

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

BOBBY L. PERSON, individually)
and on behalf of all others)
similarly situated,)
Plaintiffs,)
v.) Case No. 84-534
CAROLINA KNIGHTS OF THE KU)
KLUX KLAN, an unincorporated)
association,)
GLEN MILLER, as Grand Dragon)
of the Carolina Knights of)
the Ku Klux Klan, and as)
Sergeant Major of the Carolina)
Knights of the Ku Klux Klan's)
Special Forces,) COMPLAINT
JERRY MICHAEL LEWIS,)
individually, and as Assistant)
Leader of Den 4, Carolina)
Knights of the Ku Klux Klan,)
and Sergeant of the Carolina)
Knights of the Ku Klux Klan)
Special Forces,)
JOAN SHORT and GREGORY SHORT,)
UNKNOWN DEFENDANTS, K-1)
through K-50, who are Klan)
members and others who)
participated in the events)
set out in this complaint,)
and whose names are unknown)
to the plaintiffs at this time;)
Defendants.)

I. Nature of the Action

This is a civil action brought by a citizen of Moore County,
North Carolina. He sues individually and as a class representa-
tive.

Plaintiffs seek declaratory and injunctive relief, as well
as compensatory and punitive damages, for a series of

intimidating and violent acts committed against them by the Carolina Knights of the Ku Klux Klan, its Special Forces paramilitary army, many individual members of the Carolina Knights of the Ku Klux Klan and others acting with them. Plaintiffs allege that these actions were committed with the intent of depriving them, as black citizens, of the equal protection of the laws, and of otherwise violating their rights under federal and state law.

II. Jurisdiction

This action arises under 42 U.S.C. §§ 1981, 1985(3) and 1986. Jurisdiction is invoked pursuant to 28 U.S.C. §1331 and §1333. The amount in controversy exceeds the sum of ten thousand (10,000) dollars, exclusive of interest and costs. Plaintiffs seek, *inter alia*, a declaration of rights under 28 U.S.C. §2201.

This court has pendant jurisdiction over the state law claims. These claims derive from the same nucleus of operative facts as the federal claims and the federal claims are substantial. In addition, the federal and state claims are such that a plaintiff would ordinarily be expected to try them all in one proceeding. Finally, the state claims are closely tied to the issues of federal law, so that this court should not exercise its discretion to refuse to hear the state law claims.

III. Class Action

The plaintiff brings this suit on his own behalf and on behalf of the class of all black citizens of North Carolina, and all persons acting in concert with them, who seek to exercise their federal and state rights to equal employment opportunities, freedom of privacy, right to free association with people of

other races, right to be secure in their homes and on their property, and the right to redress their grievances in state and federal administrative and judicial forums free from intimidation, harassment, threats, and violent interference by the defendants.

IV. Parties

A. Plaintiffs

1. Bobby Lee Person is a black citizen of the United States and Moore County, North Carolina and is over the age of 21. He sues individually, and as representative of the plaintiff class.

B. Defendants

2. The Carolina Knights of the Ku Klux Klan, hereinafter referred to as the CKKKK, is an unincorporated association operating in North Carolina and other parts of the United States. Its main offices are located in Johnston County at Rt. 1, Box 386, Angier, North Carolina.

3. Glenn Miller is the Grand Dragon or highest official of the CKKKK. He is a white citizen of Johnston County, North Carolina. He also serves as Sergeant Major or Commander-in-Chief of the paramilitary army or Special Forces of the CKKKK. He is over the age of 21 and is sued only in his official capacity as head of the CKKKK. He is not charged individually, at this time, of any conspiratorial acts against the plaintiffs.

4. Jerry Michael Lewis is a white citizen of Moore County, North Carolina, and is a member and Assistant Den Leader of the Sanford, North Carolina unit of the CKKKK, and a Sergeant of the CKKKK's Special Forces.

5. Joan Short is a white citizen of Moore County, North Carolina, a member of the CKKKK and over the age of 21.

6. Gregory Short is a white citizen of Moore County, North Carolina, a member of the CKKKK and over the age of 21.

7. Unknown Defendants K-1 through K-50 are members of the CKKKK and persons acting in concert with members of the CKKKK who have engaged in conspiracies against the plaintiff and the plaintiff class as set out in this Complaint.

V. Statement of Facts

8. The Carolina Knights of the Ku Klux Klan, hereinafter CKKKK, is an unincorporated membership association dedicated to the principle of purity and supremacy of the white race. Membership is restricted to white persons of non-Jewish ancestry who must swear an unqualified allegiance to the CKKKK and the white race.

