

J.B. Stoner

4 months

By Bill Montgomery
Staff Writer

MONTGOMERY, Ala. — Four months and five days after he fled a 10-year prison sentence, J.B. Stoner's life on the run ended at the federal courthouse here with the pallid, limping 59-year-old fugitive being led by his bail bondsman and federal agents before a U.S. magistrate.

Reported sightings placed him from near Jacksonville, Fla., to a small town below Fort Worth, Texas, and rumor had it that he had crossed the Mexican border. But in the end, it came down to an arranged surrender initiated by a call Thursday from a Montgomery Holiday Inn.

"We white people shall overcome," said Stoner, as his freedom as a fugitive officially ended. The suspended Marietta lawyer, former



The Associated Press

J.B. Stoner (left) enters Montgomery courthouse with bondsman Livingston

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surrenders

as fugitive end

■ *Where did Stoner go? A chronology traces authorities' efforts to track him down during the four months he was a fugitive. Page 8-A.*

head of the white supremacist and anti-Semitic National States Rights Party, dropped out of sight in late January, two weeks after the U.S. Supreme Court refused to hear his appeal of a 1980 conviction for the bombing of a Birmingham church 25 years ago. No one was injured in the blast at the Bethel Church, which was serving at that time as a local headquarters for the civil rights movement.

Late Thursday afternoon, Stoner, his limp from polio very evident, was led by Montgomery bail bondsman Sonny Kyle Livingston and an FBI agent before U.S. Magistrate Lewis

Gwaltney.

Gwaltney immediately dismissed federal fugitive charges against Stoner. The FBI had said all along the federal charges were just a vehicle to bring them into the search. Gwaltney then affably refused Stoner's attempt to file habeas corpus briefs he had brought with him.

"I'm not going to discuss that, Mr. Stoner. It's wasting my time and yours," Gwaltney told the prisoner.

"When am I in state custody?" Stoner asked.

"As soon as I pronounce the magic words," the magistrate said.

Moments later, Stoner was informed he was in the custody of the state of Alabama. State corrections officials were polite and even shook hands with their newest charge as they

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subjected him to a pat-down search.

"I'm a white political prisoner," Stoner told a reporter.

Alabama prison authorities said that Stoner would be sent to the Kilby Correctional Facility outside Montgomery for classification. Ron Tate, spokesman for the state corrections department, has said in the past that Stoner would eventually be sent to a maximum-security prison opening this month north of Birmingham.

Prison authorities have said Stoner would be given a cell to himself and measures taken to ensure his safety.

Wearing a tan leisure suit with a red-and-white thunderbolt patch, the emblem of the National States Right Party, Stoner refused to answer reporters' shouted questions about his whereabouts and who had been sheltering him.

"I've been enjoying life for the last four months," Stoner said. "I wanted to live a little longer," he said, referring to his previously stated fear that black inmates would kill him if he were sent to an Alabama prison.

Federal authorities said Stoner was placed under arrest at 2:40 p.m. (CDT) at a Montgomery area motel, where he had set up a meeting with Livingston. An FBI agent accompanied the bondsman to the early afternoon meeting. The FBI presence apparently surprised Stoner, who made no resistance but offered the rueful comment, "The Federal Bureau of Integration has done it again."

Livingston said he thought Stoner had been in Mexico City, Texas and more recently on unnamed beaches in the Southeast.

"I believe he was in one day's driving distance of Atlanta," he said.

Asked which beaches, he replied, "You know, sand, sun, surf, with pretty girls in bikinis."

An FBI spokesman, Pat Mitchell, said he could not confirm that Stoner was in Mexico City and declined further comment.

With his surrender Thursday, Stoner failed by five months to match the performance of the average fugitive sought by the FBI, who is generally caught nine months after fleeing and 1,000 miles from his point of departure. The perennial political candidate's familiar face never even got on a post office wanted poster.

Stoner said he ended his flight because "Sonny Livingston's a good friend, and I didn't want him to lose \$20,000." Livingston, a slick-haired, cigar-chewing bondsman, stood to lose the bond he posted to ensure Stoner's appearance in court four months ago.

Livingston still faces a hearing Friday

morning before Birmingham Circuit Judge Charles Crowder on the bond. Crowder had made it known that Livingston would lose the \$20,000 Friday if Stoner were not in custody.

However, Elno Smith, the Montgomery lawyer who defended Stoner at his church-bombing trial, said he thinks Stoner feared a lawsuit Livingston filed in late March to divest Stoner of any property he might own to pay off the forfeiture.

Stoner, however, said Thursday that he has no real estate in his name. The redbrick National States Rights Party headquarters in Marietta is owned by a private corporation, Christian Rights Inc. The corporation's officers are Stoner and Dr. Edward R. Fields, Stoner's close associate in the party.

