

BILL LANN LEE  
Acting Assistant Attorney General  
WILLIAM B. FENTON  
PHILIP K. EURE  
Attorneys  
United States Department of Justice  
P.O. Box 65968  
Washington, D.C. 20035-5968  
(202)514-2168

FAITH S. HOCHBERG  
United States Attorney  
for the District of New Jersey  
SUSAN C. CASSELL  
No. 8081  
Assistant United States Attorney  
Suite 700  
970 Broad Street  
Newark, New Jersey 07102  
(973) 645-2700

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA  
Plaintiff,

v.

THE CITY OF NEWARK,  
NEW JERSEY;  
Defendant.

CIVIL ACTION NO.

**COMPLAINT**

Plaintiff, United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq.
2. This Court has jurisdiction over the action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.
3. Defendant City of Newark is a body corporate and political subdivision of the State of New Jersey, established pursuant to the laws of the State of New Jersey.
4. The defendant is a person within the meaning of 42 U.S.C. § 2000e(a) and an employer within the meaning of 42 U.S.C. § 2000e (b).

5. The defendant has discriminated against Mr. Kevin Rhodes and Mr. Anthony Kerr, police officers in the defendant's Police Department, and similarly-situated present or former police officers in the defendant's Police Department, on the basis of their religion in violation of Section 703 (a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.20002-2(a), among other ways, by:

(a) failing or refusing reasonably to accommodate their religious observance, practice and belief as Muslims of wearing a beard;

(b)threatening Mr. Rhodes, Mr. Kerr and similarly-situated police officers with termination because of their religious observance, practice and belief as Muslims of wearing a beard;

(c)transferring Mr. Rhodes and similarly-situated police officers to undesirable assignments because of their religious observance, practice and belief as Muslims of wearing a beard;

(d)denying Mr. Kerr and similarly-situated police officers opportunities to work special overtime events because of their religious observance, practice and belief as Muslims of wearing a beard; and

(e)failing or refusing to take appropriate action to remedy the effects of its discrimination against them.

6. The Equal Employment Opportunity Commission ("EEOC")received timely charges filed by Mr. Rhodes (Charge No. 171-97-0396) and Mr. Kerr (Charge No. 171-97-0408), alleging that they had been discriminated against on the basis of their religion when they were denied an accommodation to wear beards in compliance with their religious beliefs as Muslims and threatened with termination and subjected to other adverse treatment when they nevertheless wore beards in accordance with their religious beliefs. In their charges, Mr. Rhodes and Mr. Kerr also alleged that other police officers in the defendant's Police Department were denied an accommodation to wear beards in compliance with their religious beliefs as Muslims and subjected to adverse treatment when they nevertheless wore beards in accordance with their religious beliefs.

7. Pursuant to Section 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 20002-5, the EEOC investigated the charges, found reasonable cause to believe that the allegations were true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the matters and subsequently referred the matters to the Department of Justice.

8. All conditions precedent to the filing of the suit have been performed or have occurred.

WHEREFORE, plaintiff United States prays that the Court grant the following relief:

(a) Enjoin the defendant from failing and refusing to

(i) provide sufficient remedial relief to make whole the charging parties, Kevin Rhodes and Anthony Kerr, and similarly-situated present or former police officers, for individual losses they have suffered as a result of the discrimination against them as alleged in this Complaint; (ii) adopt a policy designed reasonably to accommodate the religious observances, practices and beliefs of employees in the defendant's Police Department; and take other appropriate non- discriminatory measures to overcome the effects of the discrimination; and

(b) Award compensatory damages to Kevin Rhodes, Anthony Kerr and similarly-situated present or former police officers, as would fully compensate them for pain and suffering caused by the defendant's discriminatory conduct, pursuant to and within the statutory limitations of Section 102 of the Civil

Rights Act of 1991, 42 U.S.C. § 1981a. Plaintiff prays for such additional relief as justice may require, together with its costs and disbursements in this action.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury of all issues sotriable pursuant to Rule 38 of the Federal Rules of CivilProcedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

JANET RENO  
Attorney General

By:

---

BILL LANN LEE  
Acting Assistant Attorney General  
Civil Rights Division

---

WILLIAM B. FENTON  
PHILLIP K. EURE  
Attorneys  
Civil Rights Division  
U.S. Department of Justice  
P.O. Box 65968  
Washington, D.C. 20035-5968  
(202) 514-2168

FAITH S. HOCHBERG  
United States Attorney

SUSAN C. CASSELL  
Assistant United States Attorney