

The National Association of Broadcasters

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JAMES. W. BALDWIN, Managing Director

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LARGEST CONVENTION IN NAB HISTORY

The Thirteenth Annual Convention of the NAB, held at Colorado Springs July 8-10, was the largest convention in the history of the association. Total registration was 485 as compared to 375 at the Cincinnati Convention in 1934, which constituted the previous high level of attendance.

In addition to providing opportunity for a complete discussion of the copyright problems facing the industry, a variety of business was transacted by the Convention.

Standards of agency recognition were promulgated and the Managing Director instructed to proceed with the establishment of an agency recognition bureau along the lines of plans approved by the Commercial Committee and provided the cost of the bureau is underwritten by stations desirous of availing themselves of its services.

The work of the Association toward the establishment of a cooperative bureau for coverage, listener and similar information was continued and the President was authorized to appoint a committee of not less than five to conduct such activities as might be necessary in this field and to represent the NAB in discussions or negotiations with advertisers and agencies.

A revised Code of Ethics, embracing the beneficial trade practice features of the Code of Fair Competition for the Radio Broadcasting Industry, was adopted by the convention.

The Board was authorized to consider the establishment of one or more annual NAB awards for conspicuous examples of public service rendered by American broadcasting stations.

Resolutions were passed petitioning the Senate to speedily enact the Duffy Copyright Bill (Senate Bill No. 3047), which eliminates the \$250 minimum damages for copyright infringements; favoring the issuance of radio station licenses for a term of at least three years, and pledging the Association and its officers and directors to oppose any and all legislation and governmental regulations which would result in the abridgment of freedom of speech.

In the technical field, the Managing Director was instructed to take such steps as might be necessary to represent the best interests of broadcasting at the preparatory conferences and the actual sessions of the Fourth Meeting of the CCIR, scheduled for the spring of 1937.

The President was empowered to appoint a committee of three, one of whom should be the Managing Director, to determine the best procedure for the presentation of the United States position and proposals at the next administrative conference to be held in Cairo in 1938.

The Managing Director was also authorized to continue in the participation of the Association in the Secondary Coverage Survey.

Following a detailed discussion of the copyright question, resolutions were passed favoring the continuation of the Government's suit against ASCAP, instructing the officers and directors of the Association to support the suit, commending Joseph C. Hostetler, NAB copyright counsel, for his services to broadcasting in attempting to obtain relief from the alleged ASCAP monopoly, and affirming the action of the Board of Directors taken at their New York meeting on June 22.

The following constitute the officers and directors of the Association for the current year:

PRESIDENT—Leo J. Fitzpatrick, WJR, Detroit, Michigan.

FIRST VICE PRESIDENT—Charles W. Myers, KOIN, Portland, Oregon.

SECOND VICE PRESIDENT—Edward A. Allen, WLVA, Lynchburg, Virginia.

TREASURER—Isaac D. Levy, WCAU, Philadelphia, Pennsylvania.

MANAGING DIRECTOR—James W. Baldwin, Washington, D. C.

Directors

For the Three-Year Term:

*Ed Craig, WSM, Nashville, Tennessee.

*J. O. Maland, WHO, Des Moines, Iowa.

*Ralph Brunton, KJBS, San Francisco, California.

*Tom W. Symons, Jr., KFPY, Spokane, Washington.

*W. Wright Gedge, WMBC, Detroit, Michigan.

For the Two-Year Term:

Alfred J. McCosker, WOR, Newark, New Jersey.

Harry C. Butcher, WJSV, Washington, D. C.

John J. Gillin, Jr., WOW, Omaha, Nebraska.

Gordon Persons, WSFA, Montgomery, Alabama.

**Gardner Cowles, Jr., KSO-KRNT, Des Moines, Iowa.

For the One-Year Term:

William S. Hedges, WEA, New York, N. Y.

H. K. Carpenter, WHK, Cleveland, Ohio.

I. R. Lounsbury, WGR-WKBW, Buffalo, New York.

Frank M. Russell, WRC-WMAL, Washington, D. C.

Arthur B. Church, KMBC, Kansas City, Missouri.

*Elected at the recent convention.

**Named director by the Board of Directors until the next convention. This action by the board was made necessary because neither of the three candidates for the place received a majority of the votes cast and train departures did not permit further balloting.

PROCEEDINGS WILL BE PRINTED

The proceedings of the Thirteenth annual convention of the NAB will be published in NAB REPORTS as soon as the official transcript is available.

RESOLUTIONS ADOPTED BY NAB CONVENTION

Resolution No. 1

RESOLVED, That the National Association of Broadcasters sincerely thanks the Hon. Anning S. Prall, Chairman of the Federal Communications Commission, for the information, common sense and usefulness of his message delivered at its thirteenth annual convention, and that the membership believes that his message will serve as a potent aid in assisting the licensees of American broadcasting stations to cooperate with the Federal Communications Commission.

Resolution No. 2

RESOLVED, That the National Association of Broadcasters hereby expresses its sincere thanks to Mr. Andrew W. Cruse for his contribution to the interest and value of the thirteenth annual convention of this Association.

Resolution No. 3

RESOLVED, That the National Association of Broadcasters hereby expresses its keen appreciation to Mr. Edwin M. Spence and his convention committee for their many courtesies and the very efficient manner in which they have handled the arrangements incidental to the thirteenth annual convention of this Association.

Resolution No. 4

RESOLVED, That the National Association of Broadcasters hereby extends its hearty thanks to Gene O'Fallon, Chairman, F. W. Myer, G. E. Nelson, W. D. Pyle, Lou Keplinger and Mrs. Gene O'Fallon of the Local Convention Committee for their admirable services in making the thirteenth annual convention of the National Association of Broadcasters an outstanding success.

Resolution No. 5

RESOLVED, That the National Association of Broadcasters hereby extends its hearty thanks to the management of the Broadmoor Hotel and to Mrs. Elliott, Manager of the Colorado Springs Chamber of Commerce Convention Bureau, for their splendid services in making the thirteenth annual convention of this Association an outstanding success; also to the management of the Hotel Antlers and other hotels for their courtesies in accommodating so many of our guests.

Resolution No. 6

RESOLVED, That the official acts of the Managing Director since the twelfth annual convention be and the same are hereby approved.

Resolution No. 7

WHEREAS, Philip G. Loucks has served faithfully and with distinction as Managing Director of the National Association of Broadcasters for the past five years, and

WHEREAS, mainly by reason of his untiring efforts, sane and courageous leadership, the Association has grown from small beginnings into an organization representative of every phase of the industry and exerting a vital influence in the development of this new medium of mass communication, to a position of recognized importance, both socially and economically, and

WHEREAS, Mr. Loucks has seen fit to leave the Association in favor of the practice of law, the field which has always constituted his principal interest, it is now

RESOLVED, That this convention, by a rising vote, express its deepest appreciation for the unremitting service which Mr. Loucks has rendered the Association and broadcasting as a whole, and that it extend to him the heartiest good wishes of the membership and industry for his every success in his new venture.

Resolution No. 8

RESOLVED, That the National Association of Broadcasters hereby approves and adopts the amendments to the Constitution and By-laws of said Association which were duly submitted to its members in advance of the meeting at which this resolution was adopted, as provided by said Constitution and By-laws, said amendments being as follows:

1. Article III, Section (a)

Strike out all of the section and insert the following in lieu:

"(a) The membership of the Association shall consist of—

(1) Any duly admitted person, firm or corporation engaged in the operation of any radio broadcasting station, to be known as an ACTIVE MEMBER.

(2) Any person, firm or corporation associated with radio broadcasting, to be known as an ASSOCIATE MEMBER."

Article V, Section (b):

Line 2—Insert after the word "the" and before the word "members" the word "active."

Article V, Section (c):

Line 1—Insert after the word "the" and before the word "members" the word "active".

Article VII:

Line 2—Insert after the word "five" and before the word "members" the word "active".

Line 3—Insert after the word "the" and before the word "membership" the word "active".

Line 6—Insert after the word "ten" and before the word "members" the word "active".

5. By-law 1, Section (a)

Line 1—Insert after the word "dues" and before the word "shall" the words "of active members".

6. By-law 1, Section (b)

Strike out all of the section and insert the following in lieu:

"(b) The annual dues of Associate Members of this Association shall be at the rate of two hundred fifty dollars per year, payable quarterly in advance."

7. By-law 3, Section (b)

Line 3—Insert after the word "the" and before the word "members" the word "active".

8. By-law 4, Section (a)

Line 2 Insert after the word "to" and before the word "membership" the word "active".

9. By-law 4, Section (b)

Insert after the word "Each" and before the word "member" the word "active."

10. By-law 5, Section (a)

Line 2—Insert after the word "the" and before the word "membership" the word "active".

Line 5—Insert after the word "the" and before the word "members" the word "active".

Resolution No. 9

RESOLVED, That the Managing Director be and he hereby is authorized to take such steps as may be necessary adequately to represent the best interests of the broadcasting industry in the forthcoming conferences preparatory to the Fourth Meeting of the CCIR, scheduled for the spring of 1937, and in the meeting of the CCIR.

Resolution No. 10

RESOLVED, That the President be and he hereby is authorized and directed to appoint a committee of three, one of whom shall be the Managing Director, to determine the procedure for most effective presentation of the United States position and proposals to the next administrative international conference scheduled to be held in Cairo early in 1938; and that the committee be and they are hereby directed to make recommendations to the Board of Directors so that the same may be available for consideration at the 1936 convention.

Resolution No. 11

RESOLVED, That the action of the Managing Director in authorizing the Technical Director of the Association to cooperate actively with the FCC and the stations contributing to the conduct of the Secondary Coverage Survey be and the same is hereby approved; and that the Managing Director be and he is hereby authorized to continue such participation particularly during forthcoming conferences at which the results of the survey are to be considered.

Resolution No. 12

RESOLVED, That the opinion reached by the Engineering Committee with reference to the Federal Communications Commission's proposed fidelity standards be communicated to the Chairman of the Federal Communications Commission for his information and that of the Engineering Department of the Commission.

Resolution No. 13

RESOLVED, That the Managing Director be instructed to proceed immediately with the creation of a bureau of agency recognition in accordance with the plan approved and recommended by the Commercial Committee, with the understanding that the said bureau will be finally established only if the cost of its first year of operation is underwritten by the stations proposing to avail themselves of its services.

Resolution No. 14

WHEREAS, the 1934 convention of the National Association of Broadcasters directed the chairman of the Commercial Section to appoint a committee of five to study what is pertinent information for the advertising agencies and the advertisers who are buyers of radio advertising and to invite discussions with representatives of the American Association of Advertising Agencies and the Association of National Advertisers with a view of setting up a bureau for the broadcasting industry, and

WHEREAS, such committee was appointed, studied the problem and conducted discussions with the aforementioned organizations, the results of which discussions have been reported by the chairman of the Commercial Section to the Board of Directors and the convention,

THEREFORE BE IT RESOLVED, That the National Association of Broadcasters reaffirm its willingness to cooperate with the advertisers and agencies in the creation of a cooperative bureau, and that the President of the Association be directed to appoint a committee of not less than five members, to be approved by the Board of Directors and to be responsible to it, the said committee to conduct such activities as may be necessary to the establishment of such a bureau and to represent the National Association of Broadcasters in any discussions or negotiations with advertisers and/or agencies.

Resolution No. 15

RESOLVED, That the Board consider the establishment of one or more annual NAB awards for conspicuous examples of public service rendered by American broadcasting stations.

Resolution No. 16

RESOLVED, That the National Association of Broadcasters hereby adopts the revised code of ethics as presented in the report of the chairman of the Commercial Committee.

Resolution No. 17

RESOLVED, That the NAB continue to cooperate with the Federal Communications Commission and educational groups in all practical efforts to study the application of education to radio.

Resolution No. 18

RESOLVED, That the National Association of Broadcasters hereby thanks the Legislative Committee and its chairman, Henry A. Bellows, for their diligent work during the past year, and that the Association hereby recommends that the Managing Director give careful study to this report of the Legislative Committee and bring all such matters to the attention of the Board of Directors which had not been covered otherwise in resolutions adopted at this convention.

