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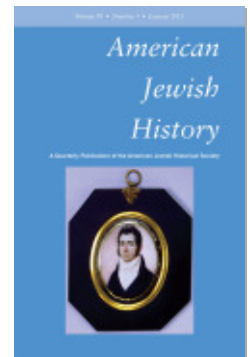
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## Freedom for All?: Blacks, Jews, and the Political Censorship of White Racists in the Civil Rights Era

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## Freedom for All? Blacks, Jews, and the Political Censorship of White Racists in the Civil Rights Era\*

CLIVE WEBB

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It lasted only a minute, but elicited a more impassioned public reaction than any other political broadcast aired in the South during the early 1970s. During the first days of August 1972, television audiences across Georgia witnessed the sight of a man in a dark suit and bow tie sitting at a desk with a large Confederate battle flag hanging behind him and a smaller version folded in the front pocket of his jacket. The heavy-lidded eyes that stared intently into the camera lens lent him a reptilian appearance and his heavily accented voice was slow and deliberate. “I am J. B. Stoner,” he announced. “I am the only candidate for U.S. Senator who is for the white people. I am the only candidate who is against integration. All of the other candidates are race mixers to one degree or another.” Stoner identified the policies of the moderate incumbent, Senator David H. Gambrell, as a particular threat to the racial purity of white voters. Then the aspirant for public office uttered the words that precipitated a political shockwave. “The main reason why niggers want integration is because the niggers want our white women. I am for law and order with the knowledge that you cannot have law and order and niggers too. Vote white.”<sup>1</sup>

The commercial was the centerpiece of a radically racist campaign by Stoner, a man described by one scholar as “the patriarch of the white supremacist movement.”<sup>2</sup> His manifesto pledged that if elected he would “STOP RACE MIXING INSANITY” by cutting off funds for busing and other federal initiatives to facilitate school desegregation, restricting the access of “lazy drunken Blacks” to public housing and welfare, and campaigning for the repeal of civil rights legislation. Stoner also committed himself

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1. *Atlanta Constitution*, Aug. 3, 1972. A recording of the advertisement (item ID 45086) is available from the Julian P. Kanter Political Commercial Archive, Political Communications Center, University of Oklahoma, Norman.

2. Arthur E. Geringer, *Terrorism: From One Millennium To The Next* (Lincoln, NE: Writers Club Press, 2002), 222.

to secure a federal law for the forcible repatriation of blacks to Africa, a controversial policy even a century earlier.<sup>3</sup>

Stoner's campaign commercial posed liberals with an ethical dilemma. The debate about how best to respond to its broadcast raged not only among local activists but across the country. In order to protect the constitutional rights of all citizens, was it appropriate to defend the freedom of speech of every individual, even those who used that right to preach hatred and intolerance? Some concluded that it was. In their opinion, no matter how abhorrent the statements made by Stoner, he had as much right as any other citizen to freedom of speech under the First Amendment. The American Civil Liberties Union (ACLU), whose libertarian philosophy had led it to defend the constitutional rights of white racists throughout the civil rights struggle, issued a statement supporting Stoner's right to unrestricted freedom of speech.<sup>4</sup>

However, black and Jewish activists reacted with particular indignation to the race-baiting language used in the commercial. Access to television and radio was of crucial strategic importance to an extremist candidate like Stoner. In contrast to mainstream political and civic leaders, he possessed limited resources and relied on the publicity provided by media coverage to reach out to the electorate. Civil rights organizations well understood that restricting his access to the airwaves promised to curtail his campaign. Accordingly, black and Jewish civil rights activists launched a collective campaign to silence Stoner. The National Association for the Advancement of Colored People (NAACP) and the Anti-Defamation League of B'nai B'rith (ADL) filed a joint complaint with the Federal Communications Commission (FCC), arguing that Stoner's public address was not only offensive, but also intended to incite violence against African Americans. The organizations asked that the FCC prohibit further broadcasts by Stoner in the interests of public decency and safety.

Pressure on the FCC mounted as other civil rights groups added their voices to the chorus of protest against the Stoner campaign commercial. The Georgia Council on Human Relations and the Atlanta Community Coalition on Broadcasting both issued statements supporting the petition of the NAACP and ADL. Atlanta Mayor Sam Massell also issued

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3. "VOTE FOR The White People's Candidate J. B. Stoner / The White Racist For United States Senator From Georgia / STOP RACE MIXING INSANITY," campaign pamphlet, box 29, folder 15, Oscar Cohen Papers (hereafter cited as "Cohen Papers"), manuscript collection 294, Jacob Rader Marcus Center of the American Jewish Archives, Cincinnati; "Stop Busing: Vote for J. B. Stoner for U.S. Senator," campaign pamphlet, American Jewish Committee Antisemitic and Extremist Collection, Jacob and Hilda Blaustein Human Relations Library, New York (hereafter cited as AJC Collection).

4. *Atlanta Constitution*, Aug. 4, 1972.

a statement condemning the commercial and encouraged television and radio stations not to broadcast it. Hopes were high that the FCC would ban Stoner from using racist language on the airwaves.<sup>5</sup>

This essay assesses both the causes and impact of the 1972 protests against the Stoner campaign commercial. The attempt to ban further broadcasts represented an important chapter in the long and complicated history of civil rights organizations' policies on how to deal with hate speech. During the interwar era in particular, black and Jewish groups had both supported regulating the free speech of white racists. Since the intensification of the black freedom struggle in the late 1950s, however, they had for a number of ideological and strategic reasons refrained from legally campaigning for restrictions on hate speech.

Civil rights activists certainly spoke out in strong condemnation of hate speech and hate symbols such as burning crosses and the Confederate battle flag.<sup>6</sup> There was nonetheless an important distinction between mobilizing public opposition to the words and actions of white racists and using the power of law to prohibit them. While the moral case was clear, legally and politically the situation was more complex. Black and Jewish groups were especially worried that their attempts to prohibit racist propaganda would prove counterproductive. First, they feared that hate peddlers would actually gain greater exposure by publicizing themselves as victims of an insidious campaign to deny them their constitutional rights. Second, civil rights activists understood that their own ability to march and demonstrate relied on a broad reading of First Amendment rights by the courts. Restricting speech by white racists that others might find offensive could ironically rebound on the civil rights movement, allowing the courts to apply the same narrow interpretation of the First Amendment to civil rights protesters, seriously curtailing their capacity to protest against racial injustice. For these reasons, civil rights organizations had often eschewed direct challenges to hate speech.

In the autumn of 1972, black and Jewish activists nonetheless became embroiled in a very public controversy over the constitutional rights of hate speakers. Much of the historical scholarship on hate speech focuses on the Skokie affair, when members of the National Socialist Party of America attempted to organize a march through a Chicago suburb that was home to a large Jewish community that included many Holocaust survivors. Consistent with its belief in the unrestricted constitutional liber-

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5. *Atlanta Journal*, Aug. 4, 1972; *Charleston (WV) Gazette*, Aug. 4, 1972; *Billings (MT) Gazette*, Aug. 3, 1972.

6. See, for instance, Robert J. Cook, *Troubled Commemoration: The American Civil War Centennial, 1961–1965* (Baton Rouge: Louisiana State University Press, 2007), 167.



Fig. 1. Portrait of J. B. Stoner, undated. Mississippi State Sovereignty Commission photograph, courtesy Mississippi Department of Archives and History.

ties of all citizens, the ACLU sued for the right of the National Socialist Party to march in Skokie. Jewish defense groups, reacting to grassroots pressure, filed suit to ban the march on the grounds that it would incite violence. Although the Supreme Court upheld the First Amendment rights of the National Socialists, the march through Skokie never actually took place.<sup>7</sup> While numerous scholars have analyzed the Skokie affair, hardly any have attempted to situate it within a broader historical narrative of civil rights groups' strategy on hate speech. The Stoner incident has received little attention but is historically significant since it occurred five years earlier than the events in Skokie and anticipated what would later prove an acrimonious debate over whether or not white racists were entitled to the protections of the First Amendment.

Jesse Benjamin Stoner Jr. had established a reputation as one of the most notorious antisemites and racists in the United States long before the

7. See, for example, Donald Alexander Downs, *Nazis in Skokie: Freedom, Community, and the First Amendment* (Notre Dame, IN: University of Notre Dame Press, 1985); and Philippa Strum, *When the Nazis Came to Skokie: Freedom for Speech We Hate* (Lawrence: University Press of Kansas, 1999).

# JEW-COMMUNISTS BEHIND RACE MIXING

## Jews Behind Negroes



MARX  
Jewish Founder  
of Communism



SPINGARN  
Jewish Leader  
of N.A.A.C.P.



Marvin Rich Jew head of  
CORE (Congress of Racial  
Equality) led "Freedom  
Riders" into South.



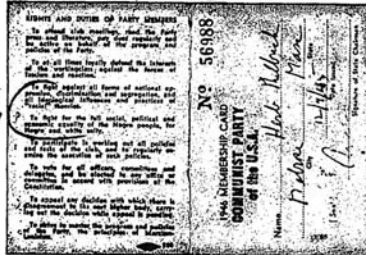
Jew, Nicholas Katzenbach,  
led troops to force Negroes  
into University of Alabama.

