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“Should We Adopt a Federal F.E.P.C.?”

SENATOR HUBERT HUMPHREY

Democrat, Minnesota

SENATOR SPESSARD L. HOLLAND

Democrat, Florida

THEODORE GRANIK

Founder and Moderator of The American Forum of the Air

Announcer: The National Broadcasting Company presents The American Forum of the Air, founded 21 years ago by Theodore Granik and dedicated to the full and public discussion of all sides of all issues, coming to you from NBC Theater in Washington, D. C.

Now, here is your Moderator, Theodore Granik.

Chairman Granik: Our great American democracy is proud of its many minority groups—millions of Catholics, Jews, Negroes, Mexicans, immigrants and children of immigrants, all good Americans—but spokesmen for these minorities contend that many among them cannot get jobs and improve their standards of living because of unfair discrimination on the basis of race, color, or religion. Others, however, say that if these faults occur, they are faults of mind and heart, or of social inheritance, which can be eradicated only by education and example, that no law can be effective if it is not acceptable to the people affected.

With this very controversial issue confronting our Congress and our Nation, The American Forum of the Air asks, "Should We Adopt a Federal Fair Employment Practices Commission?" known as the F.E.P.C.

Two distinguished Senators are here to give us their views. Senator Hubert Humphrey, former Mayor of Minneapolis and now Democratic Senator from Minnesota; and Senator Spessard L. Holland, Democrat, of Florida, former Governor of that State.

Now, Senator Holland, would you start out our discussion by answering this question: Can we legally assure any citizen that in applying for a job he will not suffer discrimination because of his race or religion?

SENATOR HOLLAND: My answer would be no, not under American law because such a law would attempt to control the thought processes, the mind, the objectives, the intentions of individuals, and that isn't done under American law. It is attempted under some kinds of ideology with which we have no common ground whatsoever, but not under our system of law.

In the second place, may I say that it cannot be done practically because it can never be done without the concurrence of the States and of the people, and it has already been shown in that part of the Nation outside of the South, leaving that out of the discussion for the moment, that 17 Sovereign States have turned down F.E.P.C., 8 have adopted a compulsory F.E.P.C., and 2 a mere voluntary F.E.P.C. without strength. I call to your attention that the population of the States that have turned it down is twice that of those that have accepted it, and likewise that in California, the only place where it was submitted to popular vote, the people voted it down by 2½ to 1, and in every county in California they voted down F.E.P.C. It cannot be enforced without popular support.

SENATOR HUMPHREY: My answer to the question is, of course, that a Federal law pertaining to employment practices can and should be adopted and that it can be enforced. I think that my answer is bolstered not merely by my own personal point of view but by the fact that there are 10 States in the Union that do have fair employment practices laws, eight of which are what I would call satisfactory, two of which are on the voluntary side. Besides that, there are a

number of large cities. I would like to point out that in these large cities, such as the City of New York and the City of Chicago and the City of Milwaukee and the City of Cleveland and the City of Cincinnati, they have large minority groups, particularly large groups of American Negroes.

These cities have proven conclusively that a fair employment practices ordinance on a city level, with compulsion, does work. For example, recently the Des Moines Register Tribune made a survey of some 25 cities, and it found that out of these 25 cities where the cities had a fair employment practices ordinance, you did have employment of white-collar Negro workers, you did have employment of the minority groups, and that discrimination was being eliminated.

I would like to make this further observation, that it is entirely within the purview of the Federal Government to pass this kind of law. We have banned child labor; we regulate labor in so far as safety regulations are concerned. I don't think any one has denied the constitutionality of a law that would affect employes in interstate commerce. So I say, frankly and candidly and with some conviction, that this law should be enacted, that it will work, and that it will produce the results which we have every right to expect.

Chairman Granik: Do you think it is constitutional, Senator?

SENATOR HOLLAND: I think it is clearly unconstitutional, but I want to address myself briefly to that portion of my distinguished colleague's remarks which had to do with the large cities. Admitted that several of the large cities do have F.E.P.C. Acts which are local, I think it is interesting to note that in every case the States in which those cities have been located, in every case except the State of New York, have declined as States to accept a State of F.E.P.C. because they have not liked what they saw working out in the cities. That is true in Pennsylvania as to Philadelphia. It is true in Ohio as to Cincinnati and Cleveland. It is true in Illinois as to Chicago. And it is true in the State of my distinguished friend, Minnesota, where, after a trial run in Minneapolis, it was knocked out in the State Senate last year by 34 to 29, showing conclusively that the good people of Minnesota didn't like what they saw down in the main city, the City of Minneapolis.