Resolution No. 19

RESOLVED, That the NAB hereby petitions the Congress of the United States speedily to enact Senate Bill No. 3047, generally known as the Duffy Copyright Bill, which brings the Copyright Act of 1909 into conformity with the pending Treaty which would permit American entry into the International Copyright Union, and which will afford relief to broadcasting stations, hotels, restaurants, public gatherings, valet shops, and so forth, by eliminating the minimum statutory damage provision and permitting the Court to determine the amount of damages.

And that a copy of this resolution be communicated to the chairman of the Patents Committee of the Senate, the Hon. Wm. G. McAdoo; to Senator Duffy; to the chairman of the Patents Committee of the House of Representatives, Representative Sirovich, and to Representative Bloom.

Resolution No. 20

WHEREAS, it is the declared policy of the Congress of the United States that the Federal Communications Commission in the administration of the radio law shall have no censorship powers over radio programs, and

WHEREAS, the greatest possible freedom of speech must be preserved to radio broadcasting, be it therefore

RESOLVED, That the NAB instructs its officers and directors to oppose any and all legislation and governmental regulations, the effect of which would result in the abridgment of freedom of speech.

Resolution No. 21

Since it is the consensus of opinion of the members of the National Association of Broadcasters that the Attorney General of the United States be commended for instituting antitrust proceedings against the American Society of Composers, Authors and Publishers, et al., and

WHEREAS, the Attorney General of the United States, the Hon. Homer S. Cummings, and the Special Assistant Attorney General, Andrew Bennett, have faithfully and diligently served the public interest by proceeding with such suit against the members of said Society with dispatch and in a commendable effort to rid the people of this country of monopolistic practices which are subversive to the business principles of a free people, and

WHEREAS, it appears that the public interest necessitates and requires that such proceedings be pressed to a final and speedy determination, it is

RESOLVED, That this Association favors and approves a continuation of the activities of the Attorney General and his staff in the Government's proceedings against the American Society of Composers, Authors and Publishers, et al., and that the President of the Association is hereby directed to express our gratitude and appreciation to the Attorney General and his staff for such action on the behalf of the public interest, and it is respectfully urged that the Attorney General and his staff continue therewith, with the assurances of our support.

Resolution No. 22

RESOLVED, That the officers and directors of the National Association of Broadcasters be instructed to support the suit of the United States Government against the American Society of Composers, Authors and Publishers, The Music Publishers Protective Association and their affiliated defendants, to the end that royalties for the public performance of music may be determined by free and open competition among copyright owners.

Resolution No. 23

WHEREAS, Joseph Hostetler, the counsel for the copyright activities of NAB has made a complete and full report of his activities in this respect, and since his efforts in this regard have at all times been prompted by a sincere desire to perform a distinct service to the broadcasting industry as a whole in following out the instructions that this industry gave him as its attorney, it is

RESOLVED, by this body that Joseph Hostetler should be warmly commended for his efforts to obtain relief for the broadcasting industry from the ravages of the American Society of Composers, Authors and Publishers, and it is recommended that he be given the opportunity to continue to give the same service to the NAB and the members thereof at large as he has in the past.

Resolution No. 24

RESOLVED, That the NAB hereby affirms the action of the Board of Directors taken at their New York meeting on June 22, 1935, as expressed in the following resolution:

"WHEREAS, a full report covering the recent negotiations with ASCAP has been made to the Board by A. J. McCosker, chairman of the Copyright Committee heretofore appointed, and certain of the members of the committee; and by Edward Klauber, representing CBS; A. L. Ashby, representing NBC, I. D. Levy, representing WCAU, and J. C. Hostetler, copyright counsel for the NAB; the Board makes the following declaration of principles and facts:

"1. The Board reiterates that the so-called 'per piece plan' or 'measured service plan' is the fairest and best to be followed in paying for the use of copyrighted music, in that it enables each broadcaster to pay a price fixed by the individual owner of copyrights, competitively, and compels no person to buy or pay for more than he actually uses.

"2. The Board believes that the two networks and WCAU when they accepted a five-year extension of the present contract, did so only after the NAB Copyright Committee found it impossible to work out with the copyright committee of ASCAP a 'per piece' or 'measured service' plan prior to the expiration of present contracts; and that when they accepted such contracts it was because the networks and WCAU felt that it was necessary for the industry

to have available upon the best terms possible, the repertoire controlled by ASCAP, and for the reason that it is impossible to operate a radio broadcasting station without the use, to a greater or lesser extent, of the music so controlled.

"3. The Board believes that every broadcaster must come to a decision as to whether or not he desires to extend his present contract for a period of five years from January 1, 1936, (1) in the light of the requirements of his station, (2) his contract commitments, if any, either to the network or advertisers, and (3) the fact that the suit being prosecuted by the United States has been continued until early in November, 1935, and therefore in all probability cannot be decided by the trial court prior to the date of the extension of the present license already granted which is January 1, 1936."

Resolution No. 25

RESOLVED, That the NAB go on record as favoring the issuance of radio station licenses for a term of at least three years.

REVISED NAB CODE OF ETHICS

The following is the revised Code of Ethics adopted by the Thirteenth Annual Convention of the NAB. The code incorporates the principal trade practice provisions of the radio broadcasting code which were found to be of benefit to the industry. Other than this it remains substantially the same as the code adopted in 1929.

CODE OF ETHICS

1. Recognizing that the radio audience includes persons of all ages and all types of political, social and religious belief, each member station will endeavor to prevent the broadcasting of any matter which would commonly be regarded as offensive.

2. When the facilities of a member station are used by others than the owner, the member shall ascertain the financial responsibility and character of such client, that no dishonest, fraudulent or dangerous person, firm or corporation may gain access to the radio audience.

3. Matter which is barred from the mails as fraudulent, deceptive or obscene shall not be broadcast by a member station.

4. Each member station shall refuse any advertising matter regarding products or services injurious to health.

5. Each member station shall maintain a public record of its current rates charged to advertisers for the use of broadcasting time together with all discounts, rebates, refunds and agency commissions which shall be allowed to the users of such time or to their recognized agents.

6. Each member station shall refuse to accept any business on a cost per inquiry, contingent, or percentage basis, or to accord free time for commercial use.

7. No member station shall permit the broadcasting of advertising statements or claims which he knows or believes to be false, deceptive or grossly exaggerated.

8. No member station shall defame or disparage a competitor, directly or indirectly, by words or acts which untruthfully call in question such competitor's business integrity, ability to perform contracts, credit standing or quality of service.

9. No member station shall claim for its service a character, scope or quality which cannot be substantiated, nor shall it claim as regular characteristics of its service features which it knows to be purely temporary or accidental.

10. Where charges of violation of any article of the code of ethics of the National Association of Broadcasters are filed in writing with the Managing Director, the Board of Directors shall investigate such charges, give opportunity for hearing and afterwards notify the station of its findings.

AGENCY RECOGNITION BUREAU AUTHORIZED

The establishment of an agency recognition bureau, similar to that maintained by other major media, was authorized by the Convention on the basis of a detailed plan recommended by the Commercial Committee. The plan was the result of an intensive study of the recognition practices and the suggestions of more than 200 stations and an analysis of similar bureaus maintained by other media.

The work of the bureau, when established, will include the collection of information from agencies on the basis of which recommendation for recognition can be made, the publication of lists of recognized agencies, and the operation of a credit clearing house, whereby credit information will be made available to subscribing stations.

The bureau will be established only if the costs of its first year

of operation are underwritten by stations desiring to avail themselves of its services. Details regarding the project will be mailed to all member stations very shortly.

The following are the conditions governing agency recognition which were approved by the Commercial Committee and incorporated in the plan recommended by the Convention:

Conditions Governing Agency Recognition

The broadcaster looks upon the advertising agency as a necessary element in the creation of advertising and in the development of advertising volume. For those essential services to the station it grants the agency a commission.

Station — will recognize advertising agencies as being eligible to be granted agency commissions only upon their fulfillment of the following conditions:

1. *Financial Responsibility.* To that end, the agency must furnish evidence of its financial responsibility. It must have resources adequate to its needs and business practices that are sound.
2. *Demonstrated Ability.* The principals as individuals and the agency as an organization, must have demonstrated their ability to develop and serve advertisers and to render broadcast advertising service. The individual applicant must have presented satisfactory evidence of his or its integrity and financial ability to meet its obligations.
3. *Bona Fide Service.* To the end that it may render bona fide economic service to advertiser and broadcaster alike, the agency
 - (a) must be operating primarily in the agency field;
 - (b) must not be prejudiced in its judgment of media or forms of advertising service by investment or interest in any organization engaged in the sale of advertising or its mechanics.
 - (c) To ensure the bona fide translation of the commission granted by the station into service, the agency must not rebate, either directly or indirectly, any portion of its commission to any third party.
4. *Cooperative Practice.* The agency must be willing to establish a continuing cooperation with the Association—ready to give necessary, proper and accurate information as to its financial condition and methods of operation upon reasonable request.
5. *Duration of Recognition.* Final recognition will be granted only following a probationary period. Recognition will continue for so long as the agency complies with the conditions set forth herein.

Special Conditions Governing Payment of Commissions

Station — further states that the following conditions will govern the payment of commissions to recognized agencies:

1. No agency commission will be paid on accounts which the station has developed and where the salesman has secured the order and schedule prior to a recognized agency being appointed to handle the account. Regular commissions will be paid however, to a recognized agency on any subsequent contract schedule or service which may be placed through or performed by the said agency for the same account.
2. No agency commission will be paid for business placed at the station's retail or local rate unless specifically provided for in the rate card.

COOPERATIVE BUREAU COMMITTEE NAMED

President Fitzpatrick, has named, with the approval of the Board of Directors, the following committee to continue the work of the Association with regard to the possible establishment of a cooperative bureau of listener data and similar information to be maintained jointly by the broadcasters, advertisers and advertising agencies: Arthur B. Church, Chairman, Edgar Kobak, J. O. Ma-land, H. K. Boice, and A. J. McCosker. J. V. L. Hogan, consulting radio engineer has been appointed an advisory member of the committee on engineering matters. Dr. Herman S. Hettinger, NAB Research Director and University of Pennsylvania faculty member, will continue to advise the committee on research and similar matters.

NAB AND RMA COOPERATE IN RADIO AWARDS

Cooperation between the NAB and RMA in the setting up of annual awards in broadcasting similar to the Pulitzer prizes in the publication field was instituted when President Fitzpatrick was

authorized by the Board of Directors to appoint a committee of three to represent the NAB in working out plans with a similar committee from the RMA. The resolution calling for the appointment of the committee followed an invitation to cooperate in the creation of awards extended by Bond Geddes, Executive Vice President of the RMA. The committee will be appointed in the near future.

NEW MEMBERSHIP CLASS CREATED

A new class of membership, known as Associate Membership, has been established under amendments to the Constitution and By-Laws adopted by the convention.

Under the new plan, active membership will be restricted to persons or corporations engaged in the operation of radio stations. Other individuals or corporations associated with radio broadcasting and wishing to become members of the Association will be eligible to make application for associate membership.

Annual dues of associate members will be \$250 annually, payable quarterly in advance. Only active members are entitled to voting power in the association.

CENSORSHIP FOR FOREIGN PROGRAMS

Two bills, S. 3261, introduced by Senator Walsh of Massachusetts, and H. R. 8852, introduced by Congressman McKeough of Illinois, if enacted will require prior approval by the Secretary of State, of any radio address or radio program broadcast by or for or in the interest of any foreign government. The text of the bills, which is identical, follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 317 of the Communications Act of 1934 is hereby amended by adding thereto as subsection (B) the following:

"(B) Any radio address or radio program broadcast by or for or in the interest of any foreign government, or subdivision thereof, or person interested therein shall not be broadcast by any licensee until such radio address or radio program has been submitted to the Department of State and the approval of the Secretary of State has been secured in writing and is filed with such licensee. Any licensee permitting the broadcasting of any radio address or radio program by or for or in the interest of any foreign government, or subdivision thereof, or any person interested therein, without having on file, prior to such broadcast, the written approval of the Secretary of State, shall be penalized by the immediate revocation of such license."