Arthur Spingarn, the fanatical Jew at left, is President of the National Association for the Advancement of Colored People (N.A.A.C.P.). Spingarn has recently been condemned by the Un-American Activities Committee for his Communist activities. In 1955 the N.A.A.C.P. was exposed as a Red front. Yearly the N.A.A.C.P. awards the Jewish Spingarn medal to Negroes and Jews for Race-Mixing and other Communist activities. Jewish leaders daily plan Supreme Court decisions regarding Race-Mixing (Integration). The N.A.A.C.P. was founded by Joel Spingarn, Arthurs brother, who organized the first regiment of Negro army officers during World War I. Arthur Spingarn has been leader of the N.A.A.C.P. since 1939 the year Joel Spingarn died. Jews have always led the N.A.A.C.P. On Jan. 24th, 1961 Jewish Judge Irving R. Kaufman ruled illegal any attempt to prevent Race-Mixing. The final goal of the N.A.A.C.P. is total mongrelization of the White Race.

## Jews Founded Communism

Pictured at left is the "father" of Communism, the Jew Karl Marx (real name Mordecai). Marx founded Communism as a modern Jewish religion for domination of the Gentile. Communism calls for the immediate destruction of White nations. In a letter to Marx the Jew, Baruch Levy stated, "The Jewish People as a whole will be it's own Messiah. It will attain world domination by mixing the races and the abolition of nations." In writing the Communist Manifesto Marx's greatest helper was the Jew, Friedrich Engeles. All leaders of the Communist Party in America have been Jews. The Jewish Rosenbergs were electrocuted for giving Russia information during the Korean war. Eight of the nine members of the Rosenberg spy ring were Jews.

Official photostat of Communist Party membership card calling for race-mixing. (note arrow)



The National States Rights Party is a patriotic political Party. We are loyal White, Constitutional Americans who are working to win our goals in a 100% legal and political way.

Our Party stands for:

- JESUS CHRIST
- America First
- American Patriotism
- NO world government
- Abolition of United Nations
- No More Foreign Give-aways
- A Free White America
- Expulsion of All communists to Madagascar
- Upholding U. S. Constitution
- Freedom of Speech and Press
- Only White Christian Immigration
- Free Enterprise and High Wages
- Racial Separation and for giving all Africans in America a rich Country of their own in Africa.

1865 Bessemer Rd. Birmingham, Alabama

Phone ST-6-1275 Today

Fig. 2. An undated leaflet showing how Stoner and the National States' Rights Party painted Jews as radicals who were the real power behind the black freedom struggle. From the Jewish Community Relations Council of Minnesota Collection, Minnesota Historical Society.

public outcry created by his 1972 senatorial campaign. He was born on April 13, 1924, into a wealthy family in Walker County in northwestern Georgia, close to the Tennessee border. Stoner's childhood was marred by tragedy. At the age of only two-and-a-half, he suffered an attack of polio that crippled one of his legs. Shortly thereafter, his father died. By the time Stoner was seventeen, he had also lost his mother to cancer. These setbacks did not inhibit his ambition and he enthusiastically pursued a career in law, graduating from the Atlanta Law School and gaining admittance to the Georgia bar in 1951.<sup>8</sup>

By that time, Stoner had already embarked on a parallel career as a representative of the far right. In 1942, the eighteen-year-old Stoner became a member of the Association of Georgia Klans. From the outset, Stoner stood out even among his fellow white supremacists for the rabidity of his racial and religious prejudices. During the 1930s and 1940s, white southern newspaper editors and political leaders saw no contradiction in denigrating Nazi racial ideology while defending Jim Crow. Stoner, by contrast, was a self-confessed fascist who considered the racial systems of Nazi Germany and the American South to be branches from the same tree.<sup>9</sup> His admiration for Hitler stemmed from a fervent antisemitism. Stoner was at odds with most southern segregationists in having a greater animus toward Jews than African Americans. The authors of one study of political fanaticism go so far as to suggest that he was "perhaps the most outspoken and obsessive antisemite in American history."<sup>10</sup> Convinced that communist Jews had duped the United States into fighting on the wrong side in World War II, Stoner filed a petition with the U.S. House of Representatives, urging its members to approve a resolution that "Jews are the children of the devil" and should be expelled from the country. In 1945, he also established an independent organization, the Stoner Anti-Jewish Party.<sup>11</sup>

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8. *White Extremist Organizations, Part II: National States Rights Party* (unpublished monograph, May 1970), 5, National States Rights Party, Federal Bureau of Investigation File; John George and Laird Wilcox, *American Extremists: Militias, Supremacists, Klansmen, Communists, & Others* (Amherst, NY: Prometheus Books, 1996), 354.

9. For further insight into the hypocritical attitude of southern segregationists toward Nazism, see Johnpeter Horst Grill and Robert L. Jenkins, "The Nazis and the American South in the 1930s: A Mirror Image?" *Journal of Southern History* 58 (Nov. 1992): 667-94.

10. George and Wilcox, *American Extremists*, 354.

11. George Thayer, *The Farther Shores of Politics: The American Political Fringe Today* (London: Allen Lane, 1968), 35-36; "Activities of the Ku Klux Klan Organizations in the United States," Committee on Un-American Activities, House of Representatives, 89th Congress, 2d session (Washington, DC: U.S. Government Printing Office, 1966), part 5, 3806-7, 3809-10; Michael Newton, *The Invisible Empire: The Ku Klux Klan in Florida* (Gainesville: University Press of Florida, 2001), 116.

Stoner's political activities assumed a new intensity in reaction to the U.S. Supreme Court decision in *Brown v. Board of Education*, outlawing segregation in public schools. Stoner believed that African Americans possessed neither the intelligence nor enterprise to coordinate a mass protest movement against white supremacy. He therefore concluded that a cabal of communist Jews was responsible for the civil rights protests that shook the southern states in the years following *Brown*. According to Stoner, "the negro is not the enemy. The Jew is THE enemy of our White Race and the Jew is using the negro in an effort to destroy the White Race that he so passionately hates."<sup>12</sup>

Stoner attempted to defend white supremacy through the National States' Rights Party (NSRP), a militant segregationist organization that he helped found in 1958. During the next decade, the NSRP was linked to numerous attacks on black and Jewish institutions, including a bombing campaign against southern synagogues. A group calling itself "The Confederate Underground" targeted seven Jewish communities between November 1957 and October 1958. In three cities—Charlotte; Gastonia, North Carolina; and Birmingham—the bombs failed to explode, but the bombers succeeded in damaging Jewish institutions in Miami, Nashville, Jacksonville, and Atlanta. In the bombing of The Temple, the leading Reform congregation in Atlanta, there was strong circumstantial evidence of NSRP involvement, although prosecutors failed to win a conviction of five members of the organization who were put on trial. Still, the Atlanta bombing brought home to local civil rights activists the danger represented by groups such as the NSRP and informed their later anxieties about Stoner and the potential impact of his campaign commercial.<sup>13</sup> Stoner was also personally responsible for the bombing in 1958 of the Bethel Baptist Church in Birmingham, whose pastor was the fearless black civil rights activist Fred Shuttlesworth. It took more than two decades before the authorities finally brought Stoner to justice for that crime.<sup>14</sup>

In the intervening years, Stoner relentlessly pursued his hate campaign against racial and religious minorities. He helped lead the violent resistance to civil rights demonstrations in St. Augustine, Florida, in 1964 and Bogalusa, Louisiana, the following year.<sup>15</sup> He was also active as a

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12. J. B. Stoner, "The Philosophy of "White Racism,"" (n.d.), J. B. Stoner File, AJC Collection.

13. Clive Webb, *Fight Against Fear: Southern Jews and Black Civil Rights* (Athens and London: University of Georgia Press, 2001), 55–56.

14. *New York Times*, May 14 and 16, 1980; *Washington Post*, Aug. 14, 1982; May 12 and Jun. 3, 1983.

15. For more on Stoner's role in directing white resistance to black demonstrators in these communities, see David R. Colburn, *Racial Change and Community Crisis: St. Augustine*,

lawyer representing numerous defendants accused of racially motivated crimes against African Americans. Most notoriously, in 1969 he served as a defense counsel for the murderer of Dr. Martin Luther King Jr., James Earl Ray.<sup>16</sup> Although the terrorist attacks on southern synagogues had ceased by the late 1950s, Stoner continued accusing Jews of masterminding the civil rights movement and he produced a stream of antisemitic publications including *Christ Not a Jew and Jews Not God's Chosen People*.<sup>17</sup>

Throughout his political career, Stoner demonstrated a flair for the inflammatory rhetoric that aroused such controversy during his senatorial campaign. In the aftermath of the genocide committed during World War II, explicitly racist ideology, already on the wane, lost much of its intellectual and cultural legitimacy in the United States. Segregationist leaders increasingly refrained from defending Jim Crow in terms of white supremacy and black inferiority, emphasizing instead the more racially neutral language of states' rights.<sup>18</sup> Stoner, by contrast, revelled in a more atavistic rhetoric that denied the essential humanity of African Americans and advocated the use of extralegal violence to enforce white hegemony. "The nigger is not a human being," he exclaimed at a white supremacist rally in 1965. "He is somewhere between the white man and the ape. We don't believe in tolerance. We don't believe in getting along with our enemy, and the nigger is our enemy."<sup>19</sup>

Although the 1972 petition filed by the ADL and NAACP represented the first coordinated effort by civil rights groups to silence Stoner, newspapers and politicians had sporadically raised the issue of whether he was entitled to unrestricted freedom of speech throughout his career. As early as 1946, author Earl Conrad called on federal authorities to curtail distribution of postcards printed by the Stoner Anti-Jewish Party, stressing that although Allied forces had defeated the Axis powers, the

1877–1980 (New York: Columbia University Press, 1985); and Adam Fairclough, *Race & Democracy: The Civil Rights Movement in Louisiana, 1915–1972* (Athens: University of Georgia Press, 1995), 344–80.

16. *Los Angeles Times*, Mar. 24, Mar. 30, Apr. 8, and May 27, 1969.

