during the fiscal crisis, the Fire Department's budget continued to increase - in 1976 to \$395 M.

Finally, though he refers to it frequently, Flood never describes what political capital is, beyond using the term in contexts that convey some negative aura.

P. 192- 193 - Flood writes, “ But riding high on his recent successes, O’Hagan continued to cultivate his image as a hard-nosed manager intent on cutting waste. He began threatening the unions and boasting to City Hall that he could run the department on 7,500 men instead of its current 14,000 uniformed personnel. He made steep cuts in “nonessential” operations like preventative fire inspections, upkeep, and repairs, and despite a slight uptick in arson for profit, fire marshals. Intent on running a smaller, more flexible department, the chief was proud of his ability to cut budgets....” Flood continues this section with a discussion of the 1971 hiring freeze.

Flood starts this section after discussing the pre-1970s WTC construction on **P. 190** and the effort to pass LL5 on **P. 192**. The assumption might be that Flood is referring to O'Hagan's success in getting LL5 passed in 1973. However, the next pages revert to the hiring freeze and other 1971 events, culminating in the closing and relocation of 13 companies in 1972. **P. 193 - 195**. It's impossible to tell what time frame Flood refers to in this section.

Also, as explained at p.17, the 1971 re-allocations of manpower were made to address the quickly increasing demand for fire protection services in the City - demand that the merely increasing the number of companies did not resolve. This section is yet another example of Flood confabulating events to suit his rhetoric and unsupportable thesis.

P. 194 - Flood ties Mayor Lindsay's request for budget cuts in 1971 to the 1972

closing/relocating of companies. Without any details, he endorses six or so of the changes, criticizes the closing of four second sections and wonders why companies should be added in "sleepy" sections of Staten Island and Throgs Neck.

Settling the city's budget in 1971 and 1972 was tumultuous. Newspaper accounts are a series of headlines about layoffs being imminent, followed by announcements that layoffs had been averted. In 1971, the Mayor imposed a hiring freeze throughout city government. He lifted the freeze in October 1972. During that interval the Fire Department's uniform force declined by 429 men - a 3% reduction achieved by attrition which did not require drastic cuts. Other adjustments to offset the loss of manpower included changing the standard first alarm response, revoking the squad companies first alarm response assignments, authorizing the dispatchers to special call a squad to any alarm, and the extending the adaptive response program to more alarm boxes. See *Fire Bell Club News Notes*, September 1972, No. 9, Vol. 4., p.1-3.

By 1972, the budget constraints were more severe due to the recession, inflation and the city's declining tax roll. A look at the list of companies opened and disbanded shows the following:

In November 1972, one - not four as Flood claims - second section was closed and three were relocated. In Brooklyn E 217-2 was closed. In the Bronx, E 88-2 was relocated to form E 72. Ladder 27-2. was reorganized as L 58, located at the same address. In addition, in Brooklyn, E 233-2 was relocated ½ mile as L 176 and, E 208 was relocated to Staten Island.

Also, in November 1972, Manhattan lost four companies: E 2, E 32, E 32, and Squad 6. The last had been disbanded to form L 59, which was assigned to the Bronx to assist E 85 at the Boston Rd address. As stated at p. 11, E 85 had moved to Boston Rd. in 1971, following its assignment as the pair for E 82. See also the discussion at pp. 23 - 25.

Flood's complaint that two companies should not have been relocated, respectively, to Staten Island and Throgs Neck, Bronx, is unfounded. Both areas

experienced population and housing unit increases as well as upticks in brush fires that warranted the assignment of additional resources.

P. 195 - Closing the chapter, Flood writes, “How had models designed to make the least painful cuts and the most useful openings suggested closing some of the busiest fire companies in the city and opening companies in neighborhoods with few fires? How had systems analysis - designed specifically to favor scientific rationality over political and personal bias - given such dangerously irrational and politically expedient advice, allowing O’Hagan to close the second sections he saw as a personal affront and cut budgets in neighborhoods too weak to fight back?”

Here again, in concluding a chapter Flood spins conclusions and perspectives that are belied by the facts, some of which he lays out himself. A look at the map of fire company locations illustrates that the areas in the city with the busiest companies had the most coverage to re-allocate and even then continued to have the densest coverage. Conversely, areas with few alarms had few companies, coverage was spread thin and in some cases - namely, Staten Island and Throgs Neck - as circumstances dictated adjustments in unit locations were necessary.