FCC HEARS A. T. & T. ON COAXIAL CABLE

The Federal Communications Commission, sitting en banc, on July 15 heard the joint application of the New York Telephone Company and the American Telephone and Telegraph Company for authority to construct an experimental coaxial cable from New York to Philadelphia. The application aroused some interest because of the possibility of the use of this type of cable for local and intercity distribution of television programs in addition to its many possibilities in the existing commercial communications field.

The A. T. & T. Co. some time ago entered into a stipulation with the Postal and Western Union companies to the effect that the proposed cable would not be used commercially without further hearing before the Commission. In the opening statement of counsel for the petitioner a stipulation was proposed to the effect that the proposed cable would be used only experimentally, and that further application would be made to the Commission for authority for commercial use if such use should appear desirable after completion of experiment. The Commission thereupon took official notice of the suggested stipulation and limited the testimony to experimental phases of the proposed cable.

Dr. Frank B. Jewett, President of Bell Telephone Laboratories, was the principal witness for the petitioner. Dr. Jewett described the construction of the cable and discussed at considerable length the various factors believed by him to make the proposed installation in the public interest.

The National Association of Broadcasters intervened in the proceedings and was represented by James W. Baldwin, Managing Director, and J. C. McNary, Technical Director.

Examination of witnesses developed, among other things:

1. That the manufacturing costs incidental to the construction of the cable (which may be reflected in subsequent capitalization of the project and of proposed tariffs for commercial use) are in no wise controlled by competitive bids.

2. That the proposed cable is adaptable to all known Television Systems.

3. That although there had been certain conversations between the applicant and the RCA both before and after the filing of the application, no agreement exists between A. T. & T. Co. and any television experimenter concerning the use of the cable.

4. That A. T. & T. Co. has no plans for the use of this type of cable for distribution of programs to telephone subscribers by wired radio or otherwise.

The application requests authority to construct a cable consisting of two concentric transmission lines and several signal circuits within one lead sheath, providing for two way communication if desired. The repeaters proposed to be associated with the cable are to be spaced every ten miles. The repeaters will obtain their power from a 60-cycle supply over the cable itself and are designed to provide substantially uniform transmission over a frequency range of one megacycle. The Western Electric Company was stated not to have developed terminal apparatus for television purposes but to be in a position to do so if it should later appear desirable.

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

Cease and desist orders have been issued against the following concerns by the Commission:

Nos. 2035, 2121, 2123-30. Great Northern Fur Dyeing & Dressing Co., Inc., and others, Long Island, N. Y.; Mendoza Fur Dyeing Works, Inc., and Van Dye Way Corporation, of New York City; Oakland Fur Dyeing, Inc., and Iceland Fur Dyeing Co., of Brooklyn, N. Y.; Bayonne-Newland Fur Dressers & Dyers, Inc., Jersey City, N. J.; A. Hollander & Son, Inc., and others, Joseph Hollander, Inc., Hudson Fur Dyeing, Inc., and Philip A. Singer & Bro., Inc., all of Newark, N. Y.

A modified order has been issued providing that the term "Hudson Seal" may be used to describe the color or character of the dye of muskrat fur, such as "Hudson Seal-dyed Muskrat," but the word "Hudson" alone or in connection with other words, may not be used to describe dyed cony (rabbit) fur. The order provides that the description for cony dyed to stimulate seal shall be "Seal-dyed Cony."

No. 2171. Butterick Publishing Co., McFadden Publications, Inc., Frank A. Munsey Co., Street & Smith Publications, Inc., Pictorial Review Co., International Circulation Co., Inc., S-M News Co., Inc., and Midwest Distributors, Inc.

The order prohibits the respondents, by agreement, combination or concert of action among themselves or with others, from preventing or seeking to prevent any person, firm or corporation lawfully owning secondhand or back-number magazines from selling them to distributors or dealers.

Also, the order bans the joint action of causing or seeking to cause wholesalers of magazines to prevent newsdealers or other retailers from dealing in second-hand or back-number magazines, or in any manner interfering with the business of distributors or dealers in second-hand or back-number magazines.

Provision is made in the order that nothing therein shall prevent the respondents from agreeing to take such action against wholesalers and retailers of their magazines as may be reasonably necessary to prevent unsold publications, for which the respondents have reimbursed the dealers, from being again placed on sale as reading matter.

Nos. 2251, 2263-67, 2270, 2276, 2277 and 2280. Akron Candy Co., Akron, O.; Bonita Co., Fond du Lac, Wis.; A. McLean & Son, Chicago, Ill.; M. J. Holloway & Co., Chicago, Ill.; Ryan Candy Co., Dallas, Tex.; Meadow Brook Candy Co., Moline, Ill.; Dante Candy Co., Chicago, Ill.; Sifers Confection Co., Hammond, Ind.; and Magic City Candy Co., Birmingham, Ala.

The orders direct these companies to cease and desist from selling candy to jobbers and wholesale dealers so packed that its sale may be made by means of a lottery, also from supplying or placing in the hands of wholesalers or jobbers packages of candy which may be used without rearrangement of the contents so as to conduct a lottery, gaming device or gift enterprise.

No. 2287. James D. Boulger, Greenfield, Mass., trading as the Eastern Textile Co. The respondent is prohibited from using the words "Dress Goods" to describe remnants sold, unless and until there appears in conjunction therewith in equally conspicuous letters the word "Remnants." It was said that Boulger, in his advertisements, offered remnants for sale as "Dress Goods" in such a manner as to mislead the purchasing public into believing that all of the remnants were suitable for making dresses when in fact most of them were not of sufficient size or quality to be used for such purpose.

Boulger is also directed to stop employing the phrase "Direct to You" in connection with or in close proximity to the word "Mill," and from using the words "Direct to You" or "Direct from the Mill," unless and until he owns and operates a factory from which the remnants are shipped directly to the purchasers.

Other representations are also enjoined in the Commission order. No. 2393. Harry Shiftman, New York City, trading as Eagle Supply Co. Shiftman is directed to cease using the phrase "Manufactured by Masterkraft Color Co., Brooklyn, N. Y." in advertisements of paint or on labels unless and until such company becomes "in reality an existing and operating concern and such paint has been manufactured by such concern." The respondent consented to the issuance of the order.

Stipulations

No. 0874. Nurse Wilson Products, Buffalo, N. Y. The respondent, selling a remedy for obesity, called "Nurse Wilson Reducor," agrees to stop advertising that this preparation is both harmless and safe to use, and that it is the result of many years of research by a brilliant English physician.

No. 0875. G. M. Drug Co., Dallas, Texas. The company agrees no longer to advertise its "Gordon's Compound" as a competent treatment for stomach and bowel troubles unless the assertion is limited to gastric hyperacidity and sour stomach and to such functional disorders as would be relieved by a mild laxative or astringent and for which this preparation may be a remedy.

No. 1040 (Amended.) Maynard, Inc., Chicago and New York. The respondent, a cosmetic manufacturer, has entered into a stipulation with the Federal Trade Commission to cease and desist from use of the words "Containing Turtle Oil" as a part of or in connection with the labels affixed to the containers in which its facial cream is packed. This company also will discontinue use of other similar or equivalent words or expressions which may have a tendency to mislead buyers into believing that the oil content of the facial cream is composed in substantial part of turtle oil, when this is not true.

No. 1398. American Gold Vintages, Inc., New York City. Wines charged by artificial means with carbon dioxide and not made effervescent by natural fermentation, will no longer be advertised by the respondent, by designations such as "Sparkling Burgundy," unless such description is accompanied by other words or phrases like "Carbonated," "Artificially Carbonated" or "Carbon Dioxide Added" in plain and distinct type. This company has signed a stipulation to that effect with the Federal Trade Commission.

The respondent also will cease using the word "Champagne" to describe a product not produced by natural fermentation in the bottle.

No. 1400. William E. Harrison, New York City, trading as the Harrison Radio Company. The respondent agrees to cease and desist from advertising that he will refund money paid by dissatisfied purchasers of radio sets, without at the same time disclosing the fact that a deduction will be made for the cost of reconditioning returned merchandise.

Harrison is said to have sold short-wave-length radio sets and equipment, advertising that dissatisfied purchasers could return the merchandise within five days and receive a refund of their money, but to have failed to make known that it was his practice to deduct ten per cent from the amounts refunded for the cost of reconditioning the returned merchandise.

No. 1401. Gus Stephens, Chicago, trading as the Tested Specialties Co. The respondent agrees to cease advertising his product called "On-The-Nose" by means of such phrasing as "effective against distemper" or "positive remedy for distemper" or other phrases which may have a tendency to deceive buyers into believing that the product is a remedy for dog distemper, according to the stipulation. Stephens will cease publishing on letterheads or other forms of advertisements that he has laboratories or factories in the United States or Canada, when this is not true.

No. 1402. Reliable Merchandise Co., Chicago, Ill. The company also agrees to cease representing by word or picture that it owns or occupies a large office building or owns a factory, when this is not true.

Reliable Merchandise Co. is said to have advertised in its catalogues and price lists certain prices for lotions, toilet water and razor blade hones, when in fact these selling values were greatly exaggerated and such products had not been made with the intention that they would be sold at such enhanced prices, according to the stipulation.

No. 1403. Spiegel, May, Stern & Co., Chicago, Ill. The respondent will cease and desist from using in its catalogues or otherwise the words "Wool Face," either alone or in connection with

other words, to describe its products so as to imply, or in a manner which may have a tendency to deceive buyers into believing, that the rugs or the face of the rugs are made of wool. Provision is made, however, that when the rugs or the face of the rugs are composed in substantial part of wool, and the words "Wool Face" are used, these words are to be accompanied by other words in equally conspicuous type clearly showing that the article is not made entirely of wool.

The corporation also agrees to cease representing that its rugs have "greater wearing qualities than similar rugs that have always sold for as much as ten times the price," and will cease advertising that the shipping weight of its product is "43 lbs" or of any other designated shipping weight which is in excess of the actual amount.

No. 1404. Lewis Cooper, Chicago, formerly trading as Berkshire Co., Publicity Department, but now as Lancaster China Co., Publicity Department.

Cooper will no longer use on coupons or otherwise, ambiguous and misleading representations respecting the terms and conditions on which the coupons are to be redeemed, and especially with reference to payment by customers for premiums. He will cease using on coupons or otherwise exaggerated representations respecting the selling value of the premiums to which retailers' customers may become entitled.

No. 1405. Reliable Tire Co., Chicago, Ill., trading as York Tire and Rubber Co. and as the Globe Tire and Rubber Co. The respondent has stipulated with the Federal Trade Commission to cease unfair advertising practices. The company engages in the purchase, repair and resale of used automobile tires.

Advertising "new low tire prices" and a guarantee of twelve months' service, the company made known that it sold certain well-known makes of tires. The stipulation points out that they were not new tires nor were they "reconstructed" or retreaded, but that reconditioning was limited to the repair of worn or damaged portions and to vulcanizing and painting the tires so that they presented a new appearance.

Use of the word "reconstructed" or words of similar import to designate its process of reconditioning tires will be discontinued, under the stipulation, as will be use of the word "reconstructed" or similar expressions which may tend to deceive buyers into believing that these tires are reconditioned or rebuilt, when this is not true.

No. 1406. Miordrag Jelisjevich, New York City, trading as the Pioneer Sound Laboratory. The respondent agrees to cease using "all wave" as descriptive of his products when they are not capable of reception over the entire meter range covering all broadcasts and commercial transmissions, and to cease implying in advertisements that users of his radio receiving sets can have world-wide or foreign reception at will and with satisfactory volume.

The respondent's advertising was said to be misleading and deceptive to the purchasing public, who are not aware that there are no receiving instruments that will give easily tuned, satisfactory reception over short waves from foreign countries under all conditions.