17. J. B. Stoner, *Christ Not a Jew and Jews Not God's Chosen People* (Marietta, GA: Thunderbolt, n.d.), copy in Hargrett Rare Book and Manuscript Library, University of Georgia, Athens.

18. The attempt by massive resistance to moderate their language in order to promote the public respectability of their cause is discussed in numerous works, including David Chappell, *A Stone of Hope: Prophetic Religion and the Death of Jim Crow* (Chapel Hill: University of North Carolina Press, 2004); and George Lewis, *Massive Resistance: The White Response to the Civil Rights Movement* (London: Hodder, 2006).

19. "Activities of the Ku Klux Klan Organizations in the United States," Part 5, 3821.

fight against domestic fascism remained unfinished.<sup>20</sup> In 1963, Montana Senator Lee Metcalf contacted the U.S. postmaster general to ask whether the federal government had the authority to restrict circulation of hate literature such as the NSRP's newsletter, *The Thunderbolt*. The answer, to his presumed disappointment, was no.<sup>21</sup>

These earlier initiatives notwithstanding, the attempt to suppress the Stoner campaign commercial signalled a change in policy on the part of civil rights activists who had previously advocated an expansive interpretation of the First Amendment right to freedom of speech. It is essential to contextualize the controversy over the Stoner commercial by first providing an overview of how African American and Jewish organizations had historically handled the contentious issue of hate speech.

Civil rights organizations had on occasion challenged the right to freedom of expression when it resulted in racially derogatory representations of African Americans. Most notably, the NAACP had protested movie theater screenings of the D. W. Griffith film *The Birth of a Nation* because of its depiction of hypersexualized black males preying upon unsuspecting white women. Black demonstrations occurred both during the initial distribution of the film in 1915 and on its reissue shortly after World War II. The protests had a mixed impact: while some theaters withdrew the film, the controversy also attracted curious audiences.<sup>22</sup> Moreover, during the era of mass civil disobedience by blacks in the 1950s and 1960s, civil rights organizations for a number of strategic reasons retreated from efforts to legally censor white racists. While the civil rights movement was dedicated to the eradication of all forms of racial discrimination, several factors made it a difficult problem to confront directly.

The first of these factors was a realization by civil rights activists that for the courts to impose limitations on the freedoms of speech and association would compromise their own cause. Restrictions on First Amendment rights in the United States have historically served the political interests of conservative elites that sought to suppress any challenge to their hegemony. The curtailment of free speech as a means to

20. *Chicago Defender*, Oct. 26, 1946.

21. Senator Lee Metcalf to Postmaster General J. Edward Day, Jun. 12, 1963; Louis J. Doyle to Senator Lee Metcalf, Jul. 5, 1963, both in box 246, Group Research Archives, Rare Book and Manuscript Library, Columbia University.

22. David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, MA: Belknap Press of Harvard University, 2001), 395–96; Martha Biondi, *To Stand and Fight: The Struggle for Civil Rights in Postwar New York City* (Cambridge, MA: Harvard University Press, 2003), 95–97; Harry M. Benshoff and Sean Griffin, *America on Film: Representing Race, Class, Gender, and Sexuality at the Movies* (Malden, MA: Blackwell, 2004), 78.

silence the dissenting voices of those seeking social and political change occurred consistently from the Alien and Sedition Acts of 1798, through the repressive policies of the plantation elite in the antebellum South, to the Palmer raids on the radical left following World War I. Traditionally, it is the politically less powerful who campaign for greater freedom of speech as a means to gain equality.<sup>23</sup>

This is certainly true of the black freedom struggle. The civil rights revolution that occurred in the decades following World War II relied on the readiness of the federal judiciary to accord demonstrators the protections of the First Amendment. The success of the black political protests of the 1950s and 1960s depended in part on the safeguarding of speech interpreted by some as inflammatory and offensive. Southern law-enforcement officers used the accusation of incitement to assault and arrest civil rights demonstrators. However, the courts continually ruled that these attempts to restrict freedom of speech amounted to unconstitutional acts of censorship. The efforts of African Americans to gain the civil rights guaranteed by the Fourteenth and Fifteenth Amendments therefore relied on the enforcement of the civil liberties granted by the First Amendment. As former ACLU chief Ira Glasser observes, civil rights activists consequently “saw equality and free speech as mutually reinforcing, twin pillars of a singular value system.”<sup>24</sup>

One illustration of how an expansive interpretation of First Amendment rights facilitated civil rights protest is the student sit-ins of 1960. When violence broke out during various demonstrations, law enforcement officers arrested the students for provoking disorder by intruding on private property. NAACP lawyers attempted to overturn the convictions by claiming that the sit-ins represented something more significant than a simple case of trespass or breach of the peace. The First Amendment, they insisted, permitted the students to protest publicly against racial segregation. While their acts were provocative, the use of violence to suppress the protests represented an infringement of their constitutional rights. The Supreme Court agreed. Between 1961 and 1965, it overturned the convictions of numerous student demonstrators. In the two most important of these cases, *Edwards v. South Carolina* (1963) and *Cox v. Louisiana* (1965), the Court established that even the threat of

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23. For further discussion of historical restrictions on free speech, see Christopher M. Finan, *From the Palmer Raids to the Patriot Act: A History of the Fight for Free Speech in America* (Boston: Beacon Press, 2007).

24. Ira Glasser, “Introduction,” in Henry Louis Gates Jr., Anthony P. Griffin, Donald E. Lively, Robert C. Post, William B. Rubenstein, and Nadine Strossen, *Speaking of Race, Speaking of Sex: Hate Speech, Civil Rights, and Civil Liberties* (New York and London: New York University Press, 1994), 2.

imminent violence from a hostile audience was insufficient grounds for the suppression of constitutionally protected speech.<sup>25</sup>

The commitment of the Supreme Court to facilitate civil rights protest also led to its decision in *New York Times v. Sullivan* that the First Amendment protection of free speech necessitated a higher criterion of proof in libel actions brought by public figures. Many news organizations had at first been reluctant to report candidly on the repression of civil rights protest in the South for fear that southern public officials would sue them for libel. The enhancement of First Amendment protections in the case led to more aggressive news reporting. This, in turn, heightened public understanding of, and sympathy for, the black freedom struggle.<sup>26</sup>

The events leading to the decision in *New York Times v. Sullivan* erupted on March 29, 1960, when the *New York Times* ran a full-page advertisement with the headline "Heed Their Rising Voices." The authors of the advertisement were the members of the Committee to Defend Martin Luther King and the Struggle for Freedom in the South. Their intention was to raise funds for the legal defense of the civil rights leader, who Alabama authorities had arrested on fallacious charges of tax evasion. "Heed Their Rising Voices" highlighted the brutal repression of black protesters engaged in nonviolent protest. This "unprecedented wave of terror" included "truckloads of police armed with shotguns and tear-gas" surrounding the Alabama State College in Montgomery and padlocking the doors of its dining hall in an effort to starve student demonstrators into surrender.<sup>27</sup>

Although the advertisement did not mention him by name, Montgomery police commissioner L. B. Sullivan filed a libel suit against the newspaper and four black ministers named in the advertisement. A Montgomery County jury awarded Sullivan \$500,000, a decision upheld by the Alabama Supreme Court. The case then made its way to the U.S. Supreme Court. On March 9, 1964, Justice William Brennan delivered the opinion of the court, which overturned the earlier ruling. Breaking with historical tradition, the court ruled that the First Amendment protection of freedom of speech applied to libel cases. According to Brennan, the Constitution sanctioned "uninhibited, robust, and wide-open" speech, including "vehement, caustic and sometimes unpleasantly sharp attacks on government and public officials." The application of the First Amendment led the Court to raise the burden of proof in libel cases through the introduction

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25. Samuel Walker, *In Defense of American Liberties: A History of the ACLU* (New York and Oxford: Oxford University Press, 1990), 263–64; *Edwards v. South Carolina*, 372 U.S. 229 (1963); *Cox v. Louisiana*, 379 U.S. 536 (1965).

26. *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964).

27. *New York Times*, Mar. 29, 1960.

of the “actual malice” standard. This new standard made it necessary for a plaintiff to prove that the author of a statement knew that it was false or acted in “reckless disregard” of the truth. Although the decision in *New York Times v. Sullivan* applied specifically to statements made about public officials, it demonstrated the commitment of the Warren Court to uphold the First Amendment’s protection of political debate.<sup>28</sup>

The lessons of recent history also warned black activists that it was minorities who most stood to lose from any restriction on constitutional liberties. Only four years before the Stoner controversy, the conservative backlash to the radical black protest of the late 1960s had resulted in the federal government curtailing the rights of freedom of speech and assembly. In July 1967, police arrested H. Rap Brown of the Student Non-Violent Coordinating Committee (SNCC) for inciting a race riot that erupted on the streets of Cambridge, Maryland. Brown had only hours before the outbreak of the disorder declared at a civil rights rally that, “if Cambridge doesn’t come around, Cambridge got to be burned down.” The following year, Congress passed an amendment to the new Civil Rights Act that made it illegal to cross state lines and make speeches with the intent “to incite, organize, promote, encourage, participate in, and carry on a riot.” In criminalizing militant black protest, the Rap Brown Amendment, as commentators labelled it, represented a clear warning even to more moderate civil rights activists that political dissenters were often the first victims of any restrictions on First Amendment rights.<sup>29</sup> Civil rights activists therefore supported unrestricted freedom of speech because they saw it as essential to the success of their struggle against white racism.