Cecil Moses, chief of the FBI's Birmingham office, which coordinated the search for Stoner, has contended for several weeks that Stoner feared the FBI was closer to finding him than they really were, and that he was dismayed by the continuing interest in his whereabouts.

"You know he's imposed a sentence on himself as confining as any prison," Moses said in an interview a week before Stoner's surrender. "He can't communicate, he can't get his views across any way without endangering his freedom. It must bother him."

Reports from sources including Elno Smith and the FBI late last week indicated Stoner was in the process of arranging his surrender.

Livingston kept insisting throughout the day Thursday that he thought Stoner might surrender in Birmingham Friday. The bondsman drove away from his office shortly before 9 a.m. (CDT) Thursday, without saying where he was going. He was back at his office no more than two hours later, but the van he had been driving was not outside.

Livingston's wife, Wanda, began telling reporters shortly after 3 p.m. that her husband was bringing Stoner to the federal courthouse.

Born Jesse Benjamin Stoner Jr., the longtime Marietta resident surfaced in the cause of racism more than 40 years ago as an 18-year-old officer with the Ku Klux Klan in Tennessee.

Stoner was indicted in 1977 in the church bombing; the formal charge was for exploding dynamite dangerously close to inhabited dwellings. He was considered by his Alabama prosecutors symbolic of an era of violent resistance to the civil rights movement.

Stoner fought extradition to Alabama for two years but was finally forced to face trial there in 1980. The trial lasted three days. The jury returned a guilty verdict after deliberating just 90 minutes.

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Stoner ch

ronology

Following is a chronology of events leading up to J.B. Stoner's failure to appear Jan. 28 at an appeal bond hearing and the efforts by authorities during the next four months to find him.

By Bill Montgomery
Staff Writer

J.B. Stoner moved a big step closer to prison on Jan. 10, 1983, when the U.S. Supreme Court turned down his appeal of his 1980 conviction in the 1958 bombing of a black Birmingham church.

The action indicated the three years of legal battles to avoid prison were near an end. Although the high court gave him 25 days to appeal for a rehearing of his case, Stoner conceded that "I'm getting closer and closer to having to go to Alabama to live for a while."

The events in the weeks and months that followed:

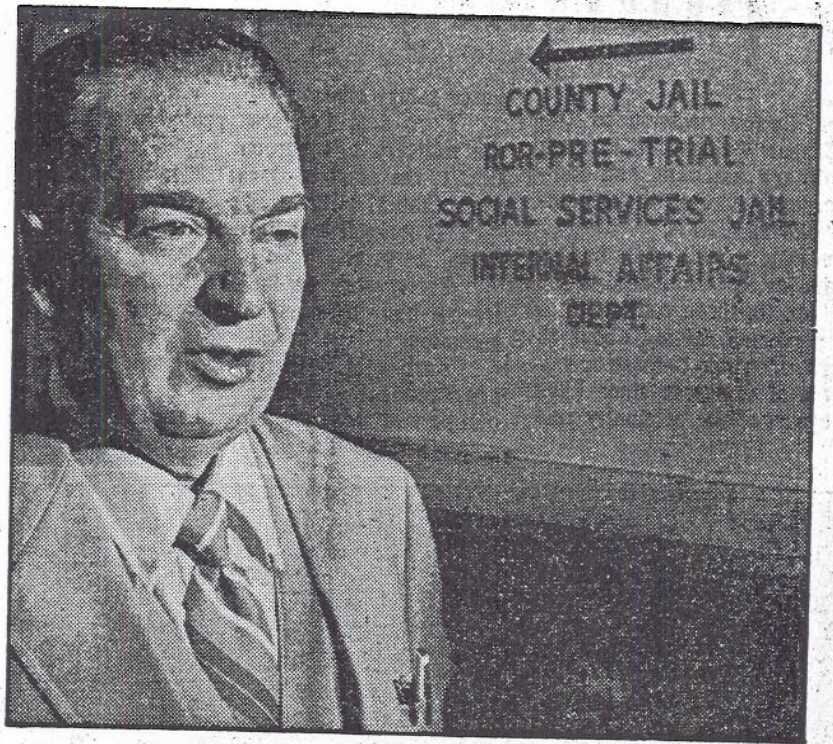
■ **Jan. 18:** Stoner made his last public appearance, at federal court in Dublin, Ga., testifying under subpoena in a civil suit against Johnson County Sheriff Roland Attaway about racist remarks Stoner made at a rally in Wrightsville during racial disturbances there in April 1980.

