# HEINL RADIO BUSINESS LETTER

INSURANCE BUILDING

WASHINGTO

ISSUED TWICE A WEEK AND CONTAINING THE LATEST INFORMATION REGARDING THE BULINGS OF THE FEDERAL RADIO COMMISSION, RADIO LEGISLATION, DEPARTMENT OF COMMERCE REGULATIONS, CHANGES IN WAVELENGTH CALL LETTERS AND POWER, PATENTS, EXPORTS, FEDERAL TRADE COMMISSION RULINGS AND OTHER MATTERS OF INTEREST TO BROADCASTERS AND MANUFACTURERS. :: :: CONFIDENTIAL—NOT FOR PUBLICATION. :: :



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#### BROADCASTERS RETAIN NEWTON D. BAKER IN COPYRIGHT FIGHT

President A. J. McCosker, of the National Association of Broadcasters, announced in New York Tuesday that the Association had retained Newton D. Baker, of Ohio, to represent them in matters arising out of the recent license agreement between the broadcasters and the American Society of Composers, Authors and Publishers

Mr. McCosker said that Mr. Baker has been studying the matter for more than a month.

In Washington, Mr. Baker gave out the following statement:

"I have been retained by the National Association of Broadcasters through Mr. Alfred J. McCosker, and its Board of Directors, to represent the Association in conference or in litigation as may be necessary, in matters arising out of the new form of license-agreement issued by the American Society of Composers, Authors and Publishers to the members of the broadcasting association.

"The matters at issue between the Society and the broadcasters are the validity and fairness of the terms proposed for the broadcasting of copyrighted musical compositions."

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DIRECT RADIOTELEGRAPH SERVICE BETWEEN U.S. AND VATICAN CITY

The first direct radio telegraph service between the United States and Vatican City, connecting through the station of the Mackay Radio and Telegraph Company at Sayville. L.I., with the lines of the Postal Telegraph and the various other telegraphic facilities of the International system, was inaugurated Tuesday, with the exchange of a series of congratulatory messages.

The announcement of the opening to the public of this latest channel of communications from this country to the Vatican was made by Mr. Hernand Behn, president of the International Telephone and Telegraph Corporation in a telegram to His Eminence Cardinal Pacelli, Papal Secretary of State.

Mr. Behn also sent telegrams to the Governor of Vatican City, His Excellency Camillo Serafini, and the director of the Vatican radio system, Father Gianfranceschi.
The Pope's blessing was conveyed to Archbishop Pietro Fumansoni-Biondi, Apostolic Delegate in Washington.

The new system connects the Sayville, L.I. station of the Mackay Radio and Telegraph Company with the lines of the Postal Telegraph and various other telegraphic facilities 

#### CAPITAL STATION BLUNDER EMBARRASSES COMMISSION

If the Navy has anything to say in the matter, it looks as if the new 10,000 watt station of WJSV, erected on Mount Vernon Highway, half way between Washington, D.C. and Alexandria, Va., said by the Columbia Broadcasting System to represent an investment of upwards of \$100,000, will have to be junked. The Navy claims because of interference from WJSV's transmitter that important radio experiments are at a standstill. The Naval Research Laboratory is just across the Potomac River and only about a mile from WJSV.

That there would likely be a clash between these stations has been foreseen for some time but it was not until now that the Federal Radio Commission, which granted WJSV permission to erect the station, took official notice of the situation. At the request of the Navy Department, a hearing before the full Commission has been set for Thursday, February 15.

Just who is to blame for the blunder made in allowing a powerful commercial broadcasting station to be built almost within the shadow of what is described as the government's most essential radio experimental laboratory caused a considerable difference of opinion. The burden of the criticism seemed to be on the Radio Commission.

This show-down is coming at a very bad time for the Commission, which is believed to be under close scrutiny by advisors of President-elect Roosevelt and the incoming administration. All sorts of rumors are afloat as to changes which may take place. One is that the Commission may be cut down to three members, another that it may be abolished and its functions transferred elsewhere, and so on. At any rate, this situation cannot but cause the Commission embarrassment.

"At the Naval Research Laboratory they are conducting secret experiments which have to do directly with national defense", a radio official said, discussing the WJSV situation. "How under the sun the Radio Commission engineers, if they went into the matter at all, could have permitted a powerful station like that to locate just across the river is a mystery to me. They surely must have been asleep at the switch."

It was the contention of the Commission that the Navy Department had been fully notified, and since the fact that WJSV was putting up a new transmitter down there was in all the newspapers, they should have known what was going on. The answer to this was that a routine notice, very vague in character, was sent to the Navy Department, stating that a station was to be erected somewhere between Alexandria and Washington but that the Commission sent the notice to an officer

who had nothing to do with the Research Laboratory.