Ironically, their assertion that the Constitution allowed all citizens to express publicly ideas or opinions that others might find offensive sometimes forced them to defend the rights of their bitterest political enemies to the same freedoms. In 1961, two of Stoner’s associates in the NSRP, Robert Lyons and Edward Fields, attempted to hold a rally in the small town of Fairfield, Alabama. A local court granted Mayor Claude Smithson an *ex parte* injunction—one issued without a hearing—against Lyons and Fields on the grounds that they could incite a race riot. The two men

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28. Michal R. Belknap, *The Supreme Court under Earl Warren, 1953–1969* (Columbia: University of South Carolina Press, 2005), 191–92; David J. Garrow, *Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference* (New York: W. Morrow, 1986), 131, 135. The most extensive analysis of *New York Times v. Sullivan* is Anthony Lewis, *Make No Law: The Sullivan Case and the First Amendment* (New York: Random House, 1991).

29. Bruce D’Arcus, “Protest, Scale, and Publicity: The FBI and the H. Rap Brown Act,” *Antipode* 35 (Sep. 2003): 718–41.

nonetheless attempted to distribute copies of their organization's racist organ, *The Thunderbolt*, to local townspeople. Arrested by the police, they appeared before the same judge who had issued the injunction against them. The court found them both guilty of violating the injunction and sentenced them to fines of \$50 each and five days in prison.<sup>30</sup>

During the desegregation crisis, the ACLU had unfailingly attempted to uphold the First-Amendment rights of white racists. Consistent with that policy, it launched an appeal to the Supreme Court on behalf of the two NSRP members, claiming that the injunction was an unconstitutional prior restraint on their rights of freedom of speech and assembly. The ACLU's executive director, John de J. Pemberton Jr., emphasized that the primary motivation for the appeal was less a concern for Lyons and Fields than the need to protect against courts issuing similar injunctions against civil rights demonstrations. In his opinion, "if the Supreme Court rules that such injunctions cannot be used to block free speech and association, one of the major obstacles to increased effectiveness of Negro and white opposition to racial discrimination will have been overcome."<sup>31</sup>

Although the actions of the ACLU were in accordance with established policy, what was more surprising was that the NAACP Legal Defense and Educational Fund should also file an amicus brief on behalf of Fields and Lyons. Neither the prosecution nor the NSRP activists—no doubt embarrassed and repelled by the situation—assented to the NAACP acting as a friend of the court in the case. However, the court did grant permission. The brief filed by NAACP lawyer Jack Greenberg stated that, while his organization opposed the NSRP, it worried that should the Supreme Court uphold the convictions it would open the way to other restrictions on the freedoms of speech and assembly, including those enjoyed by civil rights activists. According to Greenberg, some courts were already citing the case as precedent for the conviction of civil rights demonstrators who violated restraining orders issued without their having an opportunity to contest them. A decision by the Supreme Court to uphold the original ruling could "seriously impede the movement for equal rights now current in the nation." In December 1963, the Supreme Court overturned the convictions of Fields and Lyons on the narrow grounds that their handing out copies of *The Thunderbolt* did not constitute a violation of the injunction against an NSRP rally.<sup>32</sup> Although the case did not repre-

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30. George M. Snyder, Corporal, Intelligence Unit, Maryland State Police, to Wesley McCune, Aug. 21, 1964, box 246, Group Research Archives; *Denver Post*, Oct. 12, 1961.

31. *Civil Liberties* 211 (Nov. 1963), clipping, box 246, Group Research Archives; *Washington Evening Star*, Dec. 12, 1963; *Washington Post*, Dec. 12, 1963; *New York Times*, Dec. 12, 1963; *Birmingham Post-Herald*, Dec. 12, 1963.

32. *Fields v. City of Fairfield*, 375 U.S. 248 (1963) (per curiam); *Labor*, Dec. 28, 1963.

sent a complete victory for civil rights activists, it did demonstrate how their desire to promote liberal interpretations of First Amendment rights paradoxically facilitated the cause of their political foes.

In contrast to black civil rights organizations such as the NAACP, Jewish defense groups faced greater challenges in reaching consensus on the appropriate strategic response to hate speech. The issue was a source of both inter- and intra-organizational dissension. In broad terms, activists divided over the cautious tactics of the American Jewish Committee (AJC) and the more confrontational stance of the American Jewish Congress, ADL, and Jewish War Veterans.

The AJC, founded in 1906 by acculturated Jews of central European background, had for decades steered clear of direct confrontation with political extremists such as Stoner. Instead, the organization implemented a policy of containment known as the “quarantine strategy.” The intention was to avoid public dialogue with the far right that, the AJC feared, would confer on the extremists a greater degree of political legitimacy. A direct challenge to hate speech further risked white racists turning the situation to their political advantage by portraying themselves to the public as martyrs denied their constitutional rights. “Every hatemonger alleges that attempts are being made to deny him freedom of speech,” observed Dr. S. Andhil Fineberg, one of the architects of the quarantine strategy. “When such a denial actually occurs, it brings to the bigot’s support many conscientious citizens who detest his views—genuine liberals to whom freedom of speech is inviolate.”<sup>33</sup> According to historian Marianne Sanua, the AJC was also concerned that restricting its political enemies’ freedom of speech could prove counterproductive, impeding the ability of minorities to promote unpopular causes, such as Jewish support for Israel.<sup>34</sup>

During the 1960s, the AJC deployed the quarantine strategy against such prominent antisemites as John Crommelin and American Nazi Party leader George Lincoln Rockwell. The organization also applied a longer-term plan of promoting community education programs to foster racial and religious tolerance. “In the long run,” concluded one of its reports, “the most effective defense against unsound ideas is more speech and more ideas, in the certain knowledge that ultimately truth will triumph.”<sup>35</sup>

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33. S. Andhil Fineberg, “The Quarantine Treatment,” in *The Hate Reader*, ed. Edwin S. Newman (Dobbs Ferry, NY: Oceana Publications, 1964), 114.

34. Marianne R. Sanua, *Let Us Prove Strong: The American Jewish Committee, 1945–2006* (Hanover, NH: University Press of New England/Brandeis University Press, 2007), 254–55.

35. “Anti-Semitism in the U.S. and Problems in Dealing With it,” Executive Board Meeting, Oct. 28–30, 1960, Antisemitism/AJC file, AJC Subject Files Collection, Reports

Scholars often assume that there was a consensus among Jewish defense agencies in support of the quarantine strategy. David Hamlin, for example, refers to it as the “time-honored and well-tested position” of Jewish groups.<sup>36</sup> This, however, was not entirely true even of the AJC. Although the quarantine strategy was an official policy of the Committee, circumstances sometimes compelled the organization to take a more interventionist position on hate speech. Apprehension that far-right fanatics would use public forums to incite violence against racial and religious minorities on occasion led the AJC to abandon caution. One example of this was the organization’s reaction to John Kasper, the rabble-rousing segregationist who provoked violent resistance to school desegregation in several southern communities during the late 1950s. The AJC collaborated with local and state authorities in Tennessee and Florida to expose Kasper’s former close friendships with African Americans and thereby ruin his reputation as a segregationist leader.<sup>37</sup>

In contrast to the gradualism of the AJC, other Jewish defense agencies assumed a more direct stance on hate speech. These organizations included the American Jewish Congress, founded in 1918 by Jews of eastern European descent, as well those from central European backgrounds who favored a more aggressive, Zionist-oriented approach to Jewish issues; and the ADL, established in the wake of the 1915 lynching of Leo Frank as an offshoot of the B’nai B’rith fraternal order. Reflecting their departure from AJC strictures, both groups had from their inception campaigned for censorship of antisemitic literature and speech.<sup>38</sup>

The activities of the American Jewish Congress and the ADL increased immediately after World War II, a time when public exposure of the Holocaust had undermined popular tolerance of antisemitism and allowed Jews to establish a more assertive claim to inclusion in American society. The American Jewish Congress, for instance, participated in protests against public addresses by notorious antisemite Gerald L. K.

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and memoranda on anti-Semitism in America and AJC’s work to combat it, 1960–1962, American Jewish Committee Archives, available online at <http://ajcarchives.org/AJCArchive/DigitalArchive.aspx> (accessed Nov. 19, 2007).

36. David Hamlin, *The Nazi/Skokie Conflict: A Civil Liberties Battle* (Boston: Beacon Press, 1980), 108. See also Sanua, *Let Us Prove Strong*, 252–53.

37. Naomi W. Cohen, *Not Free to Desist: The American Jewish Committee, 1906–1966* (Philadelphia: Jewish Publication Society of America, 1972), 396.

38. The ADL, for instance, participated in protests against derogatory stereotypes of Jews in theater productions during the 1910s. See Harley Erdman, *Staging the Jew: The Performance of an American Ethnicity, 1860–1920* (New Brunswick, NJ: Rutgers University Press, 1997), 150–59.

Smith in Los Angeles during 1945.<sup>39</sup> In a case that anticipated the later Stoner incident, the ADL filed a petition with the FCC in 1946 protesting radio appearances by Mississippi Klansman Lycurgus Spinks, who was campaigning for the state governorship. Spinks was a theatrical racist who wore his silver hair to his shoulders and proclaimed Jesus was a Klansman.<sup>40</sup> His verbal assaults on racial and religious minorities included the accusation that the Russian Revolution was a conspiracy by “hook-nosed Jews from New York and London and a few of those niggers I’m supposed to sleep with.”<sup>41</sup> The ADL argued that Spinks’ invective violated the public interest responsibilities of the radio stations on which he appeared. Although the FCC upheld the petition, the ADL declined the opportunity to refute Spinks on air, as this would give greater legitimacy to a fringe candidate. When voters went to the polls, Spinks won only 1.5 percent of the vote.<sup>42</sup>

The two more assertive Jewish defense agencies had also attempted to prohibit the mail distribution of hate literature. In the early 1940s, the American Jewish Congress supported House Bill 2328, which would have empowered the postmaster general to outlaw material containing “defamatory and false statements” based on race or religion.<sup>43</sup> Among the groups that successfully lobbied against the bill was the AJC, a clear indication of how the issue of hate speech divided Jewish defense agencies.<sup>44</sup> The failure of the bill did not dissuade the ADL from later petitioning federal authorities to ban circulation of a newsletter produced by antisemitic preacher and former Stoner ally Gordon Winrod, a proposal that also met with rejection.<sup>45</sup>

Although the ADL and American Jewish Congress had on occasion collaborated with the AJC in applying the quarantine strategy, they had at best been reluctant partners. During the late 1950s and early 1960s, the two organizations supported quarantine in instances where a more

39. David J. Leonard, “‘The Little Fuehrer Invades Los Angeles’: The Emergence of a Black-Jewish Coalition After World War II,” *American Jewish History* 92 (Mar. 2004): 81–102.