■ **Jan. 19:** Stoner, driving his blue 1972 Lincoln Continental, visited the Decatur law office of attorney James Venable, Imperial Wizard of the National Knights of the Ku Klux Klan and a longtime acquaintance. Stoner came to pick up a legal brief Venable had prepared for Stoner to provide the Alabama court. An office secretary recalled that Stoner, bundled against a winter cold snap, carried a Russian-style fur cap in the pocket of a heavy overcoat.

■ **Jan. 21:** Stoner telephoned Birmingham circuit Judge Charles Crowder, who had scheduled a hearing for Friday, Jan. 28, on an extension of his appeal bond. The circumstances at that time were that, barring a bond extension or special probation, Stoner could expect to be taken into custody. "He called me at home, and asked about probation," Crowder said. "I can't recall exactly what I said, but he probably got the impression I wouldn't grant it."

■ **Jan. 22:** Stoner resigned his post as national chairman of the National States Rights Party in a letter sent out to party members.

■ **Jan. 23:** According to his friend Jerry Ray, Stoner drove away from the NSRP headquarters on Cherokee Street in Marietta around noon that Sunday at the wheel of his Lincoln Continental. Ray, a caretaker at the building and brother of convicted Martin Luther King Jr. assassin James Earl Ray, said Stoner told him he planned to



Stoner in Birmingham after his bombing conviction in 1980

drive to "somewhere near the Alabama line and try to call an Alabama lawyer to help him. I think he was pretty sure the judge was going to overrule him."

His movements around this time are hazy at best, but several sources suggested Stoner headed for Florida. W. Eugene Wilson, vice chairman of the NSRP, said Stoner visited for an hour at Wilson's auto electronics business in Jacksonville "about a week or so" before the scheduled court hearing.

"He said he'd been visiting friends south of here. He likes to come to Florida, and he always stops by here," said Wilson. Stoner talked little about his impending prison term. "He had expected the courts to come out different than they did," and gave no inkling of his intentions, Wilson said.

■ **Jan. 28:** Judge Crowder, who remarked to reporters that morning that "we're like a bride waiting on the groom at a wedding" issued an arrest warrant when Stoner failed to show for his scheduled 9 a.m. hearing. The judge also ordered that Stoner's \$20,000 bond be forfeited.

■ **Feb. 2:** Cobb County sheriff's deputies searched the NSRP headquarters in Marietta, including the basement that Stoner reportedly used, as a bedroom, and questioned Jerry Ray. The officers uncovered little. At the same time, Sonny Kyle Livingston, a Montgomery, Ala., bondsman who had posted Stoner's \$20,000 bond, was predicting that his client would soon surrender.

■ **Feb. 4:** The FBI officially entered the search when a U.S. magistrate in Birmingham issued a fugitive warrant charging Stoner with unlawful interstate flight to

avoid confinement. The FBI's efforts were coordinated by its Birmingham office, and in the early stages, centered around Birmingham and Atlanta.

■ **Feb. 11:** Sonny Kyle Livingston, who claimed he had been searching on his own for Stoner, conceded he had run out of leads. "Frankly, we're at a dead end," he said. Unsubstantiated rumors had the fugitive spotted at various times in Marietta, DeKalb County, the Cullman, Ala., area, and Laurel, Miss. One report circulated that he had fled to South Africa. The FBI refused any comment, except that it was "covering all the bases" in its search.

■ **March 2:** As the search entered into a second month, Tom Moore of FBI's Birmingham office said, "The trail's pretty stale at the moment, and after all he's just one of many we're looking for."

■ **March 4:** In a clarification of his remarks two days earlier, Moore said the Stoner search was "top priority" with the Birmingham office, although the FBI nationally "may have cases demanding more intense action at the moment." Field agents were interviewing Stoner's associates, and would prosecute anyone withholding knowledge of his whereabouts, he added.

■ **March 15:** The Rev. Mac Jones, chairman of the Atlanta-based National Anti-Klan Network, accused the FBI of not seriously looking for Stoner. An FBI spokesman responded that its agents were "vigorously" searching for him.

■ **March 28:** Stoner had now been a fugitive for two full months. That last week of March, Judge

Crowder granted bondsman Livingston a two-month postponement of his forfeiture hearing, at Livingston's request. The bondsman told authorities that he was again on to promising leads in his search.

■ **March 30:** A Marietta lawyer representing Livingston filed a lawsuit against Stoner in Cobb County State Court, seeking \$20,000 from the fugitive in the event Livingston had to pay off the forfeiture.

■ **April 2:** The Rev. R.N. "Bob" Montgomery, an Atlanta Pentecostal preacher, became Stoner's successor as NSRP national chairman. Montgomery said he was elected by the party's board, meeting at the Marietta headquarters, but he would give no details about his election or the board's membership.