9. The CKKKK is a membership organization, charging members a \$20.00 introductory fee and monthly dues of \$2.00. Individuals pay their CKKKK dues to their local Dens, and dues are then forwarded to the CKKKK office in Angier, North Carolina.

10. The CKKKK is controlled and directed by defendant Glen Miller, who holds its highest office, that of Grand Dragon or Leader. The second in command is Stephen Miller who holds the office of Chaplain.

11. The CKKKK charters subgroups throughout North Carolina. These subgroups are called Dens. Upon information and belief, plaintiffs assert that the CKKKK has Dens in the following North Carolina towns and counties: Sanford (Lee County), Cameron (Moore County), Jacksonville (Onslow County), Aberdeen (Moore County),

Erwin (Harnett County), Raleigh (Wake County), Fayetteville (Cumberland County), Rocky Mount (Edgecomb County), Robbins (Moore County), New Bern (Craven County), Clayton (Johnston County), Statesville (Iredell County), and Bennett (Chatham County). The defendant CKKKK and its leaders keep the identity and location of many of its Dens secret.

12. The defendant CKKKK maintains and operates a paramilitary army of 300 to 500 members. This organized military-like army is made up of "elite" members of the CKKKK who have exhibited skills in military tactics and who have shown dedication to the goals and purposes of the CKKKK. The CKKKK paramilitary army is called the Special Forces.

13. The CKKKK Special Forces has a command structure similar to that of a regular army unit. Defendant Glenn Miller is the Commander-in-Chief. He has bestowed upon himself the title of Sergeant Major.

14. The CKKKK Special Forces is organized by having each Den as a local Special Forces Unit with the Den leader as Staff Sergeant or person in charge of the Den's Special Forces Unit. These Staff Sergeants are answerable directly to Glenn Miller. Various other members of the CKKKK hold military-like titles such as Buck Sergeant and Master Sergeant, and complete the chain of command between Sergeant Major Miller and his Den Special Forces Units. Individual CKKKK Special Forces members or soldiers hold the rank of private.

15. The CKKKK Special Forces has an official military uniform resembling that of the United States Army's Special

Forces (Green Berets). The rank of each CKKKK Special Forces officer is displayed on his collar and a blood drop patch is affixed to the cap of each member.

16. The CKKKK Special Forces' members undergo regular training in wooded military-like training camps where members are provided skills in firearm use, ambush tactics, river crossing, map reading, wireless radio communications, riot control, drill, reconnaissance, crowd management, search out, and terrain training. Instructors are required to have prior military training, and on occasion, active enlisted personnel of the United States Armed Forces have instructed members of the CKKKK Special Forces.

17. The CKKKK Special Forces have appeared in public as a military unit in various North Carolina towns. In addition, the CKKKK Special Forces Units have engaged in armed harassment of black persons who sought to exercise legal rights provided to them by state and federal laws, as more fully set out below.

18. The CKKKK Special Forces and its members and officials teach and demonstrate the use of firearms to their members knowing or having reason to know or intending that said firearms will be unlawfully employed for use in, or in furtherance of, a civil disorder in violation of North Carolina G.S. 14-288-20(b)(1), as more fully set out below.

19. The CKKKK Special Forces and its members have assembled with one or more persons for the purpose of training with, practicing with, or being instructed in the use of firearms capable of causing injury or death to persons, intending to employ unlawfully the training, practicing, instruction, or

technique for use in, or in furtherance of a civil disorder in violation of North Carolina G.S. 14.288.20(b)(2), as more fully set out below.

20. Plaintiff Bobby Person is employed by the Moore County Correction Unit as a prison guard. In late 1982, he and another black prison guard, Jimmy Pratt, filed a formal complaint with the North Carolina State Personnel Commission alleging that certain white officers at the Moore County Correctional Unit had discriminated against them in employment advancement. This complaint was investigated during 1983 by state officials and became widely known by white employees of the prison unit in Moore County. One of the white employees was defendant Jerry Michael Lewis.

21. On May 29, 1983, plaintiff Bobby Person requested from his superior officer at the Moore County Correctional Unit a copy of an employee manual containing information about the promotional examination for sergeant.

22. Defendant Jerry Michael Lewis, during the times relevant to this complaint, was a member of defendant CKKKK and served as Assistant Leader of Den 4 in Sanford, North Carolina. He was a sergeant in the CKKKK Special Forces, had a Special Forces uniform, and trained in Special Forces training camps as described herein.

23. Defendant Gregory Short, during the times relevant to this complaint, was a member of the defendant CKKKK's Sanford, North Carolina Den 4. He was a member of the CKKKK Special Forces, trained in its military-like camps, and had a Special

Forces uniform. His wife, Joan Short, was also a member of the defendant CKKKK during the times relevant to this complaint.