Chairman Granik: Let's see what the former Mayor has to say about that.

SENATOR HUMPHREY: I am very glad my distinguished colleague from Florida brought that up, because that opens up a new area of conflict. Number one, the good people of Minnesota do like fair employment practices. Number two, not only do good people of Minneapolis like it—and they are all good people—but the city of Minneapolis was awarded the Nation's award for outstanding work in human relations. A city that only five years ago was described by Perry McWilliams as the second worst city in the Nation in terms of discrimination was last year at Christmas time given the national award on the part of the National Association for the Advancement of Colored People and on the part of the Conference of Christians and Jews, for outstanding work in the field of human relations.

Now let's go into the legislatures for a while. I am glad my friend in Florida brought up the legislatures, because the legislatures

in this country are the most unrepresentative bodies in America. The legislatures of the States have not been reapportioned, most of them, for 50 years. California has a need of reapportionment that is second to none. New York has a need of reapportionment. Ohio has a need of reapportionment. In other words, the State of Minnesota hasn't been reapportioned since 1910, when the City of Minneapolis had a population of some 200,000 people, and now it has 550,000 people.

To say that a legislature does not pass F.E.P.C. and therefore that it is wrong is no answer at all. Let the legislatures of the United States, of the several states, reapportion their states. Let those people who are hiding behind the cloak of minority rule come out and believe in majority rule.

SENATOR HOLLAND: I am sorry, Mr. Moderator, that my distinguished friend doesn't believe in the type of democratic government that prevails in the State House in Minnesota.

SENATOR HUMPHREY: I surely don't.

SENATOR HOLLAND: Nor that that prevails in the State Houses of the other fine States of this Nation. Suffice it to say that it seems to me it is a very clear and conclusive illustration that the people of his State, after having seen the project work for two years in his city, where he helped to establish it, would have nothing of it, but knocked it out. They didn't want it in Minnesota.

Let me say this, my friend referred to California. I remind him again that the sovereign people, the sovereign people to the tune of 2 $\frac{1}{4}$ million voted in California and they voted 2 $\frac{1}{2}$ to 1 against any F.E.P.C., and there wasn't a county in all that State but which showed a majority against F.E.P.C.

I wonder how my friend answers that?

SENATOR HUMPHREY: Your friend will be delighted to answer it, but let us go back first of all to the State of Minnesota. I understand that the Gentleman from Florida is telling me that the legislature of the State of Minnesota on this issue represented the people. Let's take a look at who represented the people. The Governor of the State of Minnesota was elected with an overwhelming majority. He happens to be a Republican Governor. He happens to stand four-square for fair employment practices. He also went before the legislature and encouraged it. Who fought it? The Minnesota Employers Association. Who is the Minnesota Employers Association? Let me say the most conservative and, in fact, the most reactionary group in the State of Minnesota. Who else did they fight? They fought the Governor, they fought the junior senator from Minnesota and the senior senator from Minnesota. They fought everything out there that I can think of. Then they were able in a legislature that had not been reapportioned since 1910 to bottle this thing up in committee. Despite the fact that the Catholic Church, the Protestant Churches, every one of them, the Jewish Synagogues, every one of the veterans organizations, despite the fact that every trade union in Minnesota, both political parties, despite the fact that county after county resolution was for F.E.P.C. by state law, still the legislature didn't enact it. So my friend says apparently the people don't want it?

SENATOR HOLLAND: My voluble friend still doesn't explain why his own senate turned it down 34 to 29 and why his own house has declined ever to let it come out. I think that it is a very sound conclusion to draw that they didn't like what they saw in Minneapolis.

Chairman Granik: Let's go to Mississippi for a minute.

SENATOR HUMPHREY: Let's go to Mississippi, because it just so happens wherever the minority rules, wherever you have minority rule in this country, that is where you have this kind of situation.

Chairman Granik: May I quote from Governor Wright of Mississippi. He says: "Every American is a potential employer, a potential owner of a business, and in the development of any business any man who invests capital, any man who operates a business, must have the freedom to choose the type of employees he desires."