P.197-213 - Nine serious flaws are evident in this 16-page chapter:

- (1) Flood asserts that RAND chose to rely solely on unit response time to determine fire unit locations as an expedient measure of real-time factors that can’t be quantified. He argues that response time studies suffered from faulty assumptions, bad data, cultural gaps between the researchers and firefighters and the political factors O’Hagan brought to bear in over-relying upon the RAND findings. **P. 212.**

Review of at least six RAND reports discloses significant discrepancies between the assertions and truth. A RAND report Flood doesn’t cite, “*Square Root Laws for Fire Companies Travel Distances*”(“*Square Root*”), lays out in detail, as caveats to the study, the arguments Flood himself uses to claim RAND

was ignorant of the limitations in measuring response time (*Square Root*, p.1, 5.) In addition, multiple RAND reports address real-time issues pertinent to the challenges firefighters faced in dealing with ever-increasing numbers of fire alarms. These studies, which are publicly available, analyzed time-of-day alarm patterns, alarm dispatcher volume overloads, engine/ladder response complements, and identification of fire patterns, to name a few.

In addition, the RAND reports state in several different contexts, “... a simulation does not directly suggest any changes as being desirable; it simply describes what would happen if a proposed change were to be implemented. Thus its main use is for careful evaluation of a proposed deployment policy that has already been analyzed in some detail.” *Simulation Model of Fire Department Operations: Executive Summary* (“*Simulation: Executive Summary*”)(1974), p. 4. 8-12. See also, *A Simulation Model of Fire Department Operations: Design and Preliminary Results* (“*Simulation: Design and Preliminary Results*”) (1970). Despite this information, Flood falsely maintains that RAND “put their concerns about response time’s shortcomings to the side.” **P. 199.**

- (2) Flood asserts that RAND and the department used average time and distance to determine how to close and relocate units when averages do not accurately reflect actual responses.

The RAND reports state that simulation models provide approximations, which “will be a slightly incorrect representation of the travel time for an individual trip, but should yield response-time estimates which are accurate enough to be used to compare policies” - which in turn is the purpose of simulation models. See *Simulation: Executive Summary*, p. 9 (1974)

The department used average response distance as weighted by the availability of the first due unit and second due ladder company. It was not just the distance from the fire house to the alarm. See *Towns v. Beame*, 74 Civ. 5411 (S.D.N.Y. 1974), Homer Bishop Testimony, p. 92. See also, *Simulation: Design and Preliminary Results*, p. 33 for other adjustments the department made to the

policy that differed from the simulation runs.

Parenthetically, Flood's criticisms notwithstanding, the NYFD's Vital Statistics report to this day lists average response time in detail as a measure of the department's effectiveness.

- (3) To establish that O'Hagan and his liaison to RAND, Chief Homer Bishop, paid little attention to the flawed response time project, Flood states that both men signed off on the project. **P. 201.** In truth, as the RAND report notes, Chief Bishop oversaw the collection of data from the field. See "*Measuring the Travel Characteristics of New York City's Fire Companies*" ("*Measuring Travel*"), p.vii.

Also, Flood's claim that O'Hagan paid no attention to the project is at odds with an O'Hagan aide's quote that "if the models came back saying one thing and [O'Hagan] didn't like it, he would make you run it again and check, run it again and check." **P. 211.** It's also at odds with Flood's contention later in the book that O'Hagan "fudged" the results for his own purposes. **P. 244.**

- (4) Flood's use of the quote on **P. 211** to establish, as he writes on **P. 244**, that O'Hagan "fudged" RAND simulation results to suit his own agenda, belies a fundamental misunderstanding of how computer simulations work as a tool and not a determinant in the decision making process.

Running simulation models over and over with permutations of each of the model's variables is how simulation modeling is done. Within a model, "fire stations, fire-fighting companies and fires are each described by a set of attributes... by changing the coordinates and response areas of one of more fire stations, one could simulate a possible new configuration of firehouses. Afterwards, the analysts will compare the output of the two simulation runs." *Simulation: Executive Summary*, p. 8. O'Hagan's article on the TCU's similarly states, "The simulation model of the Bronx was used in making various computer runs. A comparison was made to determine which strategy provided the best fire

protection in terms of minimum response times under both medium and high alarm arrival rates.”

Flood’s effort to impart a nefarious intent to the aide’s quote mis-states the point of the quote which, I would guess, was to demonstrate that O’Hagan was very much involved in understanding how every possible permutation of each variable in the simulation might affect the outcome. If, on the other hand, O’Hagan did manipulate RAND results, which ones, in what manner, and with what effect? An allegation so serious requires more support than this quote.