■ **April 7:** Cecil Moses, chief of the FBI's Birmingham office, said the FBI was investigating a possibility that Stoner might be in hiding with anti-tax radical Gordon Kahl, accused of killing two U.S. marshals during a February shootout in North Dakota. The theory, based on interviews with Ku Klux Klan members and other extremists associated with both Stoner and Kahl, held that a radical right underground could be sheltering both men.

The dragnet at this point was centering in the Southwest, especially Texas. The FBI said it had confirmed sightings of Stoner twice in the early stages of his flight at private gatherings of Klan and similar groups — in northeast Florida during the last days of January, and in early February at a Texas community in the Dallas-Fort Worth area — but the trail was cold by several days in both cases. Still, Moses was confident that a gradu-



Ed Fields

ally tightening net and the rigors of living underground would accomplish Stoner's arrest in a few weeks.

■ **April 9:** Fields called the FBI's Stoner-Kahl link "totally false," insisting that Stoner had never associated with tax extremists. "Mr. Stoner was not a poor man. . . for all I know, he could be vacationing at the Sheraton on Wakiki Beach."

Meanwhile, the leadership of the states rights party began cautiously disassociating itself from Stoner. Bob Montgomery, the new national chairman, stressed that Stoner had resigned from the party. And Fields said he had "reports" that Stoner planned to surrender and return to the legal battlefield. "There's an attorney even now working on an appeal in his case," said Fields. "If Stoner turns himself in, we will support him 100 per cent. If he doesn't, that's his decision." Fields would not identify the lawyer.

■ **April 28:** The three-month mark of Stoner's disappearance. The FBI had not pinned down a single confirmed sighting since the one in Texas during early February. But its spokesmen were privately optimistic about "intelligence" from informants placing the fugitive in a specific geographical area of the Southwest they would not disclose.

■ **May 3:** Still publicly optimistic, Cecil Moses of the Birmingham FBI pulled back from his earlier confidence that a break could be near. He said intelligence indicated that Stoner had left Texas, but the search was still focused in the Southwest. "We have developed nothing that we can release. . . things are very, very sensitive at this point," said Moses.

■ **May 16:** The FBI acknowledged that it had been following a rumor that Stoner had crossed into Mexico for several weeks, but its agents had nothing beyond "third- and fourth-hand gossip" to go on. A tip that Stoner had sold his Lincoln Continental in the border city of El Paso did not pan out, nor did checks of border crossing points.

■ **May 19:** Bondsman Sonny Livingston, anticipating he would be given no more postponements, said he was making plans to pay off the \$20,000 bond he posted for Stoner if the fugitive were not in custody by the June 3 forfeiture hearing set by Judge Crowder. Stoner's associate Dr. Fields said the NSRP would collect funds to repay Livingston if he had to pay the bond, "because Sonny's a right-wing patriot and a personal friend."

■ **May 28:** The four-month mark of Stoner's flight coincided with rumors that the fugitive planned a well-orchestrated surrender within a week. The rumors circulated from sources as diverse as Stoner's associate, Dr. Fields, the FBI, and a



Bondsman Sonny Livingston

Montgomery, Ala., lawyer. The reports were keyed to two propositions, that the fugitive was only a day's drive from Atlanta, and that he would give up before the June 3 bond forfeiture hearing in Birmingham.

Cecil Moses, in a background interview, said intelligence from second- and thirdhand sources indicated that Stoner feared that the FBI was close to nailing him, and that he chafed at the gag imposed by his fugitive status. "He's imposed a sentence on himself as confining as any prison. He can't communicate in any way without endangering his freedom. It must bother him."

"I think he'll try to make a public surrender at a press conference. It could be in Georgia, though I kind of feel like it could be in Alabama. It might even be Birmingham to make us look stupid," Moses said.

Elno Smith, a flamboyant, shaven-headed Montgomery lawyer who defended Stoner at his bombing trial, also claimed to be picking up strong feelers that a surrender was imminent. "If he gives himself up, it will be here in my office with the press and television here. That's what he wants. You know he's an egomaniac."

Fields also fed the speculation, expressing his opinion that "if he doesn't turn himself in by June 3, he never will." As he had in the past four months, Fields insisted that he did not know Stoner's whereabouts, nor had he been in contact with him.

Sonny Livingston, however, put little stock in the surrender rumors, insisting that he had been duped by similar reports before. "If I heard it from Stoner I might believe it. . . I think they're being spread to make people relax and stop looking." He added that "I figure he's no more than 500 miles from Atlanta. I don't think he's ever been too far from Atlanta."