How do you feel about that?

SENATOR HUMPHREY: I think that is just wonderful, except that I do not believe any man ought to be discriminated against in employment because of his race, his color, or creed. This happens to be the anniversary, so to speak, of "fourscore and seven years ago," that Abraham Lincoln talked about, this year of 1950. This is the anniversary of the Emancipation Proclamation, fourscore and seven years ago. Here is a country that has in its Declaration of Independence that all men are created equal. Here is a country that has in its Constitution the whole concept of the people of popular sovereignty, of the people ruling. Here we are at a point where we have an opportunity to give people a chance for what? For economic well being. That is all we have been talking about. We are not talking about social habits or anything else. We are talking about a job. So what I point out very frankly is that America cannot afford to discriminate against people on the basis of such false factors as their religion. For example, the Catholics, and we discriminate against a lot of them. The Jews, the Mexicans, the Spanish, the Italians, the Negroes—they have been discriminated against in State after State and locality after locality, and forced to take sub-standard labor when they are equipped to do good jobs.

SENATOR HOLLAND: I am glad you took us South, Mr. Moderator, because I think we well disposed of the situation outside of the South. Better than two to one the states have shown they don't want F.E.P.C.

In the States of the South, 15 States, nobody has even suggested F.E.P.C. Because the great population of our whole area, both white and colored, is so very definitely against it.

My friend speaks about the Negroes with great volubility. But I want to remind him the 1940 census shows less than 10,000 Negroes in his State, with 2 $\frac{3}{4}$ million people; whereas we have in the Southland between 10 and 11 million Negroes, and we are living kindly with them, and they are happy to live there, and they are good, patriotic citizens, and they are not supporting the causes of communism, as are some of the groups that are supporting this same legislation, and that doesn't mean that everybody who supports it is in that group, of course, at all. They are good and sound and patriotic citizens.

May I call to the attention of the Senator that we are greatly disturbed in the Southland because of some developments which have occurred in this recent year. We know that there has been behind this effort, because it is in the President's Civil Rights Commission Report, that segregation is to be abolished. We know that they believe in social equality. The Senator himself in his testimony before the House Committee testified that he believed in social equality. It has been terribly disturbing to the Southland to see, since this was last debated in the Senate last year, the two strongest leaders of NAACP, the Executive Secretary, Walter White, and the Legislative Representative, whom the Senator knows, after having divorced their Negro wives, married white women; and I tell you right now the feeling in the South on the part of the good white people and the good colored people, and we have millions of them, is that that shows we are trying to go in the wrong direction and we will have none of it in the Southland.

(Applause)

SENATOR HUMPHREY: Mr. Moderator, we are not talking about marital relations. We are not even talking about childbirth. We are talking about employment. May I point out in reference to the Negro population there are more negroes in the City of Chicago than there are in any city or any one area in the South. There are more Negroes in the City of Chicago than there are in almost any State in the South. Yet in the City of Chicago, if you please, we have a fair employment practices ordinance that works, and it works well. There are more Negroes in New York City than there are in almost any city in the South, in fact, in any city in the South, and yet fair employment practices works well there.

I also want to say the innuendo of my colleague from Florida is not becoming to a distinguished representative in the Senate.

(Applause)

This is not communism. As a matter of fact, the one thing that is robbing us of our great moral weapon in this world today is the way we treat our minority groups in this country. I would remind my friend from Florida that whether or not some people in the South like this or not, the fact is that there are more colored people in the world than there are white. The fact is that some of the people in the South have denied people the right to vote, and we have poll tax states, not in Florida. There are more people who vote in my county than in any city in South Carolina. There are more people who vote in my city than vote in any three counties in South Carolina.

I submit to you that we cannot afford to have American policy in a critical world situation dictated by the prejudices and the minority prejudices of a group any place in this country. The race problem is a fundamental international problem. We are losing face in Asia. We are losing it all over the world.

Chairman Granik: Senator Holland.

SENATOR HOLLAND: I want to answer two of the statements of my good friend. First, with reference to Chicago, he was very careful to tell us about the Chicago FEPC, but he didn't tell us that the demonstration of what was done under it was unsatisfactory to both

parties in the Illinois Legislature, and that both Houses of the Legislature knocked it out when it was proposed there in Illinois.