Complaints

The Commission has alleged unfair competition in complaints issued against the following companies. They will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

Nos. 2451-55, 2470-79, 2481, 2486-89. Kelly Brewing & Malting Co., Paterson, N. J.; trading as Rosecrest Distillers; Dominion Distilleries, Inc., Jersey City, N. J.; Paramount Distilleries, Inc., Cleveland, Ohio; Byrd Distilling Co., Louisville, Ky.; Imperial Distillers Corp., Los Angeles, Calif.; Colonial Distilling and Distributing Corporation, New York City; Campbell Distilleries, Inc., Camden, N. J.; Massachusetts Breweries & Distilleries Corporation, Boston; Hercules Products & Distilling Corp., Brooklyn, N. Y.; United Distilling Company, Cincinnati; Distillers Exchange, Inc., New York City; L. Musil Distilling Company, Racine, Wis.; Nacional Destilerias Corporation, Indianapolis; Valley Springs Distillery, Inc., Chicago; Sunnyland Distilling Co., Inc., Louisville, Ky.; Ambur Distilleries, Inc., Milwaukee, Wis.; United Distillers & Winers, Inc., Detroit, Mich.; United Importers & Distillers, Inc., New Haven, Conn.; Consolidated Distillers Corporation, Baltimore, Md.; Mount Rose Distilling Co., Trenton, N. J.

No. 2456. Blackwell Publishing Co., publishers of the Blackwell (Okla.) *Daily Journal*. The complaint charges the *Journal* with selling advertising space at a price substantially below the cost of setting up and printing the advertisements, and substantially below the cost at which its competitor, the Blackwell *Tribune*, can set

up and publish the advertisements, thus forcing the *Tribune* either to forego this vital part of its business or to operate at no profit or at a loss.

Journal representatives are alleged to have falsely represented to *Tribune* subscribers that the *Tribune* was on the verge of financial failure and soon would be forced to suspend publication, and that subscribers to the *Tribune* would lose all or a greater part of the money paid to the *Tribune* for subscriptions. The complaint also charges that the *Journal* further sought to deprive the *Tribune* of subscribers by offering them its own paper without charge for the remaining term of their subscriptions to the *Tribune*, on condition that they would thereafter subscribe only to the *Journal*.

The practices of fixing advertising rates below a profitable return and of making disparaging statements of the *Tribune's* financial condition are alleged to have the purpose and intent of forcing the *Tribune* out of business in Blackwell, Okla., and other territory served by both papers, and thereby to gain for the *Journal* a monopoly of the newspaper business in that territory. Both papers circulate in Oklahoma and southern Kansas.

The respondent is given until Friday, August 2, to show cause why there should not be issued an order to cease and desist from the practices alleged in the complaint.

No. 2457. New England Collapsible Tube Co., New London, Conn., and Robert P. Gust Co., Inc., Chicago, Ill. Engaged in the manufacture of dentifrices, the New England firm is alleged to have sold four tooth pastes or creams in tubes and cartons simulating in size, shape, dress and appearance the tubes and cartons of four well-known dentifrice companies, but with fictitious company names and the printed price in excess of that at which these products ordinarily would have been sold.

Tubes and cartons in which the New England company's four dentifrices were sold are described as similar in size, shape and other characteristics to the tubes and cartons of four nationally-known brands, namely, Squibb Dental Cream, Forhan's, Ipana Tooth Paste, and Pepsodent Tooth Paste.

Respondent caused the fictitious price of fifty cents to be marked on the ends of its cartons, according to the complaint. The brand names, also said to be fictitious, were as follows: "Quire's Milk of Magnesia Dental Cream—Quire Laboratories, New York—50¢; Forsyth Dental Cream—Forsyth Labs., New York, N. Y.; Payne's Tooth Paste—Payne Laboratories, New York—Price 50¢; and Palmer's Tooth Paste—Palmer Laboratories, New York, N. Y.—50¢."

The Robert P. Gust Co., Inc., manufacturers' sales agent, is alleged to have sold the four dentifrices made by the New England Collapsible Tube Co.

No. 2485. Philip Welsh, Pacific Palisades, Calif., trading as the Welsh Foundation. The respondent's advertisements of his booklet called "The 7 Essentials of Health" are alleged in the complaint to have a tendency to deceive the buying public into believing that this booklet contains instructions and secrets of life and modes of living that will prevent and cure all or most of the diseases of mankind.

The complaint alleges that Welsh's instructions are not such as to prevent or cure all diseases and that many of his instructions are mere repetitions of facts of common knowledge.

No. 2483. Try-Mo Radio Co., Inc., New York City. Advertisement of "All-Wave Receivers," "Powertone World Wide Short-Wave Products" and "Powertone World Reception" is alleged to be false and misleading in that none of the respondent's products makes it possible for the operator to receive through a single instrument either the domestic broadcast band or the foreign broadcast band at his pleasure.

No. 2490. T. S. Craig, Dallas, Texas, dealer in hosiery, trading as the United Silk Co.

Among practices alleged is the representation to purchasers that the respondent will deliver to them hosiery of the size and color desired and of the quality or grade represented by the sample, when in fact, according to the complaint, he ships stockings of a quality or grade inferior to the sample selected and inferior to the quality indicated by the purported mill number description. It is charged that after discovery of this and complaint by the purchaser, Craig fails and refused to make good his representations and promises.

The complaint says the respondent's use on blanks of the name "United Silk Co.," and the designation "Dallas Office" and use of the term "Mill No." with the description and price of each quality or grade, causes prospective purchasers to believe that they are dealing with an established, substantial concern carrying in stock or having available for delivery hosiery of the quality indicated by the mill number, when this is not true.

No. 2480. Glenn Leach, trading as G. Leach & Co., Pittsburgh, Pa. The respondent, who is engaged in the sale of earthenware kitchen utensils in competition with dealers in aluminum and other utensils, is said to have falsely represented that consumption of food prepared or kept in aluminum utensils causes diseases such as ulcers, cancers and cancerous growths.

Leach is also alleged to have represented falsely that the price of his wares is much lower than the regular retail price and that he is a manufacturer. The complaint points out that Leach does not manufacture the ware sold by him but buys it from a factory owned and operated at Roseville, Ohio. It also charges that Leach also advertised his product as fire resistant when this was not true.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act;

Incorporated Investors Voting Trust, Boston, Mass (2-1486, Form F-1).

Incorporated Investors, Boston, Mass. (2-1487, Form A-1).

Equitable Investment Corporation of Massachusetts, Boston, Mass. (2-1488, Form A-1).

Bayonne Bolt Corporation, Bayonne, N. J. (2-1489, Form A-1).

Texas San Antonio Corporation, Dallas, Texas (2-1490, Form E-1).

Metropolitan District New Homes Corp., New York City (2-1491, Form C-1).

Allegheny Steel Company, Breckenridge, Pa. (2-1492, Form A-2).

Allegheny Steel Company, Breckenridge, Pa. (2-1493, Form A-2).

Godhauz Sugars, Inc., New Orleans, La. (2-1494, Form A-1).

United Securities Company of Mo., Kansas City, Mo. (2-1495, Form C-1).

United Securities Company of Mo., Kansas City, Mo. (2-1496, Form C-1).

Esmeralda-Parral Mining Company, Philadelphia, Pa. (2-1497, Form A-1).

No. 1—Roseld Avenue Deal Corp., Trenton, N. J. (2-1499, Form E-1).

Midcontinent Carey Trust, Tulsa, Okla. (2-1500, Form A-1).

Olympic Forest Products Company, San Francisco, Cal. (2-1501, Form A-1).

Spiegel, May Stern Company, Chicago, Ill. (2-1502, Form A-2).

Hassinger-O'Brien Lease, Butler, Pa. (2-1504, Form A-1).

Gyro Air Lines, Inc., Denver, Colo. (2-1505, Form A-1).

New York Water Service Corp., Long Island, N. Y. (2-1506, Form A-2).

Noel & Company, Nashville, Tenn. (2-1509, Form D-1A).

Noel & Company, Nashville, Tenn. (2-1510, Form E-1).

Cleveland Railway Company, Cleveland, Ohio (2-1511, Form A-2).

Medusa Portland Cement Co., Cleveland, Ohio (2-1512, Form A-2).

Northern Ohio Telephone Co., Bellevue, Ohio (2-1513, Form A-2).

United Wholesale Druggists, Inc., Boston, Mass. (2-1514, Form A-1).

North Central Gas Company, Casper, Wyom. (2-1515, Form A-1).

Anglo American Mining Corp. Ltd., San Francisco, Cal. (2-1516, Form A-1).

Citizens Mortgage & Securities Co., Inc., Springfield, Mo. (2-1518, Form A-1).

Reynolds Spring Company, Jackson, Mich. (2-1519, Form A-2).

Abbott Laboratories, North Chicago, Ill. (2-1522, Form A-2).

Edward G. Budd Mfg. Co., Philadelphia, Pa. (2-1524, Form D-1A).

Edward G. Budd Mfg. Co., Philadelphia, Pa. (2-1525, Form E-1).

Sussex Fire Insurance Co., Newark, N. J. (2-1526, Form A-1).

The Whele Brewing Co., West Haven, Conn. (2-1527, Form A-1).

American Seating Company, Grand Rapids, Mich. (2-1528, Form A-2).

American Seating Company, Grand Rapids, Mich. (2-1529, Form D-1A).

W. H. Walburg et al., Dayton, Ohio (2-1530, Form F-1).

Peoria Distilleries, Inc., Peoria, Ill. (2-1531, Form A-1).

Virginia City Mining Company, Butte, Mont. (2-1532, Form A-1).

Muskegon Piston Ring Co., Muskegon, Mich. (3-1533, Form A-2).

Refugee Economic Corp., New York City (2-1534, Form A-1).
The Hurth Hotel Bondholders Committee, Cincinnati, Ohio
(2-1536, Form D-1).
Michigan Chemical Corporation, St. Louis, Mo. (2-1537, Form
A-1).
American Toll Bridge Company, Vallejo, Cal., (2-1540, Form
A-1).
Amarillo Producers Company, Amarillo, Texas (2-1541, Form
A-1).
Gold Shore Mines, Ltd., Winnipeg, Canada (2-1543, Form A-1).
Brown Shoe Company, St. Louis, Mo. (2-1544, Form A-2).

WORLD RADIO FIGURES RELEASED

There are 56,247,429 radio sets in operation in the world today, according to a bulletin just released by the Electrical Division of the Bureau of Foreign and Domestic Commerce.

The United States leads the world with 25,551,569 radio sets, including automobile sets and similar units in addition to those installed in homes. The number of sets in operation in other leading countries is as follows: Great Britain, 7,055,464; Germany, 6,734,745; France, 2,763,123; Russia, 2,000,000; Japan, 1,859,987; Canada 812,335; and Argentina, 600,000.

ADVERTISING BIBLIOGRAPHY PUBLISHED

A bibliography, containing all recent books of any importance dealing with advertising and related fields, has been published recently by the Advertising Federation of America. The bibliography has been divided conveniently into various fields such as advertising agencies, copy, media, specific fields of advertising chain stores, cooperative marketing, law of advertising, radio advertising, advertising and marketing research and similar headings.

The bibliography is the work of Alfred T. Falk, Director of the Bureau of Research and Education of the Advertising Federation of America. Copies may be procured by writing the Federation headquarters, 330 West 42nd Street, New York City. The cost is fifty cents.

NEW MARKET DATA AVAILABLE

The first data to correlate income and the consumption of goods within the same families in various income classes has just been published by the Bureau of Foreign and Domestic Commerce in a study entitled "Consumer Use of Selected Goods and Services by Income Classes, Austin, Texas." Building materials, heating apparatus, fuel for heating and for cooking, bathing facilities, mechanical refrigeration and automobiles are the items treated in the report.

This is the first report of a series which will include communities in each Census District. Since the information revealed by the various reports will probably be indicative of the situation in wide areas of the country, broadcasters will do well to consider this data in their market analyses. Copies may be secured from the Bureau of Foreign and Domestic Commerce, Washington, D. C., at a price of ten cents per copy.

NEW NORTH DAKOTA STATION RECOMMENDED

George B. Bairey filed an application with the Federal Communications Commission asking for a construction permit to erect a new broadcasting station at Valley City, N. D., to use 1500 kilocycles, 100 watts power and unlimited time on the air.