40. *Cedar Rapids (IA) Gazette*, Sep. 3, 1949; *Lowell (MA) Sun*, Aug. 24, 1949.

41. *Chicago Defender*, Sep. 23, 1944.

42. Arnold Forster, *Square One: A Memoir* (New York: Donald I. Fine, Inc., 1988), 83–84.

43. Will Maslow, “Prejudice, Discrimination, and the Law,” *Annals of the American Academy of Political and Social Science* 275 (May 1951): 9–17; “Group Libel Laws: Abortive Efforts to Combat Hate Propaganda,” *Yale Law Journal* 61 (Feb. 1952): 252–63.

44. Samuel Walker, *Hate Speech: The History of an American Controversy* (Lincoln and London: University of Nebraska Press, 1994), 85.

45. *ADL Bulletin* 28 (Sep. 1971): 3–4.

direct approach threatened the security of racial and religious minorities. This was the case, for instance, with George Lincoln Rockwell.<sup>46</sup> The ADL and American Jewish Congress also recognized that support for restrictions on freedom of speech could compromise civil rights activism. During the 1950s, several southern states attempted to repress the NAACP by forcing it to release its membership lists, exposing those whose names appeared to intimidation and violence. When the Alabama NAACP refused to comply, state authorities imposed an outright ban on the organization. To defend the NAACP, with which it had a close alliance, the American Jewish Congress tactically retreated from attempting to censor racist speech, promoting instead the entitlement of all Americans to “the free exercise of the right to speak without fear of retribution, and to the right of voluntary association and free assembly.”<sup>47</sup> During the late 1950s and early 1960s, when the terrorist campaigns of the far right against southern Jews made safety a premium, the use of quarantine was an appropriate strategy. By the late 1960s, however, both the American Jewish Congress and the ADL would revert, for reasons explained below, to a more aggressive stance on hate speech.

Given their earlier caution about censorship of white racists, the confrontational attitude of some civil rights groups toward the Stoner campaign commercial represented a tactical shift on the hate speech issue. The effort to ban further broadcasts of the commercial demonstrated an alternative conviction that unrestricted freedom of speech posed a potential threat, rather than a measure to protect, equality.

The effort to silence Stoner raises some crucial issues. First, how do we account for the timing of the decision to shift tactics? Civil rights organizations had wrestled with the hate speech issue for years. Stoner himself had long used public addresses to make abusive statements about racial and religious minorities. Therefore, there was nothing new or surprising about the language used in the commercial. Nonetheless, it led some civil rights groups to shift from their strategic support of unrestricted freedom of speech toward a principled stand against public expressions of hate. Second, why did some black and Jewish organizations sign the petition to the FCC while others refrained from confronting Stoner? The Southern Christian Leadership Conference, for instance, although based in Atlanta, did not become involved in the dispute. This lack of consensus suggests that the hate speech issue was representative of the broader fracturing of the civil rights coalition in the late 1960s and early 1970s.

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46. On the difficulty of maintaining cross-organizational support for quarantining Rockwell, see Frederick J. Simonelli, *American Fuehrer: George Lincoln Rockwell and the American Nazi Party* (Urbana and Chicago: University of Illinois Press, 1999), 63–65.

47. *Congress Weekly*, Oct. 22, 1956, 4.

Unfortunately, neither the organizational records of the NAACP and ADL nor the published scholarship on the two civil rights groups provides much insight into why they mobilized against Stoner.<sup>48</sup> (It should be noted that the American Jewish Congress, though generally sharing the position taken by the ADL and the NAACP in their action against Stoner, did not participate in the effort because it was mainly conducted by local activists and the organization had no office in Atlanta). The relative absence of evidence accounting for the shift in policy is problematic, but it is possible to point toward a tentative explanation. A closer look at both broader shifts in civil rights activism and the distinctive characteristics of the Stoner campaign offer some clues.

The immediate catalyst for the ADL and NAACP petition was Stoner's unprecedented use of explicitly racist language in a campaign commercial. Television provided Stoner with the means to communicate his message to millions of people, the potential impact of which no one could predict. The senatorial race of 1972 was not the first time that Stoner had run for public office, but he had not in the past possessed access to such a powerful medium through which to communicate his message. With little media profile, Stoner did not represent a serious threat. However, with the potential to appear in every living room across the state, he posed much more of a menace.

Civil rights groups had refrained from a censorship struggle with Stoner when he stood as a candidate in the Georgia gubernatorial election two years earlier. Declaring his candidacy in that contest in May 1970, Stoner promised a "program of unity and love," only to expose his divisiveness and hatred by adding the clause "for whites."<sup>49</sup> Stoner's platform stressed his commitment not only to resist further federal intervention in southern race relations, but also to repeal the legislative revolution of the 1960s. As he would later do in his senatorial campaign, Stoner announced his intention to preserve school segregation by opposing busing, improving the funding of private academies, and restricting welfare to poor whites. He also declared his determination to resist federal mandates such as the Supreme Court's prohibition of officially sponsored school prayer in *Engel v. Vitale* (1962), which he described as an encroachment upon

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48. Neither of the most recent studies of the NAACP, for instance, discuss the issue of hate speech. See Gilbert Jonas, *Freedom's Sword: The NAACP and the Struggle Against Racism in America, 1909-1969* (New York: Routledge, 2005); and Manfred Berg, *Ticket to Freedom: The NAACP and the Struggle for Black Political Integration* (Gainesville: University Press of Florida, 2005). No scholar has to date written an organizational history of the ADL.

49. *The Thunderbolt* (Jun. 1970): 1; *Savannah Morning News*, May 19, 1970; *Chicago Defender*, Jun. 3, 1970; *Wall Street Journal*, Sep. 1, 1970.

cherished rights and traditions. The populist tone of the campaign included condemnation both of federal policymakers and the metropolitan elite in Atlanta who, Stoner claimed, denied rural and small-town voters a representative voice in state politics.<sup>50</sup>

State newspapers and television stations reprehended Stoner for his crude racial demagoguery, but recognized his constitutional right to freedom of expression. According to the *Atlanta Journal*, public exposure would only serve to discredit Stoner, since “he will sensitize masses of people to just how vulgar and profane their views sound when they are expressed by a real racist.”<sup>51</sup> In a separate editorial, the paper also evoked Cold War politics by proclaiming that any impingement on constitutional liberties, even in order to combat bigotry, would compromise the United States’ status as leader of the free world. As the paper rather histrionically put it, “the Kremlin would be delighted if our country eliminated the right of dissent.”<sup>52</sup>

Apprehension about the Stoner campaign in 1970 eased as a result of his failure to find a public forum for his opinions. Stoner himself claimed that the media conspired to suppress coverage of his campaign. However, the truth was more prosaic: he had no money to publicize his cause. Although Stoner ran a series of newspaper advertisements, he could not raise the funds for a televised campaign commercial. When Atlanta’s WAGA-TV broadcast a critical editorial piece on Stoner, the NSRP issued an appeal for financial support so it could advertise on television “a message so dynamic and bold that people will remember it 100 times longer than any Jew propaganda diatribe.” The funds were not forthcoming. Edward Fields, who worked as Stoner’s campaign manager, conceded: “we have run out of money.”<sup>53</sup> Stoner did appear on a televised debate between the twelve gubernatorial candidates, but his restrained performance elicited no protest. Civil rights groups closely monitored the election, but in the circumstances appreciated that any intervention on their part would generate the publicity Stoner had otherwise failed to attract. The outcome of the Democratic primary on September 9 was

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50. “The White People’s Candidate: J. B. Stoner, ‘Champion of White Supremacy for Governor of Georgia,’” 1970, campaign flyer, box 1, folder 2, J. B. Stoner Gubernatorial Campaign Collection, MS 21, Wilcox Collection of Contemporary Political Movements, Kansas Collection, Kenneth Spencer Research Library, University of Kansas, Lawrence; *Atlanta Constitution*, Jan. 30 and Sep. 2, 1970.

51. *Atlanta Journal*, Aug. 14, 1970.

52. *Ibid.*, Jul. 30, 1970.

53. Edward Fields, “J. B. Stoner for Governor Committee,” campaign newsletter, n.d.; Edward Fields, “J. B. Stoner for Governor Committee: Sabotage Plot Fails,” campaign newsletter, n.d., both in box 1, folder 2, Stoner Gubernatorial Campaign Collection.

a resounding success for racial moderates, with Jimmy Carter winning 48.7 percent of the vote. Stoner placed fifth with a feeble 2.2 percent, a position made more humiliating by his loss of fourth place to an African American candidate, the noted Albany, Georgia, attorney C. B. King.<sup>54</sup>

Two years later, the publicity generated by Stoner posed a more immediate danger to racial and religious minorities and compelled interventionist action on the part of the ADL and NAACP. While the change in policy toward Stoner occurred in part because of the threat posed by his greater access to the electorate, it also reflected a broader redirection of civil rights activism. The purpose of the direct action protests of the 1960s was to expose the violent racism of white southerners to the rest of the nation, creating public pressure on an otherwise reluctant federal government to intervene in support of the demonstrators. When the police used dogs and fire hoses on black protesters during the Southern Christian Leadership Conference campaign in Birmingham in 1963, it elicited angry condemnations from the press and politicians across the country.<sup>55</sup> By the early 1970s, there was less strategic need for the civil rights movement to publicize white racism. The movement had already demolished the legal foundations of Jim Crow and established many fundamental rights and protections for African Americans. With less immediate need to protect their own freedom of speech, civil rights organizations may therefore have worried less about the repercussions of censoring their political opponents.

