



October 15, 2022

Attorney General Merrick B. Garland  
Deputy Attorney General Lisa Monaco  
Associate Attorney General Vanita Gupta  
Assistant Attorney General Kristen Clarke  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Attorney General Garland, Deputy Attorney General Monaco, Associate Attorney General Gupta, and Assistant Attorney General Clarke:

On behalf of the Columbus County Branch of the NAACP and the North Carolina State Conference of the NAACP, we write to you today to urgently request that you commit the full powers of the U.S. Department of Justice to further justice, accountability, transparency, and lasting change for our community in the wake of willful misconduct and maladministration in office by the Sheriff of Columbus County, North Carolina. We hereby request that the Department of Justice take the following actions:

- 1. Expedite and ensure the full independence of a federal civil rights investigation into the statements made and discriminatory actions taken by Sheriff Jody Greene;<sup>1</sup>**
- 2. Deploy DOJ election monitors to Columbus County during the upcoming November 2022 General Election, including during the 17 days of early voting preceding election day;<sup>2</sup> and**
- 3. Hold a listening session with community members in Columbus County to determine other civil rights violations and community needs that the Department of Justice has the authority to provide a path to redress.**

**I. Summary of Background Facts**

On Wednesday, September 28, 2022, WECT News<sup>3</sup> released audio recordings of Columbus County Sheriff Jody Greene using racist language while speaking to Mr. Jason Soles. At the time the recording was taken, Mr. Soles was serving as Captain of the Sheriff's Office and had been tasked with leading the office

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<sup>1</sup> 28 C.F.R. § 0.50; 28 C.F.R. §§ 0.160-64.

<sup>2</sup> "Since the passage of the Voting Rights Act of 1965, the department has regularly monitored elections in the field in jurisdictions around the country to protect the rights of voters." <https://www.justice.gov/opa/pr/justice-department-monitor-polls-28-states-election-day>. In addition, under the "Fact Sheet on Justice Department's Enforcement Efforts Following Shelby County Decision," the Department asserted its authority to "continue to conduct [its] own monitoring around the country." <https://www.justice.gov/crt/file/876246/download>.

<sup>3</sup> [https://www.wect.com/2022/09/28/sheriff-im-sick-these-black-bastards-every-black-that-i-know-you-need-fire-him/?fbclid=IwAR3L0akb7IVlteiA-JHOoT0EzVdcsVOQzuChkveLStVGMThFsR\\_cSA3Vsg](https://www.wect.com/2022/09/28/sheriff-im-sick-these-black-bastards-every-black-that-i-know-you-need-fire-him/?fbclid=IwAR3L0akb7IVlteiA-JHOoT0EzVdcsVOQzuChkveLStVGMThFsR_cSA3Vsg)

while elections officials investigated a complaint questioning whether Greene was eligible to serve as sheriff. Mr. Soles is now Mr. Greene's opponent in the current 2022 election for Columbus County Sheriff.

In the audio, recorded by Soles in February 2019, Greene can be heard trying to determine who from the sheriff's office may have communicated with Mr. Lewis Hatcher, the former sheriff whom Greene had narrowly defeated by only 34-votes in the 2018 election, and Mr. Melvin Campbell, a recently fired sergeant; both Hatcher and Campbell are Black men. Greene can be heard disparaging Black employees, making explicit and racist comments such as "F\*\*k them Black bastards... So it's just time to clean them out," and directly states "[e]very Black that I know, you need to fire him..." After the release of these recordings, Jody Greene did not deny being the voice in the recording in his post on the official "Columbus County Sheriff's Office" Facebook page.<sup>4</sup> Subsequent to the audio recording, at least one Black employee of the Columbus County Sheriff's Office was terminated.<sup>5</sup>

## **II. Immediate Voter Intimidation Concerns**

While Mr. Jody Greene has since been temporarily suspended from the Sheriff's Office via judicial granting of a petition for removal by District Attorney Jon David,<sup>6</sup> we write to you today with extreme concern for the potential increase in voter intimidation issues in Columbus County and across the state. Despite his gross misconduct while in Office, Jody Greene remains on the ballot as he has not withdrawn himself as a candidate for the 2022 sheriff election.

In 2020, the undersigned counsel at Forward Justice facilitated non-partisan election protection responses to instances of voter intimidation in the state. In that role, we responded to over 115 voter intimidation complaints from North Carolina voters. In total, over 500 calls came into the Election Protection Hotline during the November 2020 election to either report voter intimidation or to ask a question about what constitutes voter intimidation.<sup>7</sup>

Since the spring of 2020, the presence and activities of the Oath Keepers in North Carolina have escalated. In Columbus County, known recruitment measures, trainings, and organizing have taken place.<sup>8</sup> In November 2020, we documented highly troubling reports of potential voter intimidation regarding members of the Oath Keepers in Columbus County who were identified at polling sites and were engaging in poll monitoring in an intimidating manner. As the Department of Justice is aware, the Oath Keepers is recognized as an anti-government white militia group located throughout the United States.<sup>9</sup> The mere presence of the Oath Keepers, with known affiliations to white supremacy, serves to intimidate voters, particularly voters of color.