24. Defendants Jerry Michael Lewis, Gregory Short, Joan Short, and other members of the CKKKK, whose names are unknown to plaintiffs, conspired to harass and intimidate plaintiff Bobby Person, as more fully set out herein, because of his efforts to use state and federal laws to seek equal employment rights at the Moore County Correctional Unit.

25. On May 30, 1983, defendants Jerry Michael Lewis and Gregory Short unlawfully burned a Klan-type cross in the public road directly in front of plaintiff Bobby Person's home with the purpose and intent of intimidating him in the exercise of his rights under state and federal law. See N.C.G.S. 14-12.12.

26. On October 12, 1983, defendant Jerry Michael Lewis called together a group of the defendant CKKKK Special Forces with the sole intent and purpose of creating a civil disorder to harass and intimidate plaintiff Bobby Person for the legal exercise of his rights to seek equal employment with the State of North Carolina. This group, consisting of defendant Jerry Michael Lewis, Gregory Short, Joan Short, and others unknown to the plaintiffs, dressed themselves in CKKKK Special Forces paramilitary uniforms, armed themselves with a rifle, a pistol, and other weapons unknown to the plaintiffs, and drove in a truck to the home of plaintiff Bobby Person.

28. Plaintiff Person and his family live at the end of a dead-end public dirt road in Moore County, North Carolina. Defendants Jerry Michael Lewis, Gregory Short and Joan Short, and other persons unknown to plaintiffs, stopped their truck in front

of plaintiff Bobby Person's home, called him out of the house, cursed him, pointed a gun in his direction, and threatened to cause physical violence on his person, all with the intent and purpose of unlawfully interfering with plaintiff Bobby Person's exercise of his state and federal legal rights.

29. Plaintiff Bobby Person's wife and minor children were at home during the willful and illegal assault on their father and husband, as described in paragraphs 27 and 28. They became frightened and feared for their safety. Plaintiff Bobby Person became emotionally upset, scared, and frightened for his safety and the safety of his family. He suffered grave emotional and mental distress because of said illegal assault and civil disorder.

30. On many times subsequent to October 12, 1983, up to and including May 12, 1984, defendants Jerry Michael Lewis, Gregory Short, and persons unknown to plaintiffs, have continued to intimidate and harass plaintiff Bobby Persons by vandalizing his property, the property of his father, attempting to run his wife off the highway at night, and by throwing racist hate literature onto his property and onto the property of the Person's family church located a few feet from his home.

31. All the acts described and committed by the specifically named defendants were done with racial animus toward plaintiff Bobby Persons and because he is a member of the black race.

32. In addition to the acts of intimidation and harassment of plaintiff Bobby Person, the defendants Jerry Michael Lewis,

Gregory Short, Joan Short, the CKKKK, and other members of the CKKKK and the CKKKK Special Forces whose identity is otherwise unknown to the plaintiffs, have engaged in a series of conspiracies to and have intimidated, harassed and interfered with black citizens of North Carolina in the exercise of these black citizens' rights under state and federal laws as more fully set out below. These same defendants, and others acting in concert with them, whose names are unknown to the plaintiffs, have also conspired to and have interfered with white persons who were attempting to assist black citizens of North Carolina in the exercise of the state and federal rights as more fully set out below.

33. In November, 1983, defendants Jerry Michael Lewis, Gregory Short and Joan Short, along with CKKKK members and/or sympathizers Pam Copeland and Phil Copeland, and others unknown to plaintiffs, were called together by CKKKK Special Forces Sergeant Jerry Michael Lewis. This group, acting as a unit of the defendant CKKKK Special Forces, dressed themselves in Special Forces uniforms, armed themselves with weapons ranging from AR-15 assault rifles to handguns, and gathered directly across the public road from the home of Sue Goodwin in Moore County, North Carolina. The intent and purpose of this gathering, civil disorder and violent show of force described below, was to force Sue Goodwin to move from the community and to force her to not employ black citizens at the Country Cubbard, a grocery store she managed in rural Moore County. The specifically named defendants, and those acting in concert with them, were also attempting to prevent Sue Goodwin, a white person, from having

black friends visit her home, and to interfere with Sue Goodwin and her black friends exercising their state and federal rights of freedom of association and privacy.

34. The specifically named defendants, and those acting in concert with them, set out in paragraph 33 above, marched in military fashion directly in front of the home of Sue Goodwin, pointed guns toward her home, shouted racial slogans at her and her black guest, and burned a large Klan-type cross within her view. This cross is now in custody of the Moore County Sheriff's Department.