The inclusion of the ADL in the coalition against Stoner also demonstrates how changing political circumstances encouraged Jewish defense agencies to take a more direct stand against hate speakers. The quarantine strategy served Jews well during the school desegregation crisis when antisemitism reached unprecedented levels in the southern states. Jews were a small and marginal group in southern society—less than one percent of the population—and a more direct challenge to racial and religious bigots risked violent reprisal. The terrorist attacks on southern synagogues during the late 1950s were still fresh in the memory of most Jews in the region.<sup>56</sup> However, by the early 1970s the civil rights movement and the rise to power of white racial moderates had eroded the political strength of militants such as Stoner. The election of Sam Massell, a Jew, as mayor of Atlanta in October 1969 symbolized a new era of

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54. *Atlanta Constitution*, Sep. 11, 1970; Jul. 6, 1971.

55. See, for example, Adam Fairclough, *To Redeem the Soul of America: The Southern Christian Leadership Conference and Martin Luther King, Jr.* (Athens: University of Georgia Press, 1987), 137–39.

56. The terrorist attacks on Jewish institutions are the subject of Melissa Fay Greene, *The Temple Bombing* (Reading, MA: Addison-Wesley, 1996).

social and political inclusion for Jews in the American South. This new political climate encouraged Jews to take a more public stand against the far right. The ADL had accepted the quarantine strategy only as a political expediency. When circumstances allowed, it willingly reverted to a more confrontational policy against hate speakers.<sup>57</sup>

The reassertion of a more confrontational policy on hate speech had started in the late 1960s. Two years before the Stoner incident, the FCC revoked the broadcasting license of fundamentalist preacher Carl McIntire in response to protests by numerous groups representing minority interests, including the AJC and the NAACP. McIntire had transmitted his racially and religiously reactionary ideology over the airwaves since 1965 when he established the WXUR radio station in Media, Pennsylvania. However, his refusal to present alternate points of view enabled civil rights organizations to challenge his broadcasting license under the terms of the Fairness Doctrine. The success of this campaign may have emboldened black and Jewish activists to confront Stoner shortly thereafter.<sup>58</sup> This shift toward support of political censorship also coincided with the efforts of the Nixon administration to crack down on political extremism. Federal repression of militants provided an opportune moment for civil rights groups to push for restrictions on the First Amendment rights of their adversaries.<sup>59</sup> The societal changes wrought by the civil rights revolution also meant that by the early 1970s explicit expressions of racism were no longer socially or politically acceptable.

Further political developments reshaped policy on hate speech. Civil rights groups were concerned that the Stoner campaign in 1972 was symptomatic of a resurgence of the far right. The ADL cited the presidential campaign of American Party candidate John Schmitz as evidence.<sup>60</sup> Moreover, the ADL feared that the resurrection of the far right came at a time when the atrocities committed against Jews during World War II

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57. For more on the career of Sam Massell, see Eli N. Evans, *The Provincials: A Personal History of Jews in the South* (New York: Atheneum, 1973), 225–54.

58. *ADL Bulletin* 29 (Nov. 1972): 4; Heather Hendershot, “God’s Angriest Man: Carl McIntire, Cold War Fundamentalism, and Right-Wing Broadcasting,” *American Quarterly* 59 (Jun. 2007): 373–96. The American Jewish Committee also drew on the successful campaign against McIntire when it lobbied for the cancellation of *Bridget Loves Bernie*, a comedy show about the marriage between a Catholic woman and a Jewish man. See Sanua, *Let Us Prove Strong*, 275.

59. For more information on the federal attack on political dissidents, see Dean J. Kotlowksi, *Nixon’s Civil Rights: Politics, Principle, and Policy* (Cambridge, MA and London: Harvard University Press, 2001) and David Cunningham, *There’s Something Happening Here: The New Left, the Klan, and FBI Counterintelligence* (Berkeley: University of California Press, 2004).

60. *ADL Bulletin* 29 (Dec. 1972): 5.

were receding in the public consciousness. The generation of Americans that grew to adulthood after the war was less aware, according to the ADL, of what the racial demagoguery of men like Stoner could lead to if not confronted. Even some of those for whom the Holocaust was within living memory were far too complacent about the far right. As Arnold Forster and Benjamin Epstein of the ADL asserted, although there was nothing novel about the hatred espoused by Stoner, “what is new is the indifference manifest by so many to the continued existence of this ancient plague.” Forster and Epstein concluded that the readiness of the media to provide Stoner with a public forum reflected the “large measure of indifference” to racial and religious prejudice “abroad in our land.”<sup>61</sup> These concerns had led the ADL by the late 1960s to conclude that it must campaign for censorship of broadcasts “that are incitements, that are inflammatory, that are bigoted.” The Stoner campaign commercial presented an opportune moment to test its newly reassertive policy.<sup>62</sup> The cultural and political shifts of the late 1960s and early 1970s, coupled with the bellicose campaign strategy pursued by Stoner, therefore created the context for a showdown on the hate speech issue. What remained uncertain was the result of that confrontation.

The ADL and NAACP faced a difficult task in attempting to censor Stoner in 1972 for two reasons. First, the power of federal law appeared to protect Stoner from censorship. The Communications Act of 1934 not only compelled broadcasters to provide all political candidates with equal time on air, but also prohibited their imposing conditions on the content of campaign commercials. Its purpose was to facilitate participatory democracy by presenting voters with a panoply of political opinion, including that of candidates outside the main parties. The provisions of the law were strengthened only a year before the senatorial race by the Federal Election Campaign Act, which required broadcasters to offer “reasonable access” to candidates for federal office.<sup>63</sup> Stoner further benefited from federal protection in the form of the Fairness Doctrine. Established by the Federal Communications Commission in 1949, the Fairness Doctrine obliged broadcast licensees to present contrasting points of view on controversial matters of public importance. As was true of the Communications Act of 1934, the federal government had fortified

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61. Arnold Forster and Benjamin R. Epstein, *The New Antisemitism* (New York: McGraw-Hill, 1974), 303, 307, 324.

62. Benjamin R. Epstein, quoted in “How Free Is Free Speech?” *ADL Bulletin* 26 (Mar. 1969): 4.

63. Peter B. Orlik, *Electronic Media Criticism: Applied Perspectives*, 2<sup>nd</sup> ed. (Mahwah, NJ: Lawrence Erlbaum Associates, 2001), 198–99.

the legality of the Fairness Doctrine only shortly before the Stoner campaign commercial, in this case because of the Supreme Court decision in *Red Lion Broadcasting, Inc. v. Federal Communications Commission* (1969).<sup>64</sup>

The second reason for the difficulty, as previously discussed, was that the libertarian attitude of the courts toward freedom of speech benefited both proponents and opponents of civil rights reform. The enhancement of First Amendment protections in Supreme Court cases such as *Edwards v. South Carolina* and *New York Times Co. v. Sullivan* bolstered the forces of racial liberalism. Conversely, the same expansionist interpretation of the First Amendment also protected hate speakers from prosecution.

The case with the most direct implications for the Stoner incident was *Brandenburg v. Ohio* (1969), in which the Supreme Court overturned the conviction of a Cincinnati Klansman in a case that in effect abolished the “clear and present danger” test for free speech established half a century earlier in *Schenck v. United States* (1919). Justice Oliver Wendell Holmes had attempted to impose a constitutional barrier to the repression of free speech by stating that such action was only legally justified when the words used were “of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent.”<sup>65</sup> During the decades that followed, however, the broad interpretation of this standard resulted in significant governmental suppression of political dissent, especially during the McCarthyite witch-hunting of the 1940s and 1950s. However, a series of cases culminating in *Brandenburg* led to a substantial expansion of First Amendment protections. *Brandenburg* had a clear bearing on the Stoner case since it concerned a Klan leader who used the same racially derogatory language and publicly advocated similar policies, such as the forcible repatriation of African Americans and Jews. The Court overturned his conviction under the Ohio Criminal Syndicalism Law, concluding that the First Amendment protected the right to express racially or religiously inflammatory opinions so long as such language did not serve as a direct means to incite violence.<sup>66</sup>

The ADL and NAACP legal challenge asked the FCC to determine that the Stoner commercial represented a “clear and present danger” to the community, consistent with the criterion to restrict freedom of speech

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64. *Red Lion Broadcasting Co., Inc. v. Federal Communications Commission*, 395 U.S. 367 (1969). For more on the Fairness Doctrine, see Thomas G. Krattenmaker and Lucas A. Powe Jr., *Regulating Broadcast Programming* (Cambridge, MA: MIT Press, 1994).

65. *Schenck v. United States*, 249 U.S. 47 (1919).