As to the second question, the question of what we are doing in the South, I think that what we have got to show in this Nation is that we will stand up for constitutional government and continue to offer the same brand of freedom and opportunity which we have offered throughout the history of this Nation.

I think the fact that most everybody else outside of this Nation and all the world wants to come here and settle with us and seem to be delighted to get here under our laws indicate that the people of the world think that we are doing a pretty swell job.

I want to say to my friend that insofar as the people of the South are concerned, they are making headway, white and black, on the basis of good will, on the basis of tolerance, on the basis of mutual respect and mutual understanding, and we don't like to be dictated to by people who come from a state where less than one per cent of their population is black or like the State of North Dakota, for instance, because one of its Senators has been very voluble, where the census shows 201 Negroes from that State. We think they don't know very much about the problem, and we would rather leave the problem to our own good people, both white and black, who are working it out in exceedingly good fashion and have come away ahead without the help of the rest of the Nation.

Having a group just a few years ago, relatively speaking, turned over to them without resources, without education, without health, without even any of the property which would give them a chance, they have come forward in such a way that they are all proud of them, and insofar as the South is concerned, as whites and as Negroes, we are making progress and we are making progress together and we are asking that we not be disturbed in that progress by having passed the type of legislation such as this which will set us back 50 years on the path of progress and prosperity and goodwill.

(Applause)

Chairman Granik: How do you feel about that, Senator?

SENATOR HUMPHREY: I would like to ask my distinguished friend from Florida to get off the defensive for awhile. We are not just talking about the South. We are talking about people, American people. We are talking about people who are more American than almost anybody, except the people who came over on the Mayflower, almost native Americans. In fact, we are talking about the American Indian, native Americans, if you please. Discrimination isn't a matter of Louisiana or Florida or South Carolina. It is a matter of Minnesota, North Dakota, New York and Washington. We are not talking not only about constitutional government, my good friend from Florida. We are talking about human rights. In this world today the issue of human rights is the number one issue. That is what our fight is with communism, who deny human rights. May I point out that every time Mr. Gromyko or Mr. Molotov wants to put an American representative back on his heels at the United Nations they do what? They bring up the way we treat our minority groups. When we proposed, for example, that we investigate the slave camps

of Siberia, what was the immediate response? The immediate response was, "Let's investigate the poll tax, the lack of economic opportunity. Let's investigate the lynchings," if you please, "in parts of America." What did our Government representatives say? They said, "If that is the case, we had better have no investigation."

One more thing about the legislatures. My friend has been a Governor, and I want to repeat that there is no one area of Government in the United States that is more lacking in true representation of the majority will of the people than the legislatures. The Congress of the United States is reapportioned every ten years by the Constitution, by the Census. The cities of the United States are reapportioned time after time by the will of their electorate. But the State legislatures, I repeat, in Illinois, in California, in Pennsylvania, in New York, have not had reapportionment for better than two generations, and they have disproportionate representation, because 50 years ago over 50 per cent of the people of this country lived in rural areas. Today only 20 per cent live in rural areas.

SENATOR HOLLAND: Mr. Moderator, I had begun to think my friend was starting a filibuster—

SENATOR HUMPHREY: I was just following through on my friend from Florida.

SENATOR HOLLAND: —but I am glad to see he is not.

May I say that I am a little surprised that my friend has frankly quoted here Mr. Gromyko as an authority in international affairs. Insofar as we are concerned, we don't regard him as such in the Southland, and I think in most parts of the Nation.

To the contrary, when Mr. Gromyko says something, we are inclined to suspect his motives because we found out that they have not had anything to do with the permanence or the prosperity or the welfare of the United States of America.

SENATOR HUMPHREY: I want to ask my friend from Florida this question: Does he think that the Catholic Church is wrong when it says we need a national F.E.P.C.? The National Catholic Welfare Conference? Does he think that the National Baptist Conference is wrong when it says we need a national F.E.P.C.? Does he think the Methodist, the Congregational, or the Presbyterian Church is wrong? Does he think the President's Committee on Civil Rights, that represented every segment of the economy is wrong? Does he think the Democratic Party was wrong and that the Republican Party was wrong in their platform commitments on fair employment practices? Does he think, if you please, that every single religious group in this country, every one of the Protestant, Catholic and Jewish groups, are wrong, and that the A F of L and the CIO are wrong?