- (5) Flood cites as evidence of RAND’s flawed assumptions (a) the exclusion of engines from the study, (b) firefighters’ sabotaging of the data collection, (c) disproportionate Manhattan participation, (d) limited Bronx participation, and (e) the study parameter that only responses from the firehouse, not the field, be counted.

Each of these is explained in the RAND studies. Engines didn’t have odometers that measured to 1/10 of a mile. Faulty response times were eliminated. Companies with moderate work levels were enlisted because the burden of reporting times was perceived to be too great for overtaxed companies. The Bronx was the subject of its own simulation model, as reported in *Simulation: Design and Preliminary Results*. Responses from the field, as opposed to **from** the firehouse, were not readily measurable. Also, RAND had the data on every alarm response dating from 1962 and the day journals each unit maintained. See *Measuring Travel, Square Root*, Greenberger, p, 267.

- (6) Flood claims RAND concluded that “traffic played no role in response time, rigs able to cruise through mid-town Manhattan at rush hour at the same speed as through Queens at midnight.” **P. 206.**

In truth, the RAND report states, “...While velocities are lower during rush hours, they are not as much lower as we or the Department expected. The

reduction in average velocity (of about 20 percent) is greatest during the 8:00 a.m. - 9:00 a.m. period.” *Measuring Travel*, p. 30.

- (7) Flood argues that to get units quickly to the largest number of fires more units should be placed in neighborhoods where there is high fire activity - an outcome, he says, RAND should endorse. However, Flood states that reallocating units in that manner would require taking them from affluent areas. He then quotes a RAND researcher as saying residents in low activity affluent areas would oppose such a move. **P. 205**. The quote is cited in the notes as coming from an untitled RAND Report, No. 1566. **P. 301n**.

In truth, that report has a title - “*An Analysis of the Deployment of Fire Fighting Resources in Yonkers, NY*”. The report was commissioned to assist in relocating fire houses in Yonkers, not New York City, because a highway construction was about to bifurcate Yonkers. An urban fire crisis in poor neighborhoods was never mentioned in the report. The section Flood cites explains that fire protection is provided at tax-payer expense and therefore should be efficient, effective and equitable. The option the report recommended was to place more resources in the high volume section of the city then divide the remaining resources equally among the others sections. Nowhere in the report could I find the quote Flood attributes to the report.

Also, it should be noted that this passage is another example of Flood’s persistent use of strawman arguments. He posits that the only way to deploy more units in high fire areas is to take them from affluent areas. His thinking represents the traditional view of resource allocation that failed when the Fire Department added more than 10 companies in the late 1960s through 1970. It was that failure that prompted the City to seek RAND’s assistance and the Fire Department brass to explore alternatives to the traditional allocations of manpower and deployment. Contrary to Flood’s view, the Fire Department’s successful initiatives - such as adaptive response, TCUs, work interchange and combined units - demonstrated

alternatives to maximize the resources available during peak fire activity periods in poor neighborhoods. Also, review of the units assigned to low-fire activity areas in the City, including affluent areas, demonstrates that companies were withdrawn and manning on each unit reduced.

- (8) Flood asserts repeatedly in the book that affluent neighborhoods where prominent New Yorkers lived were able to prevent units from being closed in their backyard, yet he offers no example. See also, **P.244**. Nor does Elmer Chapman, the aide he cites in support of that claim. In fact, Mr. Chapman believes he is mis-quoted in this passage. Tom Henderson states that E 89 on Bruckner Blvd. in the Bronx remained open under pressure from a local politician. However, Fire Department records show that E 89 closed on July 2, 1975 at the height of the fiscal crisis and re-opened 17 days later, one of the last to reopen, when federal monies were allocated.

Another example contrary to Flood's assertion sits in Mayor Lindsay's Fire Department correspondence file. By letter dated November 21, 1972 Queens Assemblyman Posner wrote to the Mayor objecting to the proposed closing of E 267 on Rockaway Beach Blvd. The unit closed as scheduled 5 days later. On February 1, 1973, the Mayor wrote back to Assemblyman Posner and referenced another response to the Queens Borough President's complaint about the closing of a fire house.

- (9) Repeatedly in the chapter, as throughout the book, Flood asserts that John O'Hagan made manpower allocation decisions with an eye toward personal political advancement or to be vindictive. Flood's failure to include in the book any Fire Department material that discusses these decisions begs the question whether the omission is because the material demonstrates his assertions are wrong. Absent primary, contemporaneous information from the Fire Department explaining the decisions, Flood is fighting a another strawman.

