

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF HAZLETON; THE
HAZLETON CITY COUNCIL; and JEFF
CUSAT, in his official capacity as Mayor
of the City of Hazleton,

Defendants.

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

CIVIL ACTION NO.

The United States of America, plaintiff herein, alleges:

1. The United States files this action pursuant to Section 2 and Section 12(d) of the Voting Rights Act (“VRA”), 52 U.S.C. §§ 10301 and 10308(d).
2. Section 2 of the VRA prohibits enforcement of any voting qualification, prerequisite to voting, standard, practice, or procedure that results in the denial or abridgment of the right to vote on account of race, color, or language minority status.
3. In this action, the United States challenges the method of election for the City Council for Hazleton, Pennsylvania (“Hazleton City Council” or “City Council”) because it results in Hispanic citizens not having an equal opportunity to participate in the political process and to elect candidates of their choice.

JURISDICTION AND VENUE

4. This Court has original jurisdiction of this action under 28 U.S.C. §§ 1331, 1345, and 2201(a) and 52 U.S.C. § 10308(f).

5. Venue is proper in this Court under 28 U.S.C. §§ 118(b) and 1391(b).

PARTIES

6. The Voting Rights Act authorizes the United States to file a civil action seeking injunctive, preventive, and permanent relief for violations of Section 2 of the VRA. 52 U.S.C. § 10308(d).

7. Defendant City of Hazleton (“Hazleton” or the “City”) is a political and geographical subdivision of the State of Pennsylvania and is in Luzerne County.

8. Defendant Hazleton City Council holds and exercises the City’s legislative power and consists of five members elected at-large.¹

9. Defendant Jeff Cusat is the Mayor of Hazleton and the executive officer of the city.² He has served as mayor since 2016. Mayor Cusat is sued in his official capacity.

¹ CITY OF HAZLETON, PA., CODE pt. 1, ch. 11, art. II §§ 11-3, 11-4.

² *Id.* art. III § 11-8.

ALLEGATIONS

10. The current at-large method of electing the Hazleton City Council dilutes the voting strength of the City’s Hispanic citizens, in violation of Section 2 of the VRA.

11. The Hazleton City Council has five members, elected at-large in odd-numbered years, for four-year staggered terms.³

12. According to the 2020 Census, Hazleton has a total population of 29,963 persons, of whom 9,894 (33%) are non-Hispanic white, 18,898 (63.1%) are Hispanic, and 500 (1.67%) are non-Hispanic Black. Hazleton has a total voting age population (“VAP”) of 22,216, of whom 8,666 (39%) are non-Hispanic white, 12,808 (57.6%) are Hispanic, and 344 (1.5%) are non-Hispanic Black.

13. According to the 2018-2022 American Community Survey (“ACS”) estimates, Hazleton has a citizenship voting age population (“CVAP”) of 17,075, of whom 9,045 (53%) are non-Hispanic white, 7,390 (43.3%) are Hispanic, and 595 (3.5%) are non-Hispanic Black.

14. The Hispanic population of Hazleton is sufficiently numerous and geographically compact to constitute a majority of eligible voters in two single-member districts in a five single-member district plan. Using traditional districting

³ Pa. Const. art. VII, § 3; CITY OF HAZLETON, PA., CODE pt. I, ch. 11, art. I § 11-2, art. II § 11-4, and ch. 38 § 38-4.

principles, it is possible to draw a five single-member city council plan in which Hispanic persons constitute a majority of the citizens of voting age in two districts, according to 2020 Census data and the 2018-2022 ACS estimates.

15. Hispanic voters in Hazleton are politically cohesive and have regularly voted for Hispanic candidates in recent elections for Hazleton City Council, Hazleton Mayor, and other state and county offices.

16. Between 2014 and 2023, the City had at least seven competitive primary and general elections that featured a Hispanic candidate.

17. Statistical analysis shows that a strong majority of Hispanic voters supported the same candidates in all of these contests, usually by overwhelming percentages.

18. No Hispanic candidate has ever been elected to the Hazleton City Council.

19. Racially polarized voting patterns characterize elections for the Hazleton City Council.

20. Non-Hispanic white voters in Hazleton vote sufficiently as a bloc usually to defeat the preferred candidates of Hispanic voters. For example, in contests between 2014 and 2023 in which a Hispanic candidate and non-Hispanic white candidate faced off for Hazleton City Council, and other state and county

offices, non-Hispanic white voters in Hazleton cast their ballots sufficiently as a bloc to defeat every Hispanic-preferred Hispanic candidate.

21. The City of Hazleton has a history of official discrimination that has affected the right of Hispanic citizens to register, to vote, and to participate meaningfully in the democratic process.

22. Hazleton's Hispanic community, including Spanish speakers who are limited-English-proficient, continue to suffer from the effects of discrimination in education, employment, housing, and policing.