Melvin H. Dalberg(e) in Report No. I-68 has recommended that the application be granted. The Examiner found that the applicant is in all ways qualified to operate the proposed station and that the granting of the application would in no way cause interference with existing radio facilities nor with pending applications.

BILL AUTHORIZES ACCOUNTANTS

The House Committee on Interstate and Foreign Commerce has made a favorable report on S. 1336 to amend paragraph (f) of section 4 of the Communications Act of 1934.

The bill authorizes the employment by the Federal Communications Commission of a chief accountant and not more than three assistants. No provision is made in the Communications Act for such employees. The bill has already passed the Senate.

OREGON DENIAL RECOMMENDED

Carl C. Struble applied to the Federal Communications Commission for a construction permit for a new broadcasting station

to be erected at The Dalles, Ore., to use 1200 kilocycles, 100 watts power and unlimited time on the air.

John P. Bramhall(e) in Report No. I-73 recommends that the application be denied. The Examiner found that the applicant failed to show that he has had any experience or is particularly qualified to erect and manage a station and his financial assets are not sufficient to warrant such a station.

NEW APPLICANT DEFAULTS

Radio Service, Inc., applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at Las Vegas, Nev. to use 1200 kilocycles, 100 watts power and unlimited time on the air.

P. W. Seward (e) in Report No. I-71 recommends that the application be denied as in cases of default. When the hearing was called there were no appearances.

LICENSEES ABSENT AT RENEWAL HEARING

M. B. Scott and Edward C. Strum, operating Station KPJM, Prescott, Ariz., applied to the Commission for license renewal. The station's operating assignment was 1500 kilocycles, 100 watts power and unlimited time.

The same Examiner in Report No. I-70 recommends that the application be denied on the basis that when the hearing was held there were no appearances.

WHBC AND WJW OBTAIN FAVORABLE REPORT

Station WJW, Akron, Ohio filed application with the Federal Communications Commission asking that its daytime power be increased from 100 to 250 watts power. WHBC, Canton, Ohio, asked that its daytime power also be increased from 100 to 250 watts and that it be granted specified hours of operation. Station WHBC also asked that its time be changed from specified hours to unlimited time.

George H. Hill(e) in Report No. I-69 recommended that the application of Station WJW be granted increasing its power and also that the application of Station WHBC be granted for both increasing its power and the unlimited hours of operation "on condition that the applicant install an antenna which complies with the recommendations of the Engineering Department of the Commission."

RECOMMENDS FREQUENCY CHANGE FOR KTFI

Broadcasting station KTFI, Twins Falls, Idaho using unlimited time, 1240 kilocycles, and 500 watts day and 1,000 watts night has applied to the Federal Communications Commission to change its frequency to 630 kilocycles and surrender the special experimental authorization it now has permitting it to use 1,000 watts night on an experimental basis.

Ralph L. Walker(e) in Report I-75 has recommended that the application be granted. The Examiner found that the record discloses a substantial need for additional service in the area and it was found that this could be allowed without interference with any existing station.

RECOMMENDS AGAINST PENNSYLVANIA STATION

F. L. Whitesell filed an application with the Federal Communications Commission asking for a permit for the erection of a new broadcasting station to be erected at Forty Fort, Pa., to use 930 kilocycles, 500 watts power and daytime operation.

R. H. Hyde(e) in Report No. I-74 has recommended that the application be denied. The Examiner found that the applicant's evidence did not afford convincing proof that if the new station were permitted, it would be financed in such a manner as to serve public interest. It is also contended that the proposed station would cause interference with existing stations.

RECOMMENDS AGAINST TWO TEXAS STATIONS

The Brownsville Broadcasting Company applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at Brownsville, Texas, to use 1370 kilocycles, 100 watts power and unlimited time. Application was also made to the Commission by the Denton Broadcasting Company for the erection of a station at Denton, Texas, to use 1420 kilocycles, 100 watts power and day-time operation.

Ralph L. Walker(e) in Report No. I-72 recommends that both of the applications be denied. The Examiner found that the evidence in either case did not show that sufficient talent was available at either Texas point or that the stations would receive adequate financial support.

WAGNER-CONNERY LABOR RELATIONS ACT

[PUBLIC—No. 198—74TH CONGRESS]

[S. 1958]

AN ACT

To diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, to create a National Labor Relations Board, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND POLICY

SECTION 1. The denial by employers of the right of employees to organize and the refusal by employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing commerce by (a) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (b) occurring in the current of commerce; (c) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or (d) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce.

The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects the flow of commerce, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilization of competitive wage rates and working conditions within and between industries.

Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions, and by restoring equality of bargaining power between employers and employees.

It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

DEFINITIONS

SEC. 2. When used in this Act—

(1) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) The term "employer" includes any person acting in the interest of an employer, directly or indirectly, but shall not include the United States, or any State or political subdivision thereof, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

(3) The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse.

(4) The term "representatives" includes any individual or labor organization.

(5) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(6) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

(7) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

(8) The term "unfair labor practice" means any unfair labor practice listed in section 8.

(9) The term "labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(10) The term "National Labor Relations Board" means the National Labor Relations Board created by section 3 of this Act.

(11) The term "old Board" means the National Labor Relations Board established by Executive Order Numbered 6763 of the President on June 29, 1934, pursuant to Public Resolution Numbered 44, approved June 19, 1934 (48 Stat. 1183), and reestablished and continued by Executive Order Numbered 7074 of the President of June 15, 1935, pursuant to Title I of the National Industrial Recovery Act (48 Stat. 195) as amended and continued by Senate Joint Resolution 133¹ approved June 14, 1935.

NATIONAL LABOR RELATIONS BOARD

SEC. 3. (a) There is hereby created a board, to be known as the "National Labor Relations Board" (hereinafter referred to as the "Board"), which shall be composed of three members, who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of three years, and one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(b) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board, and two members of the Board shall, at all times, constitute a quorum. The Board shall have an official seal which shall be judicially noticed.

(c) The Board shall at the close of each fiscal year make a report in writing to Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

SEC. 4. (a) Each member of the Board shall receive a salary of \$10,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint, without regard for the provisions of the civil-service laws but subject to the Classification Act of 1923, as amended, an executive secretary, and such attorneys, examiners, and regional directors, and shall appoint such other employees with regard to existing laws applicable to the employment and compensation of officers and employees of the United States, as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by Congress. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section

¹ So in original.

may, at the direction of the Board, appear for and represent the Board in any case in court. Nothing in this Act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation or mediation (or for statistical work), where such service may be obtained from the Department of Labor.

(b) Upon the appointment of the three original members of the Board and the designation of its chairman, the old Board shall cease to exist. All employees of the old Board shall be transferred to and become employees of the Board with salaries under the Classification Act of 1923, as amended, without acquiring by such transfer a permanent or civil service status. All records, papers, and property of the old Board shall become records, papers, and property of the Board, and all unexpended funds and appropriations for the use and maintenance of the old Board shall become funds and appropriations available to be expended by the Board in the exercise of the powers, authority, and duties conferred on it by this Act.

(c) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

SEC. 5. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the United States. A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case.

SEC. 6. (a) The Board shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this Act. Such rules and regulations shall be effective upon publication in the manner which the Board shall prescribe.

RIGHTS OF EMPLOYEES

SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

SEC. 8. It shall be an unfair labor practice for an employer—

(1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided*, That subject to rules and regulations made and published by the Board pursuant to section 6 (a), an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: *Provided*, That nothing in this Act, or in the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, secs. 701-712), as amended from time to time, or in any code or agreement approved or prescribed thereunder, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in this Act as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representative of the employees as provided in section 9 (a), in the appropriate collective bargaining unit covered by such agreement when made.

(4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act.

(5) To refuse to bargain collectively with the representatives of his employees, subject to the provisions of Section 9 (a).

REPRESENTATIVES AND ELECTIONS

SEC. 9. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: *Provided*, That any individual employee or a group of employees shall have the right at any time to present grievances to their employer.

(b) The Board shall decide in each case whether, in order to

insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of this Act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof.

(c) Whenever a question affecting commerce arises concerning the representation of employees, the Board may investigate such controversy and certify to the parties, in writing, the name or names of the representatives that have been designated or selected. In any such investigation, the Board shall provide for an appropriate hearing upon due notice, either in conjunction with a proceeding under section 10 or otherwise, and may take a secret ballot of employees, or utilize any other suitable method to ascertain¹ such representatives.

(d) Whenever an order of the Board made pursuant to section 10 (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section, and there is a petition for the enforcement or review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under sub-sections 10 (e) or 10 (f), and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the Board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript.

PREVENTION OF UNFAIR LABOR PRACTICES

SEC. 10. (a) The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in section 8) affecting commerce. This power shall be exclusive, and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise.

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than five days after the serving of said complaint. Any such complaint may be amended by the member, agent, or agency conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent or agency conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony. In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

(c) The testimony taken by such member, agent or agency or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If upon all the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this Act. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If upon all the testimony taken the Board shall be of the opinion that no person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing the said complaint.

(d) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(e) The Board shall have power to petition any circuit court of appeals of the United States (including the Court of Appeals of the District of Columbia), or if all the circuit courts of appeals to which application may be made are in vacation, any district court of the United States (including the Supreme Court of the District of Columbia), within any circuit or district, respectively,

¹ So in original.

wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and order of the Board. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board, its member, agent or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board as to the facts, if supported by evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its member, agent, or agency, and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business, or in the Court of Appeals of the District of Columbia, by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith served upon the Board, and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding, certified by the Board, including the pleading and testimony upon which the order complained of was entered and the findings and order of the Board. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e), and shall have the same exclusive jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board; and the findings of the Board as to the facts, if supported by evidence, shall in like manner be conclusive.

(g) The commencement of proceedings under subsection (e) or (f) of this section shall not, unless specifically ordered by the court, operate as a stay of the Board's order.

(h) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified or setting aside in whole or in part an order of the Board, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (U. S. C., Supp. VII, title 29, secs. 101-115).

(i) Petitions filed under this Act shall be heard expeditiously, and if possible within ten days after they have been docketed.

INVESTIGATORY POWERS

SEC. 11. For the purpose of all hearings and investigations, which, in the opinion of the Board, are necessary and proper for the exercise of the powers vested in it by section 9 and section 10—

(1) The Board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being inves-

tigated or proceeded against that relates to any matter under investigation or in question. Any member of the Board shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the Board, its member, agent, or agency conducting the hearing or investigation. Any member of the Board, or any agent or agency designated by the Board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(2) In case of contumacy or refusal to obey a subpoena issued to any person, any District Court of the United States or the United States courts of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of the Board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(4) Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(5) All process of any court to which application may be made under this Act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

(6) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

SEC. 12. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or both.

LIMITATIONS

SEC. 13. Nothing in this Act shall be construed so as to interfere with or impede or diminish in any way the right to strike.

SEC. 14. Wherever the application of the provisions of section 7 (a) of the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, sec. 707 (a)), as amended from time to time, or of section 77 B, paragraphs (l) and (m) of the Act approved June 7, 1934, entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of bankruptcy throughout the United States' approved July 1, 1898, and Acts amendatory thereof and supplementary thereto" (48 Stat. 922, pars. (l) and (m)), as amended from time to time, or of Public Resolution Numbered 44, approved June 19, 1934 (48 Stat. 1183), conflicts with the application of the provisions of this Act, this Act shall prevail: *Provided*, That in any situation where the provisions of this Act cannot be validly enforced, the provisions of such other Acts shall remain in full force and effect.

SEC. 15. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 16. This Act may be cited as the "National Labor Relations Act."

Approved, July 5, 1935.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Thursday, July 25, 1935

NEW—F. N. Pierce, Taylor, Texas.—C. P., 1310 kc., 100 watts, daytime.

WRJN—Racine Broadcasting Corp., Racine, Wis.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1370 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

WOW—Woodmen of the World Life Ins. Asso., Omaha, Nebr.—Granted modification of C. P. authorizing approval of transmitter site, change type of equipment, and extend commencement date to within 30 days after grant and completion date to within 90 days thereafter.