Flood supports each assertion that O'Hagan was vindictive with speculation or a quote from someone who says he was vindictive, but without any example other than the post-strike transfer of firefighters from the union president's unit and the assertion that E 85 was closed to harm Michael Maye, a past union president. The latter episode is addressed at pp. 23-24. Absent that archival material or direct statements from O'Hagan it's not possible to say he was vindictive. As *The Daily News* pointed out in a November 27, 1973 editorial following the firefighters' strike, O'Hagan's decision to transfer 150 firemen who formed the nucleus of the group that fomented the strike was a reasonable management response to restore stability to the department's operations. When O'Hagan subsequently decided not to file departmental charges against the strikers he took editorial heat for the decision. *The Daily News*, 1.4.74.

Similarly, closing or moving a unit to which a union officer was attached is not presumptively vindictive. As noted above, Michael Maye's unit was not moved or closed; the company with whom his unit was paired was relocated 4 blocks away. Richard Vizzini's unit was disbanded following the illegal strike as part of the transfer of 150 firefighters note above.

In criticizing O'Hagan's manpower allocation decisions, Flood offers one alternative that O'Hagan should have implemented - add more companies to neighborhoods experiencing high alarm activity. When O'Hagan closed or relocated units, which occurred in response to the fiscal crises in 1972, 1974 and 1975, the elimination of units was painful no matter how implemented. It was pain O'Hagan shared by reducing manning in the fire houses in his own neighborhood and reconfiguring his own staff to reduce costs.

P. 213 - Flood closes this chapter with a discourse on political influence. He writes, " Sometimes that influence comes in the form of out-and-out fraud, as happened with firefighters who

lied about response times, O'Hagan's willingness to close companies not recommended by RAND when the political situation called for it, and in Vietnam, where military brass faked the "body count" of enemy soldiers to give McNamara and his Whiz Kids a rosier view of the supposed war of attrition than was accurate More often, that influence doesn't come in the form of malfeasance but rather ignorance-inducing wishful thinking. Like football fans watching a penalty-filled football game, people have an extraordinary ability to see what they want to see. RAND and Lindsay wanted to believe O'Hagan was an apolitical civil servant. O'Hagan wanted to believe that RAND's studies were accurate and that he really could cut budgets, close houses he held a grudge against, and not significantly hurt fire coverage. Lindsay wanted to believe that the kind of whiz-bang, scientific management of the bureaucracy he'd long hoped for was coming to fruition. And in all three cases, they weren't just *fans* of these ideas, their *jobs* depended on them. And so, everyone involved was willing to look the other way as plans to close busy fire stations went into effect while the neighborhoods around them burned to the ground."

This is another example of a Flood flight of fancy into others' states of mind that enables him to connect the dots he already plotted in an effort to support his untenable thesis. Suffice it to say that if Lindsay, RAND and O'Hagan knew anything, it was that the issues at stake were larger than their jobs.

Parsing Flood's statements, on the one hand he charges that O'Hagan acted against RAND's findings in closing/moving companies as political exigencies required. Then Flood charges that O'Hagan excessively relied upon the RAND models to make decisions. Then he charges O'Hagan cut budgets, closed houses vindictively, with the belief that fire coverage wouldn't suffer. Not one of these charges are grounded in fact. They are grounded only in Flood's own narrative. This is not the writing of history or public policy.

SECTION IV: CHAPTERS THIRTEEN - SIXTEEN

P. 218 - Flood claims O'Hagan "went to great lengths to keep his fingerprints off the 1972 closings". These cuts properly were announced by the Mayor and Commissioner, though it's hard to imagine how O'Hagan wouldn't be identified with the closings since he was the Chief, and implementer of those actions.

P. 218-219 - Citing an unnamed retired chief, Flood asserts that O'Hagan changed when he became commissioner, talking less about "efficiency" and "modernization" and more about "power and "politics, things like that. His vocabulary was different." Flood states that O'Hagan missed four of the first five funerals following his appointment as commissioner. He also quotes an unnamed aide as saying O'Hagan no longer wore a uniform but switched to a suit. Said the aide, "The politicians didn't see uniformed guys as professionals, so he didn't wear the uniform." O'Hagan is quoted as saying, "They look down on you in the uniform."

