

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO  
ALBUQUERQUE DIVISION

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**FILED**  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

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UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF GALLUP,

Defendant.

Civil Action No.

**CIV - 04 - 1108**

WDS RLP

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.* ("Title VII").
2. This Court has jurisdiction over the action under 42 U.S.C. § 2000e-6, 28 U.S.C. § 1343 and 28 U.S.C. § 1345.
3. The defendant City of Gallup ("City") is a corporate, governmental body and a political subdivision of the State of New Mexico, established pursuant to the laws of the State of New Mexico.
4. The defendant City 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. Upon information and belief, and based upon figures provided by the City for the period June 1999 to June 2002, there exists a statistically significant shortfall between the percentage of American Indians who applied for entry level positions with the City (including positions in the

Police Department, Fire Department, Solid Waste Department and Utilities Department) and the percentage of American Indians who were hired by the City.

6. The defendant City has utilized recruitment and hiring procedures that have had the purpose and effect of excluding qualified American Indian applicants from the City's workforce, including the City's Police, Fire, Solid Waste and Utilities Departments.

7. The defendant City of Gallup has implemented its discriminatory recruitment and hiring procedures, among other ways, by:

- (a) Failing or refusing to recruit and hire American Indians on the same basis as whites and Hispanics; and
- (b) Failing or refusing to take appropriate action to correct the present effects of the discriminatory policies and practices.

8. The acts and practices of the defendant described in paragraphs 6 and 7, above, constitute a pattern or practice of intentional resistance to the full enjoyment of the rights of American Indians to equal employment opportunities with the City of Gallup without discrimination based on race. These acts and practices are of such a nature and are intended to deny the full exercise of rights secured by Title VII of the Civil Rights Act of 1964, as amended.

9. The Department of Justice has investigated the City's employment practices. The United States has notified the defendant of this investigation, has advised the defendant of the results of the investigation and of the discriminatory policies and practices and their effects, as described in this Complaint, and has attempted to eliminate these practices through negotiation and settlement.

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

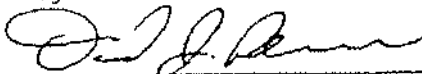
11. Unless restrained by an order of this Court, the defendant will continue to pursue policies or practices that are the same or similar to those alleged in this Complaint and will not take adequate steps to redress the discriminatory effects of those policies and practices.

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

- (a) Enjoin the defendant City of Gallup from failing and refusing to:
1. Recruit and hire qualified American Indians on the same basis as whites and Hispanics; and
  2. Take other appropriate nondiscriminatory measures to overcome the effects of its discriminatory hiring practices; and
- (b) Make relief available to qualified American Indians who were discriminatorily denied employment opportunities with the City due to their race, including, as appropriate, offers of backpay and employment with remedial seniority. The plaintiff prays for such additional relief as justice may require, together with its costs and disbursements in this action.

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By:



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