WPAY—Vee Bee Corp., Portsmouth, Ohio.—Granted license to cover C. P. authorizing move of station from Mt. Orab to Portsmouth, Ohio, and installing of new equipment; 1370 kc., 100 watts, unlimited time.

WHEF—Attala Broadcasting Corp., Kosciusko, Miss.—Granted license to cover C. P. for local move of transmitter; 1500 kc., 100 watts night, 250 watts day, unlimited.

KWBG—W. B. Greenwald, Hutchinson, Kans.—Granted license to cover C. P. authorizing erection of new station to operate on 1420 kc., 100 watts, unlimited time.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Granted license to cover C. P. authorizing increase in power from 25 to 50 KW and installing new equipment.

WHDL—Tupper Lake Broadcasting Co., Inc., Olean, N. Y.—Granted consent to voluntary assignment of license to Olean Broadcasting Co., Inc.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with power of 50 watts from local sunset to 11 p. m., EST, on Tuesdays, Thursdays, Saturdays and Sundays, for the period July 1 to July 31, 1935, in order to broadcast local civic and political activities.

KGKB—East Texas Broadcasting Co., Tyler, Texas.—Granted 30-day temporary authority to operate from 8 a. m. to 2 p. m. and from 5 to 11 p. m., CST, instead of from 8 to 10 a. m., 12 noon to 2 p. m., 5 to 6, and 7:30 to 9 p. m., CST, as at present licensed.

WMFI—Patrick J. Goode, New Haven, Conn.—Granted modification of C. P. approving transmitter and studio sites, make changes in equipment, and extend completion date to 60 days after grant.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted extension of special experimental authority to operate on 1100 kc., unlimited time, using directional antenna at night, for the period August 1, 1935, to February 1, 1936.

WOKO—WOKO, Inc., Albany, N. Y.—Granted C. P. to move transmitter due west of old location to a site located at intersection of Central Avenue and Tremont Street, and erect a $\frac{1}{4}$ wave vertical radiating tower; also make changes in equipment.

WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa.—Granted license to cover C. P. authorizing move of transmitter from Waterloo to a site $7\frac{1}{2}$ miles northeast of Cedar Rapids.

WJJD—WJJD, Inc., Mooseheart, Ill.—Granted C. P. to move transmitter to Des Plains, Ill., and erect a new vertical radiator.

KLUF—Geo. Roy Clough, Galveston, Tex.—Granted extension of special experimental authority to operate with 250 watts daytime for the period ending January 1, 1936.

NEW—The Monocacy Broadcasting Co., Rockville, Md.—Granted C. P. for new station to operate on 1140 kc., 250 watts, daytime.

W1XCW—E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, Portable (St. Albans, Vt.).—Granted license to

cover C. P. (exp. gen. exp.), frequencies 31100, 34600, 37600, 40600 kc., 20 watts.

W9XGM—WCB, Inc., Portable (Waukegan, Ill.).—Granted license to cover C. P., frequencies 31100, 34600, 37600, 40600 kc., 5 watts.

W10XCL—Hearst Radio, Inc., Portable-Mobile (New York City).—Granted modification of license to operate under Rule 320 (broadcast pickup) instead of Rule 307. (Present assignment: 31100, 34600, 37600, 40600 kc., 15 watts.

W10XCM—Hearst Radio, Inc., Portable-Mobile (New York City).—Granted modification of license to operate under rule 320 (broadcast pickup) instead of Rule 307. (Present assignment: 31100, 34600, 37600, 40600 kc., 15 watts.

NEW—Donald A. Burton, Portable-Mobile (Muncie, Ind.).—Granted C. P. (exp. gen. exp.), frequencies 31100, 34600, 37600, 40600 kc., 5 watts, unlimited time.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted authority to install automatic frequency control.

W1XBS—American Republican, Inc., Prospect Township (New Haven County), Conn.—Granted renewal of experimental broadcast station license for the period ending December 1, 1935, in exact conformity with existing license.

KAST—Abraham Shapiro, Astoria, Ore.—Granted license to cover C. P. for new station; 1370 kc., 100 watts, daytime.

National Broadcasting Co., Inc., New York City.—Granted authority to use studio for production of programs to Canadian radio stations.

KIUP—C. Guy Shepard, Durango, Colo.—Granted involuntary assignment of C. P. from LeRoy Haley to C. Guy Shepard.

NEW—G. L. Burns, Brady, Tex.—Granted amended C. P. for new station to operate on 1500 kc., 100 watts, daytime, and application dismissed from hearing docket.

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Granted modification of special temporary experimental authorization to operate with 500 KW at night and conventional antenna for a period of 30 days.

NEW—Anderson Broadcasting Corp., Portable-Mobile (Anderson, Ind.).—Granted C. P., frequencies 31100, 34600, 37600, 40600 kc., 7 watts.

NEW—Kansas State College of Agriculture and Applied Science, Portable-Mobile, Manhattan, Kans.—Granted C. P. (exp. gen. exp.), frequencies 31100, 34600, 37600, 40600 kc., 4 watts.

NEW—Agricultural Broadcasting Co., Portable-Mobile (Chicago).—Granted C. P. (exp. gen. exp.), frequencies 31100, 34600, 37600, 40600 kc., 25 watts.

NEW—Agricultural Broadcasting Co., Portable-Mobile (Chicago) (2 apps.).—Granted C. P. (exp. gen. exp.), frequencies 31100, 34600, 37600, 40600 kc., 2 watts power.

NEW—Agricultural Broadcasting Co., Portable (Chicago).—Granted C. P. for new broadcast pickup station; frequencies 1606, 2020, 2102, 2760 kc., 100 watts.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—Granted license to cover C. P. for broadcast pickup station, experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 25 watts, for period ending October 1, 1936.

W2XBH—Radio Pictures, Inc., New York City.—Granted renewal of existing license for the period August 1 to November 1, 1935.

W1XKA-W8XKA-W3XKA—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—Granted renewal of licenses for the period ending October 30, 1935.

W3XDD—Bell Telephone Laboratories, Inc., New York City.—Granted renewal of license for a period of 90 days from July 29, 1935.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted C. P. to use present transmitter as auxiliary and move it from Kearny to Carteret, N. J.

WJAX—City of Jacksonville, Jacksonville, Fla.—Granted modification of C. P. approving transmitter site and extending commencement date to 30 days after grant and completion date to 90 days thereafter.

KGBX—KGBX, Inc., Springfield, Mo.—Granted modification of special authorization to make changes in equipment.

KABC—Alamo Broadcasting Co., San Antonio, Tex.—Granted C. P. to make changes in equipment and increase day power from 100 to 250 watts.

WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Granted modification of C. P. extending commencement date to August 18, 1935, and completion date to December 18, 1935.

WPFB—Otis Perry Eure, Hattiesburg, Miss.—Granted voluntary

assignment of license from Otis Perry Eure to Forrest Broadcasting Company.

- WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Granted modification of C. P. to extend completion date from August 1, to October 1, 1935.
- WGH—Hampton Roads Broadcasting Corp., Newport News, Va.—Granted license to cover C. P. for new station, frequency 1310 kc., 100 watts night, 250 watts day, unlimited time.
- KIUJ—J. H. Speck, Santa Fe, N. Mex.—Granted assignment of license from J. H. Speck to W. C. Irvin.
- WNBC—William J. Sanders, New Britain, Conn.—Granted license to cover C. P. for new station, frequency 1380 kc., 250 watts, daytime.
- WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted license to cover C. P., 550 kc., 500 watts, daytime.
- KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted license to cover C. P. covering installation of new equipment and increase in power from 5 to 10 KW; 770 kc., simultaneously day WBBM, S-WBBM night; synchronously WBBM LS to midnight.

APPLICATIONS SET FOR HEARING

- NEW—John A. Stump, Fairbanks, Alaska.—Application for C. P. for new station, 1210 kc., 50 watts, specified hours.
- NEW—W. H. Kindig, Hollywood, Calif.—Application for C. P. for new station, 1300 kc., 1 KW, share KFAC.
- NEW—R. J. Nasser, Sacramento, Calif.—Application for C. P. for new station, 850 kc., 250 watts, daytime.
- WDAE—Tampa Times Company, Tampa, Fla.—Application for C. P. to make changes in equipment, change day power from 1 to 5 KW.
- KADA—C. C. Morris, Ada, Okla.—Application for special authorization to operate on 1200 kc., 100 watts, unlimited time, for period of 90 days.
- NEW—National Television Corp., New York City.—Application for C. P. for new experimental visual broadcast station; frequencies 42000-56000, 60000-86000 kc., 30 watts, unlimited.
- NEW—Albert E. Davis, Brownwood, Tex.—Application for C. P. for new station, 1200 kc., 100 watts, unlimited time.
- KOL—Seattle Broadcasting Co., Seattle, Wash.—Application for modification of license to increase daytime power from 2½ to 5 KW.
- WJBW—Charles C. Carlson, New Orleans, La.—Application for modification of license to change hours of operation from sharing with WBNO to unlimited, contingent upon the granting of WBNO's application for modification of license now in hearing docket.
- NEW—A. Staneart Graham, E. V. Baxter, Norman Baxter, d/b as Pittsburgh Broadcasting Co., Pittsburg, Kans.—C. P., already in hearing docket, amended so as to read: Change frequency, from 1310 kc. to 1500 kc., 100 watts, unlimited.
- NEW—Clark Standiford, Visalia, Calif.—C. P., already in hearing docket, amended so as to read: Transmitter and studio location, Visalia, Calif., exact site to be determined with Commission approval; 1310 kc., 100 watts, daytime.
- WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Modification of C. P. to change frequency from 890 kc. to 850 kc., hours of operation from unlimited to daytime only, and extend commencement date to 30 days after grant and completion date to 180 days thereafter.
- KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Modification of license to change frequency to 890 kc. and to operate with 500 watts, unlimited time. Requests facilities of WMMN.
- WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Modification of license to change frequency from 1450 kc. to 890 kc., and requests facilities of WMMN.
- WBNX—Standard Cahill Co., Inc., New York City.—Application for C. P. to move station locally, exact location to be determined subject to Commission approval; make changes in equipment, and increase power from 250 watts to 1 KW.
- KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Application for C. P. to make changes in equipment; increase power from 500 watts to 1 KW night, 5 KW day.
- NEW—Wayne Broadcasting Co., Hamtramack, Mich.—Application for C. P. for new station, 1370 kc., 100 watts, daytime.
- NEW—Champaign News-Gazette, Inc., Champaign City Limits, Ill.—Application for C. P. for new station, 1370 kc., 100 watts, unlimited time.

- NEW—Pauline Holden, Porterville, Calif.—Application for C. P. for new station, 1210 kc., 100 watts, unlimited time.
- KFDM—Sabine Broadcasting Co., Inc., Beaumont, Tex.—Application for modification of license to change power from 500 watts night, 1 KW day, to 1 KW day and night, using present antenna system.
- NEW—G. A. Patterson, Chattanooga, Tenn.—Application for C. P. for new station, 1200 kc., 100 watts, unlimited time.
- WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Application for modification of C. P. to increase day power from 2½ to 5 KW.
- NEW—Robert E. Cole, Washington, Pa.—Application to amend C. P., already in hearing docket, to read: 1350 kc., 250 watts, daytime.
- KFJM—University of North Dakota, Grand Forks, N. Dak.—Application to amend C. P., already in hearing docket, to read: Change frequency from 1370 kc. to 1410 kc., power from 100 watts to 1 KW night, 5 KW day; make changes in antenna.
- KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Application to amend C. P., already in hearing docket, to read: Move station locally, exact location to be determined subject to Commission approval; install new equipment; and increase power from 1 to 5 KW. To be heard by Division en banc.
- NEW—American Broadcasting Corp. of Ohio, near Town of Brooklyn, Ohio.—Application for C. P. for new station to operate on 890 kc., 500 watts night, 1 KW day, unlimited time.
- KGA—Louis Wasmer, Spokane, Wash.—Application for special experimental authority to change frequency from 1470 kc. to 950 kc., operating with 1 KW night, 5 KW day.