Following his appointment as Commissioner, O'Hagan placed the following in the Department's Daily Order for October 11, 1973: "Today I have assumed the duties of the Fire Commissioner with a full awareness of the responsibilities that this position involves. The challenges facing our department are increasing in scope, magnitude and number. In facing these challenges I am encouraged in the knowledge that we have a department of dedicated men who have demonstrated a long tradition of devoted service. They are our greatest resource. I can assure you that in the conduct of my office I will continue to recognize this fact and endeavor to act in behalf of their best interests and the best interests of the people of the City of New York whom we are sworn to protect. In this effort I will need your continued support and assistance, which from past experience, I am confident will be forthcoming." That doesn't sound like a guy who changed.

For 14 years O'Hagan tended to injured firefighters and the families of firefighters who had lost their lives in the line of duty - usually out of the limelight and for long after the searing event had occurred.

As for the uniform, beginning in 1964 when dealing with civilians, O'Hagan didn't wear a uniform. He reasoned he didn't need it to assert his authority, some people looked down on the uniformed and others were unhelpfully intimidated by it. That said, included on this site are a few of the nine years' worth of photos of O'Hagan wearing his chief's uniform. Commissioners don't wear uniforms.

P. 219 - Flood states that O'Hagan, "still smarting from the TCU closings", committed some unspecified "serious miscalculations" during the 1973 contract talks and thereby instigated the strike. He further states that following the strike, O'Hagan retaliated by closing two more second sections, including the one to which the union president who called the strike was assigned.

In truth, the only person responsible for the strike was the union president who called it knowing a strike had not been voted. Flood understates the impact the strike had on the department rank and file and upon the city as a whole. As noted at p. 43, the public supported O'Hagan's post-strike transfers and he took public criticism when he declined to commence departmental charges against the firefighters. Only the president, who falsified the vote, was charged with a crime. Firefighters who struck were fined 2 days' pay - the minimum penalty under the Taylor Law.

To say O'Hagan was "still smarting from the TCU closings" is silly. The TCUs had closed over a one year period ending in November 1972 - a full year before the strike.

P. 219 - 220 - Flood writes, "To that point, the RAND cuts had been a remarkably effective tool for O'Hagan.... they helped O'Hagan cut budgets, curry enough favor with Mayor Lindsay to pass Local Law 5 and become commissioner With the union on its heels and his job as commissioner secure, O'Hagan was ready to stop the fire company closings. Because their recommendations were so neatly aligned with his own interests, O'Hagan had shown more faith in the RAND models than perhaps he should have, but he was too savvy a fireman to think he could continue closing ghetto fire companies indefinitely while the neighborhoods around them burned Along with cutting more

than a dozen companies and a 20 percent reduction in manpower thanks to the hiring freeze that had been in effect since 1971, the toll for years of shoddy upkeep on rigs, fire hydrants, and other equipment was finally coming due.”

Flood offers no clue about the time frame for this section. It appears to be 1973-1974, though only one unit closed between early 1973 and late 1974 and there was no 20% reduction in manpower until 1975. Regarding Flood’s asserted budget cuts, even with all the fiscal restraints imposed since 1971 when Mayor Lindsay imposed a hiring freeze, the Fire Department’s budget increased annually going from \$307M in 1971 to \$395M in 1976. When Mayor Lindsay ended that hiring freeze in October 1972, the Fire Department had lost 3% of its uniformed force through attrition - some 429 men. Despite the 20% reduction in manpower between 1973 and 1976, during the worst of the fiscal crisis, the department lost only 7% of its company strength due to the adaptive response program, manning per company and company assignment changes. As stated at p.10, from 1965 through 1977, cumulatively 23 companies were opened and 28 were disbanded, an overall loss of 5 units. Other discussions at p.14 address the upkeep and hydrant issues Flood raises. What Flood means by “coming due” is unclear.

P. 221 - In the next few pages, Flood criticizes O’Hagan and RAND in general for the condition of the alarm system and specifically for the deployment of voice alarm boxes. Regarding the latter, he asserts that (1) the monies expended could have been better spent at a time when budgets were strained; (2) the boxes were defective when installed; and, (3) the boxes constituted an attractive nuisance that encouraged false alarms. Flood also notes that due to the high level of false alarms “dispatchers began ignoring ‘no voice contact’ alarms altogether. But this led to many legitimate fires’ being missed or ignored, including one fatal fire when a deaf and mute child in East Harlem was unable to communicate through the voice box and no fire crews were sent.”