23. In December 2020, the Institute for Public Policy & Economic Development at Wilkes University, located in Wilkes-Barre, Pennsylvania, released a redlining study that found a notable correlation between the racial makeup of Census tracts and rates of poverty in Luzerne County. The study found that “among the 20 [Census] tracts in [the] County with more than 30 percent non-white and/or Hispanic residents, 17 had poverty rates above the average among all tracts.”⁴ The study concluded that “neighborhoods with a relatively large share of nonwhite and/or Hispanic residents tend to have notably elevated rates of

⁴ Inst. for Pub. Pol’y & Econ. Dev., *Redlining and Patterns of Racial Segregation & Poverty in Ne. Pa.*, 12 (2020), <https://www.institutepa.org/wp-content/uploads/2021/11/the-impact-of-redlining-in-northeastern-pennsylvaniathe-institute-1.pdf>.

poverty.”⁵

24. Significant socioeconomic disparities exist between Hazleton’s non-Hispanic white residents and Hazleton’s Hispanic residents. These disparities hinder the ability of Hispanic residents to participate effectively in the political process.

25. For example, the unemployment rate among Hazleton’s Hispanic residents is more than double the non-Hispanic white unemployment rate (8.6% vs. 4.1%), according to 2018-2022 5-Year ACS estimates. The ACS also estimates that while 20.3% of non-Hispanic whites in Hazleton live below the poverty level, 29.4% of Hispanic residents do.

26. There are also stark disparities in educational attainment. Among the city’s non-Hispanic white population, 84.6% have received a high school degree or higher compared to 60.2% of Hispanic residents, according to 2018-2022 5-Year ACS estimates. Likewise, 14.5% of non-Hispanic white residents have a bachelor’s degree or higher compared to 8% of Hispanic residents.

27. Language barriers exacerbate the socio-economic disparities of the limited-English-proficient (LEP) Spanish-speaking community. For example, LEP Spanish-speakers face language barriers when attempting to communicate with

⁵ *Id.* at 12.

Hazleton's government agencies, making it more difficult for them to obtain critical government services.

28. Community contacts describe low turnout among Hispanic voters in Hazleton, as well as obstacles to political participation that contribute to low turnout (including many Hispanic voters working long shifts at nearby industrial parks).

29. Some poll workers have prohibited LEP voters from using assistants of choice. Because of the lack of language assistance, some Spanish-speaking LEP voters experience difficulties or are unable to effectively cast ballots, and an unknown number are deterred from even trying.

30. At least one Hispanic candidate received threatening phone calls during the campaign, some of which included people yelling obscenities. The candidate believed the calls were tied to anti-Hispanic sentiment.

31. Hispanic residents have also been the subject of derogatory comments from local elected officials. For example, in 2022, when describing a revised "quality-of-life ordinance" then-Councilwoman Lauren Sacco stated: "If you want

to keep breaking the rules and keep living like a slum or pig, go back to wherever you came from.”⁶

32. Hispanic candidates face barriers when running for office that non-Hispanic white candidates do not face, including barriers to fundraising for city-wide seats, receiving endorsements, and being invited to political campaign events such as panel discussions.

33. No Hispanic candidate has ever been appointed to the Hazleton City Council, despite requests from the Hispanic community, including in 2022 when one council member resigned and created a vacancy on the City Council.

CAUSE OF ACTION

34. The United States realleges and incorporates by reference the allegations set forth above.

35. Under the totality of circumstances, the current at-large method of electing the Hazleton City Council results in Hispanic residents having less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice, in violation of Section 2 of the Voting Rights Act, 52 U.S.C. § 10301.

⁶ Sam Galski, *Council members in Hazleton to rewrite ‘quality of life’ ordinance*, HAZLETON STANDARD-SPEAKER (Mar. 21, 2022), https://www.standardsspeaker.com/news/council-members-in-hazleton-to-rewrite-quality-of-life-ordinance/article_2e8b09af-6a06-528c-b5e7-e542988ab8b6.html.

36. Unless enjoined by order of this Court, Defendants will continue to violate Section 2 by administering, implementing, and conducting elections for the Hazleton City Council using the current at-large method of election.

PRAYER FOR RELIEF

WHEREFORE, the United States prays that this Court enter an order:

(1) Declaring that the current at-large method of electing the Hazleton City Council violates Section 2 of the Voting Rights Act, 52 U.S.C. § 10301;

(2) Enjoining Defendants, their agents and successors in office, and all persons acting in concert with them from administering, implementing, or conducting any future elections for the Hazleton City Council under the current at-large method of election;

(3) Ordering Defendants to devise and implement an election system and implementation schedule for the Hazleton City Council that complies with Section 2 of the Voting Rights Act; and

(4) Granting such additional relief as the interests of justice may require.

Respectfully Submitted:

Date: January 7, 2025

GERARD M. KARAM
United States Attorney
Middle District of Pennsylvania

KRISTEN CLARKE
Assistant Attorney General
Civil Rights Division

/s/ Michael J. Butler

MICHAEL J. BUTLER PA81799
Civil Rights Coordinator
1501 N. 6th Street
Box 202
Harrisburg, PA 17102
Tel: 717-221-4482
Fax: 717-221-4493
Michael.J.Butler@usdoj.gov

/s/ Bruce I. Gear

R. TAMAR HAGLER
JOHN "BERT" RUSS IV
BRUCE I. GEAR
THARUNI A. JAYARAMAN
ZACHARY J. NEWKIRK
Attorneys, Voting Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue NW
4CON 8th floor
Washington, DC 20530
202-307-2767 (telephone)
202-307-3961 (fax)
tamar.hagler@usdoj.gov
john.russ@usdoj.gov
bruce.gear@usdoj.gov
tharuni.jayaraman@usdoj.gov
zachary.newkirk@usdoj.gov