ACTION ON EXAMINER'S REPORT

- NEW—Ex. Rept. No. 1-71: Radio Service, Inc., Las Vegas, Nev.—Denied as in default application for C. P. for station to operate on 1200 kc., 100 watts, unlimited time, sustaining Examiner P. W. Seward.
- WAAT—Ex. Rept. No. 1-42: Bremer Broadcasting Corp., Jersey City, N. J.—Granted renewal of license, 940 kc., 500 watts, daytime until 6 p. m., EST. Also granted license to cover C. P. to move transmitter locally and install new equipment. Order effective August 8, 1935. Examiner R. H. Hyde sustained.
- KCRC—Ex. Rept. No. 1-49: Enid Radiophone Co., Enid, Okla.—Granted modification of license to change frequency from 1370 kc. to 1360 kc.; increase power from 100 watts night, 250 watts day, to 250 watts; unlimited time. Order effective July 16, 1935. Examiner R. H. Hyde sustained in part.
- NEW—Ex. Rept. No. 1-58: Price Siever, O. L. Bayless, and J. W. Steele, Jr., Duncan, Okla.—Denied C. P. for new station (broadcast) to operate on 1500 kc., 100 watts, unlimited time. Order effective August 13, 1935. Examiner R. H. Hyde sustained.
- NEW—Ex. Rept. No. 1-59: Raymond L. Hughes, Midland, Tex.—Denied C. P. for new station to operate on 1200 kc., 100 watts, daytime hours; and E. F. Houser and Clyde Miller, d/b as Big Spring Broadcasting Co., Big Spring, Tex.—Denied C. P. for new broadcast station to operate on 1210 kc., 100 watts, daytime hours. Order effective August 13, 1935. Examiner R. L. Walker sustained.

ORAL ARGUMENTS GRANTED

Oral arguments were granted, scheduled to be held October 17, 1935, before the Broadcast Division, in re Examiner's Report No. 1-60, involving Station WSIX, Springfield, Tenn.; Evansville on the Air, Inc., Evansville, Ind.; and Nashville Broadcasting Corp., Nashville, Tenn. Also in the case of Mary H. and W. C. Morris, d/b as Hotel Eagle, Eagle Pass, Tex. (Docket 2636), and T. Yount, d/b as Universal Advertising Agency, Larado, Tex. (Docket 2835), heard by Commissioner Brown.

The Broadcast Division, sitting en banc, will hear oral argument on November 7, 1935, on exceptions to Examiner Reports Nos. 1-44 and 1-61. Report No. 1-44 deals with the application of KMAC, San Antonio, Tex., for special experimental authority to change frequency from 1370 kc. to 950 kc., increase in power from 100 watts to 1 KW, and change in time to unlimited; also the application of T. E. Kirksey, Lubbock, Tex., to change frequency from 1310 kc. to 940 kc., and increase power from 100 to 500 watts;

also application of KGKL, San Angelo, Tex., to change frequency from 1370 kc. to 940 kc., increase power to 500 watts, daytime. Report No. 1-61 deals with application of J. L. Scroggin for new station at St. Joseph, Mo., to operate on 1310 kc., 100 watts, unlimited time; and an identical application by News Broadcasting Co., at St. Joseph, Mo.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

- WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Special experimental authority, 1340 kc., 1 KW, unlimited time.
- WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of C. P. (550 kc.), 1 KW, 5 KW LS, unlimited time; extend commencement and completion dates.
- WEHC—Community Broadcasting Corp., Charlottesville, Va.—Special temporary experimental authority, 1420 kc., 100 watts, 250 watts LS, simultaneous night WEED.
- NEW—Herbert Lee Blye, Lebanon, Pa.—C. P., 1240 kc., 250 watts, daytime.
- NEW—Herbert Lee Blye, Uniontown, Pa.—C. P., 1420 kc., 100 watts, daytime.
- WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa.—Modification of special experimental authority to use S.A. at new location; 600 kc., 1 KW, 2½ KW LS, unlimited time.

MISCELLANEOUS

- KQV—KQV Broadcasting Co., Pittsburgh, Pa., and WSMK—WSMK, Inc., Dayton, Ohio.—Denied extension of special temporary experimental authority, effective immediately, for stations KQV and WSMK, to operate simultaneously from 8 p. m. to 12 midnight, EST, for period beginning July 1 and ending not later than July 31, 1935. (KQV and WSMK normally licensed for simultaneous daytime operation (July sunset 8 p. m., EST) and specified hours at night on 1380 kc., power of KQV 500 watts and WSMK 250 watts.)
- NEW—Jackson D. Magenau, Erie, Pa.—Denied petition to hear earlier than October 17, 1935, oral argument in re exceptions to Examiner's Report made on application for new station at Erie, Pa.
- NEW—WMAN Broadcasting Co., Mansfield, Ohio.—Denied petition to hear earlier than October 17, 1935, oral argument in re exceptions to Examiner's Report made on application for new station at Mansfield, Ohio.
- J. David Stern, New York City.—Granted motion to reinstate application for C. P. specifying 810 kc., 500 watts from 6 a. m. to LS Minneapolis, Minn., facilities of WNYC. Also granted leave to file appearance and participate in hearing on October 24, 1935, of application of WLWL for modification of license to change frequency from 1100 kc. to 810 kc. and operating time from specified hours to unlimited.
- NEW—Arthur Westlund and Jules Cohn, Santa Rosa, Calif.—Amended application for new radio broadcasting station to operate on 1310 kc., to be heard at the same time application of Howard W. Haskett for new station at Santa Rosa, Calif., to operate on 1280 kc. is considered. Record in case where Westlund and Cohn applied for station to operate on 1500 kc., 100 watts, to be kept open.
- WATR—The WATR Company, Inc., Waterbury, Conn.—Granted request for continuance of hearing scheduled for August 9 to August 15, to accommodate counsel for the protestant, W1XBS, American Republican, Inc.
- KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—Granted request to take depositions in re application for new station to operate on 1450 kc., 500 watts, unlimited time.
- WJBW—Chas. C. Carlson, New Orleans, La.—Reconsidered action in designating application for renewal of license for hearing and granted same.
- WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Denied petition requesting authority to operate, daytime only, in Toledo, Ohio, with 100 watts, on 1210 kc.
- KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Reconsidered action of June 18th in granting license and set for hearing application to operate on 1240 kc., 1 KW, unlimited time.
- KTAT—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Reconsidered action of June 18th in granting license and set for

hearing application to operate on 570 kc., 500 watts night, 1 KW unlimited time.

- KFH—Radio Station KFH Co., Wichita, Kans.—Suspended action taken May 28, 1935, authorizing changes in equipment and increase in day power to 5 KW, and designated application for hearing on protest of KFBI.
- NEW—Centennial Broadcasting Corp., Dallas, Tex.; and NEW—Dallas Broadcasting Co., Dallas, Tex.; and Paris Broadcasting Co., Paris, Tex.; and KGBX—E. Texas Broadcasting Co., Tyler, Tex.—Granted petition extending to August 1, 1935, within which to file exceptions to Examiner's Report No. 1-64, due July 10.
- NEW—North Side Broadcasting Corp., New Albany, Ind.—Denied petition asking Commission to reconsider and grant application without hearing, for new station to operate, daytime only, on 1370 kc., 250 watts.
- Miles J. Hansen, Fresno, Calif.—Granted request for an order to take depositions in support of application for C. P. for new radio station at Fresno, Calif.
- Palmer Broadcasting Syndicate, Inc.; Cumberland Broadcasting Co., Inc.; Eastern Broadcasting Co.—Granted continuance of hearing, scheduled for July 31, on applications to establish new stations at Portland, Me., to operate 1210 kc., 100 watts, unlimited time.
- WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted postponement for 30 days from July 9, of effective date of decision denying application for increase in power, in order to give Commission time to consider application to move station, use new antenna, and to change equipment.
- KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Denied petition asking Commission to reconsider, and grant without hearing, application to increase power to 10 KW. Hearing scheduled for May 9 was continued until further notice.
- NEW—Springfield Newspapers, Inc., Springfield, Ohio.—Denied petition asking Commission to reconsider, and grant without hearing, application for authority to erect new station to operate on 1120 kc., 250 watts, daytime only.
- WDAY—WDAY, Inc., Fargo, N. Dak.—Granted motion to intervene in application of Robert K. Herbst for new broadcast station at Moorhead, Minn., to operate on 1310 kc.

APPLICATION DENIED

- NEW—A. Corenson, Pasadena, Calif.—C. P., 1480 kc., 100 watts, daytime, heretofore set for hearing, was denied as in cases of default for failure to file an appearance in accordance with Rule 48 (b).

APPLICATIONS RECEIVED

First Zone

- WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Authority to determine operating power by direct measurement of antenna.
- WJAR—The Outlet Co., Providence, R. I.—Modification of construction permit authorizing changes in equipment and move of transmitter from Outlet Co. Bldg., 176 Weybosset St., Providence, R. I., to junction Newport Ave. and Ferris Ave. (Rumford), E. Providence, R. I., requesting further changes in equipment and increase in power from 250 watts night, 500 watts day, to 500 watts day and night, and extend commencement date to 30 days after grant and completion date to 180 days thereafter.
- WNEL—Juan Piza, San Juan, Puerto Rico.—Construction permit to make equipment changes and increase power from 500 watts to 1 KW night, 2½ KW day.
- NEW—Philip J. Wiseman, Lewiston, Maine.—Construction permit for a new station to be operated on 1210 kc., 100 watts, unlimited time.
- WDEV—Harry C. Whitehill, Waterbury, Vt.—Construction permit to install new equipment and increase power from 500 watts to 1 KW.
- NEW—National Broadcasting Co., Inc., Portable-Mobile.—Construction permit for a new general experimental (broadcast pickup) station to be operated on 31100, 34600, 37600, 40600 kc., 25 watts.
- NEW—National Broadcasting Co., Inc., Portable-Mobile.—License to cover above.
- NEW—National Broadcasting Co., Inc., Portable-Mobile.—Construction permit for a new general experimental (broadcast pickup) station on 31100, 34600, 37600, 40600 kc., 25 watts.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—License to cover above.

NEW—National Broadcasting Co., Inc., Washington, D. C.—Construction permit for a new general experimental (broadcast pickup) station to be operated on 31100, 31600, 34600, 35600, 37600, 38600, 40600, 41000 kc., 100 watts. Amended to delete the frequencies 31600, 35600, 38600 and 41000 kc.

National Broadcasting Co., Inc., Washington, D. C.—License to cover above.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Modification of license to change hours of operation from daytime to daytime, specified hours night, using 50 watts, 100 watts day.

WNBC—William J. Sanders, New Britain, Conn.—License to cover construction permit (B1-P-81) as modified for a new station on 1380 kc., 250 watts power, daytime.

NEW—Alfred C. Matthews, Cape May, N. J.—Construction permit for new station on 1420 kc., 100 watts power, unlimited time. Amended: Change time to specified hours, 9 to 11 a. m., 6 to 12 p. m., daily, equipment changes.

WJZ—National Broadcasting Company, Inc., New York, N. Y.—Extension of special experimental authorization to operate on 50 KW, period ending 2-1-36.

Second Zone

KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—Construction permit to make changes in equipment.

NEW—American Broadcasting Co., Pittsburgh, Pa.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time.

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—License to cover construction permit (B2-P-35) as modified for a new station to be operated on 1420 kc., 100 watts, unlimited time.

WPHR—WLBG, Inc., Petersburg, Va.—Construction permit to move transmitter from 1½ miles northeast of Petersburg, Va., to site to be determined, Richmond, Va., and studio from Medical Arts Bldg., 38 Franklin Street, Petersburg, Va., to site to be determined, Richmond, Va.

WGAR—The WGAR Broadcasting Company, Cleveland, Ohio.—Modification of license to change frequency from 1450 kc. to 890 kc.; request facilities of WMMN.

WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Modification of construction permit (2-P-B-3277) as modified to extend completion date from 8-1-35 to 10-1-35.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Extension of special experimental authorization to operate on 1 KW power for period from 9-1-35 to 3-1-36.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of construction permit authorizing changes in equipment and increase in power from 500 watts to 1 KW night, directional antenna, 2½ KW day, requesting further changes in equipment and increase in power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day, using directional antenna at night.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of construction permit (2-P-B-3282) as modified to extend commencement date from 4-29-35 to 7-29-35 and completion date from 7-29-35 to 10-29-35.

NEW—William S. Thellman, New Castle, Pa.—Construction permit for a new station to be operated on 1420 kc., 100 watts, daytime.

WRVA—Larus & Bro. Co., Inc., Richmond, Va.—Construction permit to make changes in equipment and increase power from 5 KW to 50 KW.

NEW—Carl S. Taylor, DuBois, Pa.—Construction permit for a new station to be operated on 590 kc., 100 watts, daytime. Amended to change frequency from 590 kc. to 780 kc.; make equipment changes, change transmitter site from Reitz Hotel, E. Long Ave. and Brady St., DuBois, Pa., to Shaffer's Corner, Shaffer, Pa.; and change power from 100 watts to 250 watts.

Third Zone

NEW—Big Spring Herald Broadcasting Co., Big Spring, Texas.—Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended to change name from Big Spring Herald, Inc., to Big Spring Herald Broadcasting Co.

NEW—The Attala Broadcasting Corp., Columbus, Miss.—Construction permit for a new station to be operated on 1200 kc.,

100 watts, unlimited time. Amended to make changes in equipment (antenna) and change transmitter site from First National Bank Bldg., Columbus, Miss., to on north side of Columbus Brick Yard lake just off of U. S. Highway 82, near Columbus, Lowndes, Miss.

NEW—The North Texas Broadcasting Co., Paris, Tex.—Construction permit for a new station to be operated on 1500 kc., 100 watts, daytime. Amended to change name from The North Texas Publishing Co. to The North Texas Broadcasting Co.

WMFO—James R. Doss, Jr., Decatur, Ala.—License to cover construction permit (B3-P-270) for new station to be operated on 1370 kc., 100 watts power, daytime operation.

KPRC—Houston Printing Company, Houston, Tex.—Modification of license to increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day.

NEW—Dudley J. Connolly & Co., Chattanooga, Tenn.—Construction permit for new station to be operated on 1200 kc., 100 watts power, unlimited time. Amended: Change time to daytime.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Construction permit to move transmitter from Ninth and Indiana Ave., Wichita Falls, Tex., to approximately 2½ miles southwest of center of Wichita Falls, Tex., and make equipment changes.

NEW—Central Texas Broadcasting Company, Inc., Fort Worth, Tex.—Construction permit for new station on 1210 kc., 100 watts power, unlimited.

KRLD—KRLD Radio Corporation, Dallas, Tex.—Extension of special experimental authorization to operate simultaneously with WTIC for three months from August 1, 1935, to November 1, 1935.

NEW—Bell Broadcasting Co., Temple, Tex.—Construction permit for a new station to be operated on 1370 kc., 100 watts, daytime.

WREC—WREC, Inc., Memphis, Tenn.—Modification of construction permit (B3-P-161) authorizing changes in equipment, requesting to install directional antenna; move transmitter from Whitehaven, Tenn., to near Rugby Park, Tenn.; increase power from 500 watts, 1 KW day, to 1 KW night, 2½ KW day; and extend commencement date to date of approval and completion date to 6 months thereafter.

WPFB—Otis Perry Eure, Hattiesburg, Miss.—Modification of license to change hours of operation from specified hours to unlimited time.

KNOW—Kut Broadcasting Co., Austin, Tex.—Construction permit to move transmitter from Barton Springs Road, Austin, Tex., to 114 West 7th Street, Austin, Tex., and install new equipment.

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Construction permit to make changes in equipment and increase power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day. Amended to make further changes in equipment (antenna).

NEW—W. Dexter Moss, Tulsa, Okla.—Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended to change transmitter and studio locations from 5th and Cheyenne, Tulsa, Okla., to 7th and Main St., Tulsa, Okla.

KIUN—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—Modification of construction permit (B3-P-308) authorizing erection of a new station to be operated on 1420 kc., 100 watts, unlimited time, requesting changes in equipment.

NEW—Reporter Broadcasting Co., Abilene, Tex.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time. Amended to change name from Reporter Publishing Co., Inc., to Reporter Broadcasting Co.

Fourth Zone

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Modification of license to change hours of operation from daytime to unlimited, using 100 watts power.

NEW—Fort Dodge Broadcasting Co., Fort Dodge, Iowa.—Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended to change frequency from 1500 kc. to 1210 kc.

NEW—Northwestern Broadcasting, Inc., Nicollet Hotel, Minneapolis, Minn.—Construction permit for a new general experimental station on 31100, 34600, 37600, 49600, 86000-400000, 401000 kc. and above, 50 watts.

NEW—The Pulitzer Publishing Co., Portable-Mobile.—Construction permit for a new general experimental station on 31100, 34600, 37600, 40600, 86000-400000 kc., 5 watts.

NEW—The Pulitzer Publishing Co., 12th and Olive St., St. Louis, Mo.—Construction permit for a new general experimental station on 31600, 35600, 38600, 41000, 86000-400000 kc., 100 watts.

WMFZ—WCBS, Inc., Portable.—License to cover construction permit for a new broadcast pickup station on 1622, 2060, 2150, 2790 kc., 25 watts.

WREN—The WREN Broadcasting Co., Lawrence, Kans.—License to cover (B4-P-265) as modified to install new equipment and increase power from 1 KW to 1 KW, 5 KW day.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Modification of construction permit authorizing increase in power from 2½ KW night, 5 KW day, and make equipment changes, requesting extension of completion date from 9-8-35 to 10-8-35.

KSCJ—Perkins Brothers Co., Sioux City, Iowa.—Construction permit to install auxiliary equipment, 50 watts power for emergency operation.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Extension of special experimental authorization to operate with 500 watts additional power at night with directional antenna, from 9-1-35 to 3-1-36.

KFDY—South Dakota State College, Brookings, S. Dak.—Modification of license to change specified hours from 12:30 to 2 p. m. daily except Sundays to 11:30 to 2 p. m. daily except Sundays and holidays.

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Construction permit to install new equipment; increase power from 100 watts to 100 watts night, 250 watts daytime, and hours of operation from daytime to unlimited. Amended to omit request for new equipment, and increase in power. (Superseded by B4-ML-212).

NEW—Wisconsin Broadcasting Co., Oshkosh, Wis.—Construction permit for a new station to be operated on 1310 kc., 100 watts night, 250 watts day, unlimited time.

NEW—Frank O. Knoll and Julian F. McCutchan, St. Cloud, Minn.—Construction permit for a new general experimental station on 31600, 35600, 38600, 41000 kc., 100 watts.

WREN—WREN Broadcasting Co., Lawrence, Kans.—Authority to determine operating power by direct measurement of antenna.

KFJM—University of North Dakota, Grand Forks, N. Dak.—License to cover special experimental authorization to increase power from 100 watts to 100 watts night, 250 watts day.

WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Modification of construction permit (B4-P-172) authorizing increase in power from 1 KW night, 2½ KW day, to 1 KW, 5 KW day; changes in equipment; and move of transmitter from 2nd and Capitol Street, Yankton, S. Dak., to Yankton County, S. Dak., requesting extension of commencement date from 4-18-35 to 8-18-35 and completion date from 7-18-35 to 12-18-35.

NEW—Pittsburg Publishing Co., Pittsburg, Kans.—Construction permit for new station to be operated on 1500 kc., 100 watts, unlimited. Amended to request 1310 kc., frequency instead of 1500 kc. June 20 amendment was withdrawn.

NEW—Springfield Newspapers, Inc., Springfield, Mo.—Construction permit for new station to be operated on 1120 kc., 250 watts power, unlimited time. Amended: Change frequency from 1120 kc. to 710 kc., power from 250 watts to 1 KW, time from unlimited to daytime, equipment to 1 KW equipment.

NEW—Chanute Broadcasting Co., R. B. Smith, R. E. Highley, C. M. Brobst, Partners, Chanute, Kans.—Construction permit for new station to be operated on 1220 kc., 100 watts power, unlimited time. Amended: Change frequency from 1220 kc. to 1500 kc.; time from unlimited to daytime; transmitter site from 315 E. 17th St. to Spruce and North, Santa Fe, and studio site from 207 W. Main to Tioga Hotel, Main and Santa Fe.

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Construction permit for new equipment; increase power from 100 watts to 100 watts, 250 watts day, and time from daytime to unlimited. Amended: Change power from 250 watts to 100 watts; omit request for new equipment.

Fifth Zone

NEW—E. L. Sherman and H. L. Corley, Trinidad, Colo.—Construction permit for a new station to be operated on 1370 kc., 100 watts, unlimited time. Amended to change transmitter and studio sites from 2000 Buena Vista, Trinidad, Colo., to 2 miles northeast of city of Trinidad, Colo.

KGMB—The Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Modification of construction permit (B5-P-303) authorizing move of transmitter from 1752 Fern St., Waikiki, Honolulu, Hawaii, to Honolulu, Hawaii; install new equipment and increase power from 250 watts to 1 KW; also move of studio from 119 Merchant St. to Kalakaua Avenue and Seaside, Honolulu, requesting further changes in equipment and move studio and transmitter from above sites to Ala Moana Pk., at Pensacola and Moana Blvd., Honolulu, and extend commencement and completion dates.

KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Construction permit to install new equipment; increase power from 1 KW to 1 KW, 5 KW day.

NEW—Wm. B. Smullin, Sacramento, Calif.—Construction permit for new station to be operated on 1310 kc., 100 watts, 250 watts, daytime, unlimited time. To be considered under Rule 6 (g).

NEW—W. L. Gleeson, Salinas, Calif.—Construction permit for a new station to be operated on 1210 kc., 100 watts, unlimited time. Amended to change frequency from 1210 kc., to 1310 kc.; make changes in equipment; and change transmitter and studio sites from 2 miles northeast of town, Salinas, Calif., to 1½ miles northeast of town, Salinas, Calif.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Modification of license to increase power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day.

NEW—Puget Sound Broadcasting Co., Inc., Portable-Mobile.—Construction permit for a new broadcast pickup station on 1646, 2090, 2190, 2830 kc., 40 watts.

KNX—Western Broadcast Co., Los Angeles, Calif.—Construction permit to make equipment changes and increase power from 50 KW to 250 KW.

KUJ—KUJ, Inc., Walla Walla, Wash.—Construction permit to change frequency from 1370 kc. to 1450 kc., power from 100 watts to 1 KW, install new equipment, and move transmitter from Second and Rose Streets, Walla Walla, Wash., to County Road and College Avenue, Walla Walla, Wash.

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Transfer of control of stock from Naomi F. Bengston to E. K. Gaylord and Inez K. Gaylord.

KGVO—Mosby's, Inc., Missoula, Mont.—License to cover construction permit (B5-P-448) to move 100-watt transmitter.

KIUP—C. Guy Shepard, Durango, Colo.—Involuntary assignment of permit from LeRoy Haley to C. Guy Shepard.

NEW—Leon S. Packard, Lewis H. Stebbins, Alden C. Packard, d/b as Valley Broadcasting Company, Pomona, Calif.—Construction permit for new station to be operated on 1160 kc., 250 watts, daytime. Amended: Transmitter and studio sites change to 2104 E. Holt Ave., Pomona, Calif.

NEW—Eastern Utah Broadcasting Co. (Sam G. Weiss), Price, Utah.—Construction permit for new station to be operated on 1420 kc., 100 watts, unlimited.

KFUH—Richard Field Lewis, Del Monte, Calif.—Modification of (B5-P-3184) to change transmitter site from Polo Field House, Del Monte Hotel Properties, Del Monte, Calif., to Municipal Wharf, Monterey, Calif., and make equipment changes; extend commencement and completion dates.

KPJM—M. B. Scott and Edward C. Sturm, d/b as Scott & Sturm, Prescott, Ariz.—Voluntary assignment of license from M. B. Scott and Edward C. Sturm, d/b as Scott & Sturm, to Southwest Broadcasting Co.