This section illustrates an area where Flood could have offered a sophisticated, informed analysis of a complex infrastructure problem. The manual alarm dispatch

system was antiquated and strained well beyond its capacity. It consisted of paper index cards for each alarm box inscribed with rules that dispatchers pulled when directing units to respond to an alarm. As the annual number of calls dramatically increased, eventually reaching more than 450,000 in the mid-1970s, the manual system could no longer keep up and the time between calling in the alarm and sending the unit increased. In addition to the operational demands on the system, as documented in an article Flood cites, its infrastructure was outdated. Many boxes were unreliable due to grounding issues and the age of the wiring - 50 years. See *New York Times*, 12.20.1974. P. 302n.

Each Annual Report has a separate category for communications and communication expenditures. In 1969 alone, the creation of new units and redeployment of others required no fewer than 13,600 changes in the dispatcher system. See 1969 Annual Report, p.10.

Equally daunting was the size of the alarm system. In 1974, there were 14,795 street boxes and 1,432 boxes in hospitals, schools etc. Another 1,433 new voice alarms were installed next to the old manual boxes. In addition, the system was run on 30,507 miles of above- and below- ground conductor wire and 13,363 miles of above and below- ground circuit mileage. Cable mileage accounted for another 1,964 miles. See *Annual Report, 1972*, p.30.

A computer system that incorporated the rules more accurately and effectively assisted the dispatchers in handling the calls. Replacement of the system was a high - and expensive - priority in the 1960s through 1970s. RAND's analysis of the dispatcher system enabled economies of time to be developed sooner than the implementation of a new system would require. Implementation of alarm boxes also enabled a dispatcher to speak with the person calling in the alarm. Based upon that information the dispatcher could assess the type of unit response, thereby reducing the strain on units and facilitating their response to actual fires.

As the *Times* article recounted, though installation of the new voice system was not smooth, there was no choice but to develop a new technology. Neither the mechanical failure of the new boxes nor the increase in false alarms was foreseen. As the article pointed out, the manufacturer replaced the equipment and alternatives were developed to address the false alarms. A program in the South Bronx was implemented whereby an unmarked police car with two officers and a fire marshal responded to "no voice" alarms. Of 196

responses, 190 were false alarms and 24 people were arrested. The civilian deaths attributed to the problems with alarm boxes were tragic; O'Hagan never said otherwise.

It's an interesting point of information that the elimination of all street alarm boxes was publicly discussed at that time. Using Los Angeles as the example, Clark Whelton wrote an article in the *Village Voice* in 1976 advocating that the boxes could be eliminated with no adverse effect. It's a topic still debated today.

P. 222 - 223 - Here, Flood appears to pick up the thread of his "coming due" thought - but maybe not. Flood writes, "In New York's poorer quarters, fires were morphing from a serious problem to a defining element of life. ... Something needed to be done, and, given the adequate time, incentives, and money, there was no one more qualified to handle the problem than John O'Hagan. But that was not to be the fate of the commissioner, or the poor neighborhoods of New York.

"To Beame and the county Democratic organizations, O'Hagan was an ideal commissioner: a respected, competent administrator who had paid his political dues, could be counted on for a favor, and knew how to play the game of municipal politics. What's more, he was ambitious.....As a chief, O'Hagan had wanted to be commissioner and had proven himself amenable to political influence, and as commissioner he was still short of his goals. He wanted to see his reforms enacted across the bureaucracy, and to attain the kind of power necessary to do that, he needed to move on from the fire service. O'Hagan would have to start relatively low on the totem pole (deputy mayor in charge of the civil service, city council), but, to make even that first step, Beame and the machine knew he needed their support and thus could be counted on to remain loyal, to go along to get along. Facing a growing budget gap in his first year in office in 1974, Beame called on his fire commissioner for help....O'Hagan was forced into a role he'd always disdained, a political commissioner trying to prevent cuts and still maintain his power within the machine."

This section is fabricated. There's not a hint of fact to support it and not a single citation in the notes. O'Hagan declined to run for Congress and discouraged

discussions about appointment as a deputy mayor. He intended to retire at the end of 1977 and laid the plans to open a consulting business. Mayors Lindsay, Beame and Koch knew these things. And, had Flood asked, he would have known too.

What Flood means by "...given the adequate time, incentives, and money, there was no one more qualified to handle the problem than John O'Hagan" is impossible to discern.

P. 224 - As he has throughout the book, **P. 179, 217**, and now in the context of the 1974 company closings and relocations, Flood argues that the effect of the company closings should be examined according to the changes in the comparative rankings of the busiest units. As explained at p. 27, the comparative rankings list is useless as a measure of the work performed by a company.