What makes the current community situation facing Black voters and community members, who constitute close to 30% of the residents of the county, even more volatile is the fact that local officials and leaders in the community (including the Sheriff in question, Jody Greene, and the Chair of the Columbus County Republican Party) have affiliations and a comfortable relationship with the white militia group.

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<sup>4</sup>[https://www.facebook.com/permalink.php?story\\_fbid=423947533207317&id=100067762224665&paipv=0&eav=AfYKIq7yZ-Q3XNhPgc1dChXZISzly8aypOGBAa6nQcU06wxev1I7AhJCyrFISLjbXyo&\\_rdr](https://www.facebook.com/permalink.php?story_fbid=423947533207317&id=100067762224665&paipv=0&eav=AfYKIq7yZ-Q3XNhPgc1dChXZISzly8aypOGBAa6nQcU06wxev1I7AhJCyrFISLjbXyo&_rdr)

<sup>5</sup> <https://www.wect.com/2022/10/04/columbus-county-sheriff-suspended-office-after-district-attorney-files-petition-removal/>

<sup>6</sup> <https://www.wect.com/2022/10/06/amid-suspension-petition-removal-could-jody-greene-be-re-elected/>

<sup>7</sup> <https://democracync.org/wp-content/uploads/2022/02/ElectionProtectionReport-web-2.pdf> (at Pg. 24)

<sup>8</sup> <https://triad-city-beat.com/three-indicted-conspiracy-capitol-insurrection-oath-keepers/>

<sup>9</sup> <https://www.splcenter.org/fighting-hate/extremist-files/group/oath-keepers>

According to the founder of Oath Keepers, former Ron Paul staffer Stewart Rhodes, the purpose of the organization “is to be ready in case of a civil disturbance or natural disaster to assist law enforcement and first responders if requested.”<sup>10</sup> Due to Greene’s known relationship with the Oath Keepers, coupled with his most recent racist and prejudiced publicly released statements, community members have lost all trust that the Sheriff’s Office<sup>11</sup> - the office that Greene led up until October 4, 2022 - will adequately provide safety measures against any threats from this group or others with intentions of intimidating Black voters.

### **III. Investigation Needed Into Policy and Practices in Columbus County in Addition to Monitors**

Sheriff Greene’s statements exposed what the Columbus County community has lived with for decades: a longstanding history of racial discrimination by law enforcement and government officials that must be addressed by official independent intervention and oversight. The acts committed by Jody Greene constitute corruption while in office and should not be taken lightly by the Department of Justice.<sup>12</sup> Upon information and belief, an investigation is both warranted and necessary into the Columbus County Sheriff’s Office, where our community has raised significant concerns of patterns of misconduct by that office.<sup>13</sup> This support is necessary in addition to any state investigation by the State Bureau of Investigation that we understand is also underway.

Additionally, and most timely, we ask that the Department of Justice deploy monitors to polling sites in Columbus County for the 2022 General Elections, including all 17 days of Early Voting and on Election Day. The Department of Justice Civil Rights Division conducts monitoring using Division attorneys and staff to help assess compliance with the federal voting rights laws around the country.<sup>14</sup> By providing monitors to Columbus County polling sites, the Department of Justice will not only protect the vote in the county, but will show its strong stance against voter intimidation in North Carolina. This action by the Department of Justice is necessary to address the crisis of trust and the legitimate calls for accountability and change in Columbus County, as well as to identify and help rectify systemic deficiencies which contribute to misconduct and enable it to persist.

Our community cannot rest without impartial justice, accountability, and transformative change. We stand ready to provide further information in support of this request and to facilitate the Department of Justice’s independent investigation in the ways most beneficial to your office that will assist in ensuring transparency and accountability for the Columbus County community. Please direct any communications regarding this matter to Attorney Ashley Mitchell. We look forward to your response.

Sincerely,

Deborah Dicks Maxwell, NC NAACP President  
President Curtis Hill, Columbus Co. NAACP  
Irv Joyner, NC NAACP Legal Redress Chair

Caitlin Swain, Co-Director, Forward Justice  
Ashley Mitchell, Staff Attorney  
Kathleen Roblez, Senior Attorney  
Aviance Brown, Staff Attorney

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<sup>10</sup> [https://www.nrcolumbus.com/news/local-national-oath-keepers-members-working-to-expand-in-columbus-county/article\\_00e44938-c8fd-523b-907a-c70b8092f97f.html](https://www.nrcolumbus.com/news/local-national-oath-keepers-members-working-to-expand-in-columbus-county/article_00e44938-c8fd-523b-907a-c70b8092f97f.html)

<sup>11</sup> <https://www.wect.com/2022/09/29/civil-liability-concerns-following-sheriffs-racially-charged-comments/>

<sup>12</sup> <https://www.wect.com/2022/10/04/columbus-county-sheriff-suspended-office-after-district-attorney-files-petition-removal/>

<sup>13</sup> <https://www.justice.gov/jm/jm-8-2000-enforcement-civil-rights-civil-statutes#8-2.010>

<sup>14</sup> <https://www.justice.gov/crt/about-federal-observers-and-election-monitoring#observers>