Chairman Granik: Let him try to answer, please.

SENATOR HUMPHREY: Or does he think, if you please, that the only people who are right are the people who have for years maintained a minority rule in many of their areas and denied people the right to vote in many of their areas and who have taken upon themselves to be the self-protectors of the American way of life?

SENATOR HOLLAND: I am glad to answer that question. In the first place, I don't think anybody has a right to speak for all those

groups, except the two political parties, which I will mention in a moment. I know perfectly well, as one member of one of those groups, I have heard thousands and thousands of good Methodists express themselves who are not at all in accord with any such expression. I know, furthermore, that most of the gentle, well-intentioned, and kindly people who make that kind of expression haven't the slightest knowledge of the situation. They don't know at all that it involves bringing in an ideology which is entirely foreign.

Now with reference to the political parties, my friend knows as well as I do that the declarations in the two platforms have been nothing in the world but political, that they have been designed to secure minority votes in certain key states. They know that the complete lack of sincerity of both parties is shown clearly by the fact that they haven't done a thing in the abolition of segregation or in the abolition of discrimination right here in the nation's capital, where they have had complete control, regardless of whether it was Democrats or Republicans who were in the majority. It has been a political issue all the way through.

SENATOR HUMPHREY: I want to answer that. I want to say if my friend from Florida will get on the floor of the Senate on Tuesday when we meet and propose that we have a chance to debate civil rights issues without a filibuster, without their threat of a filibuster, I will guarantee to him that he will find out that this isn't just a political promise. He will find out that the votes are there. But whenever we propose to bring up a single issue pertaining to civil rights, we are immediately confronted with a solid block of people who have specialized in the art of filibustering, not in the art of legislation but in the art of protecting minority rights with minority tactics.

Chairman Granik: Gentlemen, let me take a question from the audience. I see Miss Penuel has a gentleman who has a question. Go ahead, sir.

QUESTION: Senator Humphrey, don't you believe that if F.E.P.C. is enacted in any state, it should be done by vote of the people?

SENATOR HUMPHREY: Are you asking me that question?

QUESTION: Yes.

SENATOR HUMPHREY: No, I do not, because I believe in representative government. If that were the case, I would say if you are going to have a tax law, which surely affects everybody and F.E.P.C. affects only those engaged in interstate commerce, then let's abolish our legislatures or Congress and have a referendum. To be sure, F.E.P.C. should be enacted like any other law, like child labor laws, if you please. It should be enacted like appropriation bills, like soil conservation laws, by the will of the people as expressed through their representatives in the government. That is my conviction.

SENATOR HOLLAND: May I say I am surprised again to find that my friend does not believe in the expression of the will of the majority, and he has taken exactly the same position which a Negro lawyer took before one of our committees, representing a union, when he complained of the fact that the great State of Pennsylvania in three successive sessions of the legislature had turned down F.E.P.C., and said, complainingly, "The only way in the world we are going to get this thing done is down here in Washington. Please do it." In effect

he meant, pass it whether the states want it or not and whether the people want it or not.

If that is sound democracy, then I don't know the meaning of the word.

SENATOR HUMPHREY: May I make this observation? We had a type of referendum on civil rights legislation, because we had a group of people in the Democratic Party who walked out of a National Convention, out of their own Party, and they went out and created a new party. They called it the Dixiecrats. They put up a candidate, and the one issue of this Dixiecrat candidate was that he was going to have white supremacy; he was going to protect the rights of the white people. How many votes did he get in the United States of America? How many votes did he get?

SENATOR HOLLAND: I am glad that my friend raised that question because I don't happen to be a Dixiecrat. I stuck with the Party, and I also stuck along with the Governor of our State, the six members of the House, myself as one Senator—the other Senator was also of the same opinion, but for a different reason—all the Cabinet members, the members of the Legislature, and so forth; and we, sticking with our Party, carried our state, but I want to say to my friends we did that notwithstanding the fact that we were not in any sense for the civil rights plank nor for the Taft-Hartley repeal plank, and we made that very clear in every community in our state. We could not have carried the state without taking that position.

SENATOR HUMPHREY: Do you think you could have carried it with Thurmond?