P. 225 - Flood writes about the 1972 and 1974 law suits the unions brought against the Fire Department, the Mayor, and, in the case of the 1974 suit, Governor Malcolm Wilson, "As they had with the 1972 cuts, the unions sued, saying they were racially targeted. And just as with the 1972 suit, testimony and reports from O'Hagan and RAND won the day."

Flood mis-describes the law suits, of which there were several in state and federal court. The suits that garnered most attention were the federal suits: *Maye v. Lindsay*, 352 F. Supp. 1120 (S.D.N.Y. 1972) (Docket No.72 civ 4912) and *Towns v. Beame*, 386 F. Supp. 470 (S.D.N.Y. 1974) (Docket No.74 civ 5411). In each case the judge denied the plaintiffs' request for a preliminary injunction that would immediately halt the closings and relocations while the plaintiffs proved their claim that the City's action was racially motivated. However, those denials did not mean the cases were over. Each judge ruled that the suit would continue so that plaintiffs could prove their claim and ultimately win a permanent block of the closings and relocations. In each case the plaintiffs pursued the case for a few months - in *Maye*, until June 1973 and in *Towns* until February 1975. After those respective periods, the cases lay dormant for many months until the plaintiffs filed a stipulation - i.e., an agreement between the plaintiffs and defendants - effectively

withdrawing the case. In *Maye*, a stipulation of dismissal was filed in April 1974 and the case was dismissed May 21, 1974, 18 months after it had been commenced. In *Towns*, a stipulation discontinuing the case was filed with the Court on December 3, 1976, two years after the suit had been commenced.

P. 228 - Flood states, in recounting the Lindsay administration's budget management, that "... O'Hagan and the compliant fire department ... largely acceded to Lindsay's budget cut requests."

O'Hagan, as the Chief, did not directly report to Mayor Lindsay. The chain of command was through the Fire Commissioner; moreover, agencies don't have the option to not follow the direction of the Mayor and the Mayor's budget office - as most agencies learned during the 1970s.

P. 241 - Flood asserts that city policymakers purposefully pursued a "shrinkage policy" in poor neighborhoods. In support of the argument he cites Felix Rohatyn as "float[ing] a similar plan to bulldoze and 'blacktop' most of the South Bronx. In this, he puts his own words into Rohatyn's mouth.

The *New York Times* article Flood cites Rohatyn, in his role as chair of Big MAC, says, "Take a 30-block area, clear it, blacktop it, and develop an industrial park with the whole package of tax, employment, financing incentives already in place." The article goes on to say that Rohatyn cited this as "only one of a number of unusual ideas that, by force of the city's desperate situation, he and his aides would study. Rohatyn also said he planned to invite 95 corporate heads of companies still in NY to suggest "what incentive and reforms are needed to improve the city's business climate."

P. 243 - Flood claims that O'Hagan "boasted" he could run the department with 7,500 men. Despite recounting this "boast" at least twice, Flood includes no citation for O'Hagan's statement, nor does he provide the context in which it was made. **P. 192.** Tom Henderson says a fellow Bronx politician once told him O'Hagan made a statement to that effect at a

city council meeting. Henderson does not know what the meeting was about, the context of the statement or the year in which it allegedly took place.

In truth, Flood himself cites an article in which O'Hagan stated the optimal number for him to run the department was between 11,000 and 11,500 men. *New York Times*, 6.16.77. **P. 305n.**

P. 244 - Flood writes, "But O'Hagan had options besides just going along quietly with the cuts, or resigning in protest to be replaced by a political flunky; he had the soft power of his own impeccable reputation and years of careful alliance-building within the bureaucracy and the city's Democratic clubs. Corruption, kickbacks, and payola were rife in Beame's clubhouse-dominated administration. Of the tens of thousands of city employees laid off, scores of clubhouse hacks were rehired under one guise or another. *Some* money could always be found when powerful people needed it, but O'Hagan never fully expended his political capital to claw back whatever funds he could for his department."

In truth, Flood himself states that in 1974 O'Hagan persuaded Beame to reduce the cuts from \$26.9M to \$8.3M and he quotes O'Hagan as telling the press he couldn't guarantee that the cuts wouldn't result in a loss of life. **P. 224 -225.** Newspaper accounts further describe O'Hagan's efforts to minimize his department's losses. After Mayor Beame had publicly announced that twelve Fire Department companies would be cut, O'Hagan persuaded him to accept the closing of only eight companies in exchange for cost reductions in auxiliary units, including disbanding two small fireboats and several units that performed air tank refills, departmental property and apparatus inspections and, mobile communications. Also eliminated was a program whereby a man from a slow company was reassigned to a busy company. See *New York Times*, 11.28.1974.

