

# FCC Allows Racist Ads Of Candidate

8-4-72  
By Tim O'Brien

Washington Post Staff Writer

The Federal Communications Commission ruled yesterday that self-professed racist J. B. Stoner may continue his drive for the U.S. Senate from Georgia without facing censorship of his "nigger, nigger" television ads.

A three-man FCC board said the ads do not "contain any direct incitement to violence." They ruled that, although the broadcast advertisements might be provocative, they do not directly advocate violence, and therefore do not represent "a clear and present danger."

J. B. Stoner, who describes himself as a "poor white Southerner," says in his political ads: "I am for law and order with the knowledge that you cannot have law and order and niggers too. Vote white."

The Atlanta NAACP, the Anti-Defamation League and the Atlanta Community Coalition on Broadcasting protested to the FCC that Stoner's ads created an imminent threat of violence.

See STONER, A18, Col. 7

# Use of Racist Ads Is Allowed by FCC

STONER, From A1

But commissioners Robert E. Lee, H. Rex Lee and Richard E. Wiley said they had turned up no evidence of possible violence resulting from the ads. "Despite your report of threats and of bombing and violence," the board wrote to Lonnie King of the Atlanta NAACP, "there does not appear to be that clear and present danger of imminent violence which might warrant interfering with speech..."

"If there is to be free speech," they said, "it must be free for speech that we abhor and hate as well as for speech that we find tolerable or congenial."

In a telephone interview, Stoner said "God has heard my prayers and blessed me. I'm very happy that they've voted in favor of freedom of speech. I think it should apply to niggers and Jews, too, but it's overdue for us poor whites."

Stoner, one of the attorneys for James Earl Ray, convicted assassin of the Rev. Dr. Martin Luther King, Jr., is one of 15 candidates seeking the seat of Sen. David Gambrell (D-Ga.) in next Tuesday's Democratic primary.

In his ads, Stoner says: "I am the only candidate for the U.S. Senate for white people. The main reason why niggers want integration is that niggers want our white women. I am for law and order."

"Even for short pleasure with white women," he said yesterday, "niggers will risk life and limb. That's a reason I'm running. I'll stop it."

Atlanta mayor Sam Massel appealed Wednesday to the city's broadcasting stations to reject Stoner's ads. The stations, however, said that once a candidate purchases time, he can say whatever he wants so long as he does not advocate violence.

Stoner called Massel "an-

other one of those nigger lovers."

He said he will have spent between \$4,000 and \$5,000 dollars on his media campaign by election day, buying 60-second spots on eight television stations and one radio station. "I expect to win the primary," he said, "and I don't expect to change the ads for the general election."

The FCC board said its staff had checked with two Atlanta television stations, both of which denied having received "any threats of bombing or violence."

In its letter to the Atlanta NAACP, the commissioners noted that the Communications Act prohibits a broadcaster from censoring advertisements paid for by legally qualified candidates for public office.

A related case is expected to go before the Supreme Court this fall, in which Washington television station WTOP will appeal a 1971 ruling by the U.S. Court of Appeals that said the station cannot refuse to sell time for antiwar ads. The court is expected to decide whether a station must accept paid political ads.