SENATOR HOLLAND: We didn't want Thurmond.

SENATOR HUMPHREY: I ask you, do you think you could have carried it with him?

Chairman Granik: May I take another question?

QUESTION: Senator Holland, do you support and advocate a voluntary Fair Employment Practices Commission Law for your state? Senator Graham of North Carolina has recently come out for a voluntary F.E.P.C.

SENATOR HOLLAND: I don't understand that Senator Graham is suggesting that at all for North Carolina. I understand that he is suggesting it for the nation. There are ample numbers of setups here which could be approved by the South wholeheartedly by way of conciliation and by way of adjustment. One of our distinguished southern House members from Arkansas has suggested a department in the Labor Department for that purpose alone, free from compulsion; but you can't ram this kind of thing in America down the throats of the great majority of the states of the nation when three to one of them are against it at this time and when their people back them up in that position.

Chairman Granik: Senator Humphrey?

SENATOR HUMPHREY: I want to say I am happy my friend from Florida believes in F.E.P.C. He just isn't quite sure whether he wants it sugar-coated or whether he wants it chocolate-coated. He says he believes in fair employment practices—

SENATOR HOLLAND: He hasn't said anything of the kind, Mr.

Moderator. He has said that he is perfectly willing to have a division of the Department of Labor set up to study this question—

SENATOR HUMPHREY: Oh; to study it.

SENATOR HOLLAND: —to conciliate in this field, but without any power of compulsion whatsoever, because he believes those powers of compulsion are foreign to and incompatible with the American system of law.

SENATOR HUMPHREY: May I point out what Daniel Webster once said about a law without a penalty. He said it is nothing more or less than an expression of good advice. It was a pretty great American who made that statement.

I repeat that in F.E.P.C., as was testified to before the House Committee by every single officer—I want my friend from Florida to contest this, if he can. Every single officer of any Fair Employment Practices Commission, local or state, anywhere in the United States, who testified on the House bill, H.R. 4453, said that it should have compulsory measures within it. To be sure, which has not been brought out here, we emphasize adjudication, conciliation, education, mediation; and in the 2,000 complaints which have been brought to the attention of Fair Employment Practices Commissions in the United States today, not one has had to use compulsion in order to get compliance.

SENATOR HOLLAND: I was glad that point was brought out, because that shows perfectly clearly that the advocates of this bill are afraid to put it in court; they are afraid of its unconstitutionality, and they realize perfectly well also that it cannot work except in a state where it is approved by the people of the state. I want to recall to your mind also that we had it work in a situation of heavy employment instead of unemployment and depression. So there hasn't been a fair trial run, and there hasn't been an attempt at a run in a state that doesn't have a feeling of the majority of the people for it.

Chairman Granik: We wanted to take some more questions, but we have time only for summaries. Senator Humphrey, your summary, please.

SENATOR HUMPHREY: My summary is simply that it is thoroughly within the American tradition to guarantee to every American not only his political rights, but his right for economic opportunity. The Fair Employment Practices Bill that is before the Congress is one that is based upon the principle of education, adjudication, mediation, and conciliation, and it carries with it, as all effective American law does, penalties for that recalcitrant anti-social minority which will not abide by the decision of the majority.

I point out that 50 million people already in this country are covered by fair employment practices legislation. I also point out that the major cities of the nation, where the employment problems are acute, where there are plenty of tensions because of racial groups, have made F.E.P.C. legislation work. I further point out that all responsible groups in this nation that represent the religious life of America and the political life of America are working in behalf of fair employment practices legislation.

Chairman Granik: I am sorry, Senator Humphrey, your time is up. Senator Holland, your summary, please.

SENATOR HOLLAND: I point out that three to one of the states in the nation don't want this, that 100 million of the 150 million people of the nation have shown rather clearly that they do not want it, that the system is incompatible with our American system, and that we can't adopt it without doing great violence to the Constitution.

I point out also that insofar as the South is concerned, it has even graver doubts about this than the other phases of the controversy, known as civil rights, because of the attack on segregation and the effort for social equality, which is a part of this and which has demonstrated itself on the part of two of the outstanding leaders of the nation within the last few months.

Chairman Granik: Thank you very much, Senator Holland and Senator Humphrey. Thank you very much.

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This is Tom Kennedy speaking.

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