Over the years, O'Hagan was successful in reducing the scope of reductions imposed upon the Fire Department, especially in comparison with the police department - the measure, according to the *New York Times* article, that union president Vizzini preferred. Consistently, the reductions were not so deep and recovery was faster than in many other agencies, including the police department, as noted below in the discussion of

the 1975 crisis.

Here again, Flood's point is hard to discern, except for its negative implications. Is he saying O'Hagan was, or was not, steeped in club politics? Is Flood claiming O'Hagan participated in political corruption, or that he should have, but didn't?

Following the July 1975 cuts, O'Hagan worked to rehire the laid-off firefighters. In December 1975, O'Hagan rehired 150 of those laid off by securing a HUD federal grant. Another 101 followed in March 1976, with monies secured from another HUD grant. *Fire Bell Club News Notes*, March 1976, p. 2. On June 22, 1976 *The Daily News* reported, "The city is recalling 223 more of the firemen laid off last year, using money from two federal grants. [The] president of the Patrolmen's Benevolent Association actually was incensed that firemen were being rehired but not police officers ... Municipal officials properly exercise their management prerogative to... beef up a badly undermanned Fire Department The decision also was an acknowledgment of the excellent job Fire Commissioner John O'Hagan has done in coping with the problems created by fiscal austerity..." By December 24, 1976, O'Hagan had rehired all but 83 of those who had been laid off. *Fire Bell Club News Notes*, January 1977, Vol. 9, No. 1, p.1.

P. 244 - Flood writes, "O'Hagan knew the authority the RAND models held in the minds of the uninitiated. He also knew that the models were easily manipulated, and had fudged the data himself to avoid cuts in politically powerful neighborhoods ... Initially there were twenty-six companies closed, but thirteen of the more politically powerful ones were reopened within a week when some spare change was found under the municipal couch cushions, and more were reopened a few years later, after neighborhood protests and persistent hectoring from influential local politicians But with some of the most powerful people in government convinced that the ghettos should be allowed, even encouraged, to die, closed companies in places like Bedford-Stuyvesant, the South Bronx and Harlem weren't coming back."

Flood's assertion that O'Hagan "fudged" the RAND results and his claim that the companies closed in July 1975 were closed and reopened according to the relative political

clout of the residents' in each area are both unfounded. The allegation that O'Hagan "fudged" RAND results is addressed at p. 40. The allegation about relative political influence determining closings is addressed at p. 43.

In addition, on July 2, 1975, at the start of a new FY and the height of the fiscal crisis, 1,600 firefighters were laid off and 21 companies were closed. Two days later state money arrived and 14 companies were reopened. Two weeks later the remaining 7 companies reopened. In all, 700 firefighters were rehired. The distribution of the affected companies was: Bronx 1, Brooklyn 6, Manhattan 8, Queens 4, and Staten Island 2. The addresses of these units are on the list and ranged from the affluent Upper East Side in Manhattan to poor neighborhoods in Brooklyn, and Far Rockaway in Queens. Only one unit in the Bronx was affected.

In November 1975, 7 companies were closed: Bronx 0, Brooklyn 2, Manhattan 2, Queens 2, Staten Island 1. The addresses of these companies, places where the impact of closing would be least, are included in the list of fire units that comprises the Appendix and is discussed at p 10.

P. 250 - Flood states that as the mayoralty transitioned from Beame to Koch, O'Hagan was investigated for having a charity foundation pay his tuition for MBA classes and sending assistants to take me to school in Massachusetts. Though he cites an article in which the allegations were reported, Flood neither mentions nor cites the article published three weeks later that reported O'Hagan was cleared of a conflict regarding the foundation and forfeited vacation days for the trips to Massachusetts. **P. 308n.** See *New York Times*, 11.23.1977, 12.16.1977.

P. 252 - Flood concludes the book with a reprise of the 1978 Waldbaum's fire, which he describes as "the last great fire of the War Years." A tragic fire it was for sure, but it did not signify the end of the war years. False alarms exceeded workers every year until 1997. Workers didn't fall below 100,000 until 1983 - it was the first year since 1967. Civilian deaths per year didn't fall below 200 until 1991. Numbers aside, firefighters from that

time say the war years began in 1968 with the assassination of Martin Luther King and ended in 1977 with the city-wide blackout.