66. *Brandenburg v. Ohio*, 395 U.S. 444 (1969). For a fuller discussion of the liberalization of freedom of speech by the Supreme Court, see Walker, *Hate Speech*.

established in *Schenck v. United States* but apparently abandoned in *Brandenburg v. Ohio*. Lonnie King of the NAACP evoked Justice Oliver Wendell Holmes' famous opinion in *Schenck* by claiming Stoner's efforts to create public disorder were comparable to "a man falsely shouting fire in a theater and causing a panic." The ADL and NAACP petition significantly emphasized that the language used by Stoner could not only incite white racists into violent acts against African Americans, but also cause blacks to take retributive measures against the stations that aired the commercial. According to the signatories, the Stoner campaign commercial posed "a serious and imminent threat to the safety and well being of the stations which air it and to the community at large." Indeed, the broadcast later resulted in anonymous threats to bomb both stations.<sup>67</sup>

The NAACP and ADL did not attempt to prove that Stoner's use of racial pejoratives and crude stereotyping of black male sexuality constituted an act of group slander. However, the two civil rights organizations did endeavor to show that the commercial could cause psychological harm. The petitioners included the expert testimony of Dr. Alex Robertson, a pediatrician at Georgia Medical College, who opined that exposure to the racial epithets that Stoner uttered would prove "detrimental to the normal psychological development of children."<sup>68</sup> This strategy was consistent with the NAACP's use in *Brown v. Board of Education* of a study by psychologists Kenneth and Mamie Clark demonstrating the mental harm caused by racism.<sup>69</sup>

On August 3, 1972, the FCC issued its decision on the Stoner commercial. It ruled that the ADL and NAACP had failed to offer sufficient evidence that the language used by Stoner would directly induce acts of violent lawlessness. In the absence of a "clear and present danger," the FCC concluded that the First Amendment protected Stoner from censorship.<sup>70</sup> The ADL and NAACP contemplated asking a federal court of appeal to overturn the decision, but concluded that this risked generating further publicity for Stoner.<sup>71</sup>

67. *Billings (MT) Gazette*, Aug. 3, 1972.

68. Lonnie King, Rev. Joe Boone, and Stuart Lewengrub to William B. Ray, Chief, Division of Complaints and Compliance, Federal Communications Commission, Aug. 2, 1972, box 29, folder 15, Cohen Papers.

69. David Droge, "From Natural to Cultural Inferiority: The Symbolic Reconstruction of White Supremacy in *Brown v. Board of Education*" in *Brown v. Board of Education at Fifty: A Rhetorical Perspective*, ed. Clark Rountree (Lanham, MD: Lexington Books, 2004), 91-118.

70. Ben F. Waple, Secretary, Federal Communications Commission, to Lonnie King, Aug. 3, 1972; Stuart Lewengrub memorandum to Arnold Forster, Aug. 8, 1972, both in box 29, folder 15, Cohen Papers; *Atlanta Journal*, Aug. 3, 1972; *Washington Post*, Aug. 4, 1972.

71. *Atlanta Constitution*, Aug. 4, 1972.

Stoner was understandably elated with the FCC ruling, interpreting it as a sign that his segregationist crusade had divine sanction. "I think that God has blessed me," he beamed to reporters. "God has protected me from the Jews and the niggers who were trying to take my constitutional rights of free speech away from me."<sup>72</sup> He seized on the FCC decision to reaffirm his opinion that, "even for short pleasure with white women, niggers will risk life and limb."<sup>73</sup> These statements were characteristic of the way Stoner punctuated every remark about African Americans with the use of vile racial epithets and references to their supposedly predatory sexual instincts.

The FCC ruling similarly emboldened Stoner to believe he could act with impunity in employing racial and religious slurs against his political opponents. When WSB-TV in Atlanta broadcast a debate between the candidates in the senatorial race, Stoner refused to shake hands with black activist Hosea Williams of the Southern Christian Leadership Conference and accused him on air of conspiring to deny jobs to white workers. He also retaliated against Mayor Massell by accusing him of being a "Christ-killing, race-mixing, Jew gangster."<sup>74</sup>

Despite his claims to the contrary, the outcome of the Democratic primary demonstrated that Stoner's election to public office was not part of the divine plan. Stoner came in fifth of thirteen candidates with 40,675 votes, 5.7 percent of the total. The overwhelming majority of his support, 27,821 votes, came from rural areas. While his election showing was less than spectacular, it represented a substantial improvement on Stoner's previous attempt to win public office, when he polled only 18,000 votes, 2.2 percent of the total, in the 1970 Georgia gubernatorial race.<sup>75</sup> Although electoral statistics do not provide an explanation for the motivations of voters, it is possible that the upsurge in support for Stoner was due in part to the much-publicized controversy surrounding his campaign commercial. The ADL considered it "inconceivable" that, "in this day and age," Stoner should attract so many votes.<sup>76</sup>

Whether or not Stoner profited from the public controversy over the campaign commercial is impossible to determine. The efforts of the ADL

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72. Ibid.

73. *Capital Times* (Madison, WI), Aug. 4, 1972.

74. Stuart Lewengrub, "The Hate Campaign," *ADL Bulletin* 29 (Oct. 1972): 7-8; *Atlanta Journal*, Aug. 2, 1972.

75. Numan V. Bartley and Hugh D. Graham, *Southern Elections: County and Precinct Data, 1950-1972* (Baton Rouge and London: Louisiana State University Press, 1978), 94, 112-15; *American Jewish Year Book* 72 (1971): 133; *Jet*, Aug. 24, 1972; *Atlanta Constitution*, Aug. 11, 1972 and Aug. 3, 1978.

76. Alexander F. Miller, memorandum to Benjamin R. Epstein, Aug. 14, 1972, box 29, folder 15, Cohen Papers.

and NAACP to restrict his freedom of speech may ironically have provided his campaign with greater media exposure than it would otherwise have received. Local, national, and even international media covered the controversy, generating countless column-inches of free publicity for Stoner.<sup>77</sup> Even so, ADL officials insisted with some legitimacy that the commercial “was already a front-page and headline item” before they and the NAACP filed their petition.<sup>78</sup> Television and radio stations had according to one estimate broadcast it more than one hundred times before the intervention of civil rights organizations, meaning that Stoner’s message had already reached a mass audience.<sup>79</sup> In the final analysis, the extent to which either of these factors influenced support for Stoner remains inconclusive since the electoral data tells us how, but not why, voters cast their ballots.

While it is unclear whether the ADL and NAACP unintentionally roused popular support for Stoner, the controversy surrounding his campaign is replete with irony in other respects. First, the controversy found the two sides in the civil rights struggle reversing their relationship toward the federal government. During the desegregation crisis, southern whites pursued a policy of massive resistance against federal law. Segregationists claimed that the Supreme Court had usurped its constitutional authority in handing down the decision in *Brown v. Board of Education*, which they saw as an attempt to impose desegregation in contravention of individual state control of the public school system. These reactionaries similarly resisted the liberalization of the law by the Warren Court in other areas such as school prayer. However, in responding to the protests against the Stoner campaign commercial, the white press and political leadership abandoned their strict constructionist interpretation of the Constitution and supported the unrestricted right to freedom of speech established by the Supreme Court during the preceding two decades. Opposition to the unconditional interpretation of freedom of speech came instead from civil rights activists. The NAACP and ADL wrote to a number of newspapers protesting their freedom-of-speech editorial line.<sup>80</sup>

Second, the controversy illustrates the argument made by historian Eckard Toy that hate groups paradoxically persecute racial and religious

77. For an example of international news coverage, see *The Times* (London), Aug. 4, 1972.

78. Stuart Lewengrub, memorandum to ADL Southeastern Regional Board, ADL Supporters, B'nai B'rith Presidents, ADL Chairmen, and Jewish Professionals, Aug. 9, 1972, box 29, folder 15, Cohen Papers.

79. Forster and Epstein, *The New Antisemitism*, 301.

80. See, for instance, *Atlanta Constitution*, Aug. 11, 1972.

minorities while portraying themselves as victims.<sup>81</sup> During the course of the civil rights revolution, the more politically astute white southern racists started to understand that their best means to defend Jim Crow practices was to shift the terms of public debate away from race. Explicitly racist rhetoric had lost much of its cultural and intellectual legitimacy by the late 1950s and early 1960s. For that reason, a growing number of segregationists abandoned their emphasis on the supposed inferiority of African Americans and instead attempted to rationalize their resistance to reform by claiming that they were merely protecting their own rights to freedom of choice about who shared classrooms with their children or bought homes in their neighborhood. According to this line of reasoning, the federal government increased opportunity for African Americans only by curtailing the citizenship rights of whites.<sup>82</sup>

While moderate segregationists recognized the need to choose between their emphasis on race on the one hand and the denial of their rights on the other, Stoner attempted to straddle these rhetorical strategies. He saw no contradiction between his incorporation of the language of white victimization and his stress on racist arguments to justify the denial of African Americans' constitutional rights. Stoner used the most offensive of words to demean African Americans, emphasizing through repetition his hatred of them and rejection of their basic humanity. He also drew on malicious stereotypes of black males as violent criminals and sexual predators to stress that African Americans posed a threat to a supposedly civilized society. Although his language abused African Americans, his rhetoric represented whites as victims. The political establishment both at the federal and state level had, in Stoner's opinion, betrayed the electorate they were supposed to represent by implementing laws that undermined white privilege. This legislation, he claimed, rendered whites vulnerable to the predatory advances of African Americans.

Third, although Stoner claimed ordinary whites no longer possessed a representative voice in public life, he communicated his message through the medium of mass communications. While Stoner claimed he was the victim of a tyrannical political establishment, he used the protection of the state to address the electorate without restriction. Stoner ironically relied on the permissive policies of the FCC to make public his claim that the government in Washington was a dictatorship.

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81. Eckard V. Toy Jr., "Right-Wing Extremism from the Ku Klux Klan to the Order, 1915 to 1988," in *Protest, Rebellion, Reform*, vol. 2 of *Violence in America*, ed. Ted Robert Gurr (Newbury Park, CA: Sage Publications, 1989), 131.