35. Defendants Jerry Michael Lewis and Gregory Short and other persons unknown to plaintiffs, acting as part of the defendant CKKKK Special Forces and with the intent and purpose of harassing Eddie Layne, a black person employed at the Moore County Correctional Unit, because of his exercise of his state and federal rights of equal employment, instituted a series of harassing actions against Mr. Layne, including blocking the dead-end road used by Mr. Layne to travel from his home to his place of employment. These actions took place during 1983 in Moore County, and caused Mr. Layne such emotional distress and fear for his life that he resigned his employment and left the state of North Carolina.

36. Defendant CKKKK's Special Forces, acting as a military unit in full military dress, massed in front of the Econo Lodge Motel in Sanford, North Carolina in May 1983, for the purpose of intimidating and harassing the owners of said business after said owners dismissed CKKKK Special Forces Sergeant James Holder from

the firm's employment. Mr. Holder admittedly gave a CKKKK "calling card" to a black person on the motel's property. The motel, in firing Mr. Holder, was attempting to maintain equal access to its property to persons of the black race.

37. On December 10, 1983, a special unit of the CKKKK's Special Forces armed themselves with rifles and handguns, dressed in CKKK's Special Forces military-like uniforms, boarded a bus and drove through the public streets of Raleigh, Dunn, Coats, Smithfield, Four Oaks, Clayton, Gardner, Angier and Fuquay-Varina, North Carolina. This armed military convoy was for the purpose of exciting fear in black persons and preventing them from freely exercising their rights under state and federal law.

38. Defendant CKKKK and members of the defendant CKKKK unknown to plaintiffs undertook a public effort to harass and intimidate black students attending North Carolina public schools by placing members of the defendant CKKKK in cars to patrol public schools. Defendant Miller, as Grand Dragon of the CKKKK, publicly announced that at least 1,000 CKKKK members from 19 units would patrol selected public schools on March 5, 1984, and that they would "exercise all [their] constitutional rights," including the right to carry unconcealed weapons in their cars. On May 5, 1984, defendant Miller publicly announced that between three and five thousand Klansmen and Klan sympathizers did patrol public schools in North Carolina. As a direct result of said patrol, black students became afraid to attend public schools and remained at home, thereby being denied their rights under state and federal law. Seventeen percent of the students at McIver Elementary School in Sanford, North Carolina remained at home in

the face of defendant CKKKK's announced plans to have armed Klansmen patrol their school.

39. In the intimidating and violent acts set out herein, the defendants so specified were acting out of an animus against blacks, and with the intention of denying to black citizens, and white citizens seeking to associate with or aid black citizens in the exercise of their legal rights, the rights which are guaranteed under state and federal law.

40. The series of harassing, threatening and violent acts of defendants set out in this complaint had the purpose and effect of causing the plaintiff and plaintiff class grave mental distress and fear.

41. Despite having knowledge that the acts of intimidation and violence described herein, in particular the attack of October 12, 1983, directed against plaintiff Bobby Person, were about to be committed, and despite having the ability to aid in preventing those acts by informing the lawful authorities or otherwise, neither defendant Jerry Michael Lewis, Gregory Short and Joan Short, and other persons acting in concert with them whose names are unknown to the plaintiffs, did aid in preventing these acts.

42. The threatening and violent acts of defendants Jerry Michael Lewis, Gregory Short, Joan Short, and the CKKKK, through its Special Forces, were taken in furtherance of a conspiracy, in which each of the above specified defendants joined, with the purpose of depriving the plaintiffs of the equal protection of the laws, or of equal privileges and immunities under the laws.

In particular the above specified defendants sought to interfere with plaintiffs' rights, privileges, and immunities under the First, Fifth, Thirteenth, and Fourteenth Amendments to the United States Constitution, and with their federal statutory right to equal employment, as well as the protections meant to be conferred by 18 U.S.C. §§ 231,241, 242, and 245. Also, the same specified defendants further sought to interfere with plaintiffs' rights under North Carolina civil and criminal law to be free of such injuries as assault, the intentional infliction of grave mental distress by extreme and outrageous conduct, and denials of rights guaranteed by the North Carolina Constitution.

VI. FIRST CAUSE OF ACTION

43. Plaintiffs re-allege paragraphs 8 through 42 of Part V.

44. The actions of the defendants so designated in conspiring for the purpose of depriving the plaintiffs of the equal protection of the laws, and of equal privileges and immunities under the law were in violation of 42 U.S.C. §1985(3).

VII. SECOND CAUSE OF ACTION

45. Plaintiffs re-allege paragraphs 8 through 42 of Part V.

46. The specified defendants' failure to take feasible steps to aid in preventing the actions described here, by informing the lawful authorities or otherwise, violated the command of 42 U.S.C. §1986.

VIII. THIRD CAUSE OF ACTION

47. Plaintiffs re-allege paragraphs 8 through 42 of Part V.

48. The specified defendants, by their actions described herein, deprived plaintiffs of the full and equal benefit of laws and proceedings for the security of persons, as is enjoyed by

white persons, in violation of 42 U.S.C. §1981.

IX. FOURTH CAUSE OF ACTION

49. Plaintiffs re-allege paragraphs 8 through 42 of Part V.

50. The actions of the specified defendants described herein constituted tortious invasions of plaintiff Bobby Person's rights. In particular, these actions subjected him to assaults, and the intentional infliction of grave mental distress by extreme and outrageous conduct.

51. The specified defendants' conspiracy to invade plaintiff Bobby Person's rights also constituted a tortious violation of the protections secured to him by N.C.G.S. 14.12.12, making it unlawful to burn a cross with the intention of intimidating a person or preventing a person from doing any act which is lawful.

52. The specified defendants' conspiracy to invade plaintiff Bobby Person's rights also constituted a tortious violation of the protections secured to him by N.C.G.S. 14-288.20 (b) (1) and (2), making it unlawful to teach the use of any firearm or to assemble with one or more persons for the purpose of training with or practicing the use of any firearm intending that said use or training be in furtherance of a civil disorder.

53. The actions of the specified defendants described herein also tortiously deprived plaintiff Bobby Person of numerous rights guaranteed by the North Carolina Constitution, including the right to be free from any form of slavery.

X. Fifth Cause of Action

54. Plaintiffs re-allege paragraphs 8 through 42 of Part V.

55. The actions of all the defendants in operating and/or participating in the CKKKK Special Forces, as described herein, constitute a military organization forbidden by N.C.G.S. 14-10.

XI. Relief

Wherefore, premises considered, plaintiff and the members of the class he represents respectfully pray that this Court:

1. Certify this case as a class action.
2. Issue its declaratory judgment that the actions described herein deprived the plaintiff and the plaintiff class of rights guaranteed them by U.S.C. §§ 1985(3), 1986 and 1981, by the North Carolina Constitution, statutory and common laws.
3. Grant permanent injunctive relief enjoining all defendants, and those acting in concert with them, from maintaining or conducting or attending military or paramilitary camps, and from giving or receiving military or paramilitary training except from military instructions operated by the State of North Carolina or the United States government, and from otherwise violating the rights of the plaintiffs under federal law, under the United States Cosntitution, and under North Carolina General Statutes 14-10 and 14-288.20(b)(1) and (2).
4. (a) Enjoin the defendants, their agents, servants, employees, and assigns, and all persons acting in concert with them, from engaging anywhere in the United Sttes in any violent or intimidating actions which have the purpose or would reasonably be expected to have the effect of intimidating or interfering with the exercise by black citizens, and others acting in concert with them, of the rights protected and guaranteed by any of the laws cited in the proceeding paragraphs,

or which have the purpose or would reasonably be expected to have the effect of interfering with the constituted local, state or federal authorities' provision and securing of these rights for black citizens and those acting in concert with them; and further, and in particular, enjoin all such actions by the defendants, their agents, servants, employees, and assigns, and all persons acting in concert with them, directed against the plaintiff class in any part of North Carolina.

(b) Further enjoin the defendants, their agents, servants, employees and assigns, to post conspicuously a copy of such orders as this Court may issue, at all meetings and meeting places of any or all of the defendants. Such orders of the Court should require defendants to file with the Clerk of this Court a report, with a copy to plaintiffs, indicating that said postings have been made.

5. Award the plaintiff Bobby Person 500,000 (five hundred thousand) dollars in compensatory damages, and an additional 500,000 (five hundred thousand) dollars in punitive damages, against the defendants Carolina Knights of the Ku Klux Klan, Jerry Michael Lewis, Gregory Short and Joan Short, jointly and severally.

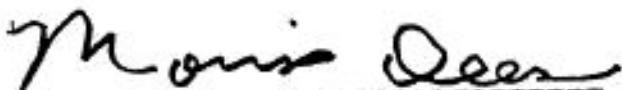
6. Refer to the United States Attorney for the Eastern District of North Carolina, for investigation and possible prosecution, any acts of the defendants which appear to be violations of federal criminal statutes.

7. Award plaintiffs reasonable costs and attorney's fees.

8. Grant plaintiffs such other relief as the Court deems

necessary and just.

Respectfully submitted,



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