82. For a more thorough analysis of how segregationists reframed their arguments in terms of the threat to their own rights, see Kevin M. Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton: Princeton University Press, 2005).

Fourth, what allowed Stoner to denounce racial equality in such inflammatory terms was an expansive interpretation of freedom of speech that owed much to the influence of the civil rights movement. It was during the 1950s and 1960s that the Warren Court facilitated black protest by including offensive and provocative language under the protection of the First Amendment. That protection now provided Stoner with the means to employ hate speech against African Americans. In a further twist, one of the members of the FCC board that ruled in favor of Stoner's right to freedom of speech was the future executive director of the NAACP, Benjamin L. Hooks. According to Hooks, African Americans must not let "the emotions of the moment blind them" to the broader importance of protecting First Amendment rights that had proved so important to the advance of racial egalitarianism. Banning the campaign commercial might offer temporary appeasement to African Americans, but in the longer term it was more likely to cause them harm.<sup>83</sup>

The efforts of black and Jewish organizations to restrict the hate speech of J. B. Stoner ended in failure. During the 1970s, the white supremacist ran for public office on several further occasions, using the protection of federal power to disparage racial and religious minorities in crudely offensive terms. In 1974, for instance, a federal judge ruled that public officials in Macon and Augusta could not prohibit the pasting of posters produced by Stoner, who was running for the lieutenant governorship of Georgia, on city buses. Stoner secured 73,000 votes, around nine percent of the total, in that election.<sup>84</sup> Four years later, Stoner ran against incumbent George Busbee for the Georgia governorship. That March, Busbee had signed the Georgia Fair Employment Practices Act into law. Stoner made the repeal of the new legislation the focus of his election bid. One of his television campaign commercials claimed that if Busbee was re-elected he would enact further laws that "take from the whites and give to the Niggers."<sup>85</sup> Despite a petition from Atlanta NAACP leader Julian Bond, the FCC reaffirmed that Stoner's use of racially derogatory language in his campaign commercials did not constitute a "clear and present danger" to the community.<sup>86</sup> It is testimony to the residual

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83. *Manitowoc (WI) Herald-Times*, Aug. 9, 1972; *The Bee* (Danville, VA), Aug. 9, 1972.

84. *Kansas City Times*, Feb. 17, 1977; *New York Times*, Apr. 29, 2005.

85. J. B. Stoner, "Opposed to Civil Rights Laws," item ID 45088, Kanter Political Commercial Archive. For more information on the act signed into law by Busbee, see Ginny Looney, "The Politics Behind Georgia's Fair Employment Practices Law," *Southern Changes* 1 (1978): 21-23.

86. Group Research Archives, Series I: Topical, 1955-1996, box 305; Donald L. Grant, *The Way it Was in the South: The Black Experience in Georgia* (Athens: University of Georgia Press, 1993), 441; *Frederick (MD) News*, Jul. 29, 1978; *Pacific Stars and Stripes*, Jul. 30, 1978.

power of white racism among rural and small-town voters that he scored his most impressive result in this election, securing 71,000 votes or 10 percent of the total.<sup>87</sup>

Although the NAACP attempted to censor Stoner a second time in 1978, further failure led the organization to revert thereafter to its traditionally permissive policy on First Amendment rights.<sup>88</sup> Significantly, the second challenge to Stoner did not receive the support of the ADL. The reluctance of the ADL to renew its partnership with the NAACP suggests its recognition of failure in the Stoner incident. Five years later, when the National Socialist Party of America announced its intention to parade in the Chicago suburb of Skokie, the ADL and other Jewish defense organizations initially recommended a return to their traditional quarantine strategy. Although the protests of local Holocaust survivors eventually led them to petition for a banning order, the lesson they appeared to have learned from the Stoner episode, but then forgotten, was that the courts would protect the unlimited right to freedom of speech.<sup>89</sup>

Despite the efforts to silence Stoner, there was never a serious threat that he would win public office. In May 1980, he once more entered the Democratic senatorial primary. However, Georgia party officials declared him ineligible to run because of his recent conviction for the attempted bombing of the Bethel Baptist Church in Birmingham twenty-two years earlier.<sup>90</sup> Stoner used the appeals process to escape incarceration for another three years. When all appeals were exhausted, an FBI manhunt was necessary to finally secure his arrest and imprisonment.<sup>91</sup> Released from prison in October 1986, Stoner renewed his assault on racial and religious minorities with what he called his "Crusade Against Corruption." The campaign focused on the AIDS epidemic, which, Stoner claimed, was an act of divine vengeance against "jews and negroids." He called on the federal government to protect whites from the disease by isolating and then deporting infected minorities.<sup>92</sup> Despite the inflammatory rhetoric used by Stoner, civil rights groups had learned from their earlier failures to restrict his right to freedom of speech and refused to respond publicly. Stoner continued to menace racial and religious minorities until debilitated by a stroke. He died on April 23, 2005.<sup>93</sup>

87. *Atlanta Constitution*, Aug. 3, 1978.

88. *Frederick (MD) Post*, Jul. 29, 1978.

89. Strum, *When the Nazis Came to Skokie*, 17–18, 70–71, 88–92.

90. *New York Times*, May 2, 1980; *Washington Star*, Jun. 4, 1980; *Atlanta Constitution*, Jul. 31, 1980.

91. *Washington Post*, Feb. 12, 1983, Jun. 3, 1983; *Atlanta Constitution*, Sep. 9, 1983, Oct. 6, 1986.

92. *Atlanta Constitution*, Nov. 13, 1986; J. B. Stoner, "Praise God for AIDS," Aug. 1987, box 305, Group Research Archives.

93. *Washington Post*, Apr. 28, 2005.

How serious a threat did Stoner really pose? His crude appeals to racial and religious prejudice had appeared anachronistic in the 1950s, when massive resistance leaders attempted to legitimize their opposition to desegregation by framing it in the context of states' rights, let alone the 1970s, when the civil rights revolution had demolished the legal foundations of Jim Crow. Even those who resisted civil rights reform wanted to dissociate themselves from the lawless extremism of radicals such as Stoner. One of the rival candidates in the 1972 senatorial race was Ernest Vandiver, a former governor of Georgia who had threatened to close schools and universities rather than admit African American students through their doors. Although he was an arch conservative, Vandiver understood the need in the new political climate to represent himself as a rational and respectable candidate by ameliorating his language on racial matters. He therefore condemned the Stoner campaign commercial as having "offended the honor and dignity of many Georgians," white as well as black.<sup>94</sup>

Although the coarse language of Stoner did not attract a sizeable share of the white electorate, this did not mean that racism was not still an important element in southern politics. An opinion poll conducted a year before the election revealed that 53 percent of Georgia voters believed "public officials don't care what the people want."<sup>95</sup> Their resentment stemmed in substantial measure from federal enforcement of black civil rights. While other white candidates in the primary campaign strategically distanced themselves from the overt racism of Stoner, they espoused a similarly anti-establishment rhetoric rooted in opposition to racial reform. The outcome of the Democratic primary demonstrates that many whites who did not cast their ballots in support of Stoner still shared some of his convictions. Although David Gambrell won the first round with 34 percent of the vote, he lost the runoff election three weeks later to Sam Nunn. Nunn attained 54 percent of the vote by attracting the support of rural and small town voters who had cast their ballots in the first round for Stoner and Vandiver. Even though Nunn eschewed the racist rhetoric of Stoner, his campaign shared a similar agenda. Nunn promised voters that he would "Get Tough in Washington" by restoring states' rights, strengthening law and order, and abolishing the use of busing to facilitate school desegregation. While there were crucial distinctions between Nunn and Stoner—one was a respectable politician, the other a

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94. *Delta Democrat-Times* (Greenville, MS), Aug. 4, 1972.

95. *Atlanta Constitution*, Aug. 1, 1972.

racial extremist—both hoped to use white resentment of federal reforms to win public office.<sup>96</sup>

Although Stoner did not win the election, his campaign indirectly advanced the interests of white racial conservatism. In condemning his extremism, mainstream politicians like Vandiver and Nunn made their own reactionary positions appear more moderate and reasonable. As a letter-writer to the *Atlanta Constitution* observed of the 1970 gubernatorial election, the real menace that Stoner posed was that he “makes all the other white racists look good.”<sup>97</sup> In an astute commentary on the Stoner incident, white moderate newspaperman Hodding Carter observed: “Hardly anyone preaches it [white supremacy] anymore—not because politicians’ hearts are purer, but because that ploy no longer works.”<sup>98</sup> What did work, as Sam Nunn demonstrated with his emphases on law and order and states’ rights, was the use of racially encoded concepts to legitimize attacks on minorities. The hate speech of political mavericks such as Stoner was ultimately a distraction from this more insidious, and ultimately more successful, danger to civil rights reform. Ronald Reagan’s references to “welfare queens” and George Bush’s notorious Willie Horton campaign commercial would demonstrate how, during the 1980s and beyond, mainstream politicians used implicitly racist messages to their electoral advantage.<sup>99</sup>

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96. Bartley and Graham, *Southern Elections*, 94; Numan V. Bartley and Hugh D. Graham, *Southern Politics and the Second Reconstruction* (Baltimore: Johns Hopkins University Press, 1975), 171–72.

97. *Atlanta Constitution*, Aug. 20, 1970.

98. *Delta Democrat-Times*, Aug. 6, 1972.

99. For further discussion of coded racism, see Jean V. Hardisty, *Mobilizing Resentment: Conservative Resurgence from the John Birch Society to the Promise Keepers* (Boston: Beacon Press, 1999).