At any rate, the first they knew of it over there was when they saw the towers of WJSV beginning to sprout across the river. There was a tendency on the part of the Navy people to blame Columbia officials, for it is alleged they went ahead and "tried to bull the thing through" after they had been notified that the new station probably would play havoc with the naval radio laboratories where some of the most important short-wave experiments in the world are now said to be carried on.

Replying to this Harry C. Butcher, Columbia representative in charge of WJSV, said: "We complied with every requirement of the Radio Commission legally and lawfully. Our investment down there is around \$100,000, of which we would lose at least \$75,000 if obliged to move. We could not, for instance, move the brick building which cost between \$30,000 and \$35,000. The towers cost approximately \$10,000, having been set on 60-foot piling because of the swamp".

Commenting upon this a radio official declared that as compared to Columbia's investment, which he said he didn't believe was anywhere near \$100,000 because they are using a transmitter bought from WCAU, Philadelphia, there was an investment of several millions at the Naval Research Laboratory.

"There are about 60 radio engineers down there", he said, "and I think the value of the equipment is around \$3,000,000. However, in this case it isn't a question of money value but of national defense. Right now war sparks are flying in the Far East. Short-wave radio communication and its perfection is a most vital factor in this situation. We must keep in touch with our fleet out there. Nobody outside the Navy knows exactly what they are doing at the Naval Research Laboratory, being one of the few branches of governmental work which is absolutely secret.

"Suffice it to say, this work is so important they will not permit it to be interfered with by a commercial broad-casting station, regardless as to what amount of money has been invested or who is to blame for its location."

"No one seemed to be able to lay hands on it, but several declared there is a federal statute which says that a radio station shall not be located at any place in which it will interfere with government activities. That being the case, though naval officials would not talk for publication, it seemed to be sure that they had sufficient grounds to cause the removal of WJSV.

A question arose, since Columbia bought the land and built the station with the sanction of the Federal Radio Commission, if they would not have grounds for heavy damages against the government.

Arlington is only about a mile from WJSV, but officials there declined to say whether or not they had experienced any interference from the program station. NAA is the Navy's key wireless station, communicating directly or indirectly with warships and naval stations in all parts of the world.

Close on the heels of the news that the Commission intended delving into the WJSV matter came word that on Wednesday, February 15, the commissioners would hear the charges of alleged monopoly against the National Broadcasting Company's leasing Station WMAL, also a Washington transmitter.

If this transfer should be approved the two national chains would operate three out of the four Washington stations. Also the networks would have 1100 watts power out of the 1200 watts assigned to the District of Columbia, under the Davis amendment. The reason WJSV is allowed to use 10,000 watts power is because it is a Virginia station, its transmitter being located there.

The principal charge of monopoly in the National Capital was in the form of an open letter addressed to members of Congress by Joy Elmer Morgan, chairman of the National Committee on Education by Radio.

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NEW ANTENNA SYSTEM HELPS NIGHT OPERATION OF RADIO BEACONS

A new antenna system for radio range beacon stations used in the guiding of airplanes eliminates troublesome night effects hitherto experienced. It is a "transmission line" antenna, which employs four vertical antennas placed on the corners of a square; two of the antennas on the diagonal corners working together to replace one of the loop antennas of the radio range beacon stations, while the other two replace the other loop antenna. The significant element of the system consists of the use of transmission lines for confining the radiation to the four vertical antennas. The principle upon which the antenna system is based has been the subject of considerable experimentation in England for some time.

The arrangement employed by the U. S. Bureau of Standards involves a number of important new features which permit the application of the system to the radio range beacon with practically complete elimination of night effects.

Details of the electrical performance of the transmission line antenna system are given in Research Paper No. 513, in the January number of the Bureau of Standards Journal of Research.

Oswald F. Schuette, in charge of copyright matters for the National Association of Broadcasters, has sent the following to all "cooperating broadcasters":

"E. C. Mills, general manager of the American Society of Composers, Authors and Publishers, has sent a letter to all broadcasting stations offering to cancel the present copyright contract and to negotiate a revision either with the stations themselves or with a committee of broadcasters — excluding myself.

"While Mr. Mills' letter asserts that the reason for this offer is a resentment of the charges contained in my bulletins, Mr. Mills' personal explanation to the press gives a different basis. In that explanation he complains that he has been severely criticized by his organization because he had made a 'bad deal' and that ASCAP should have gotten a substantially better result than was obtained. In other words, Mr. Mills proposes now to obtain an immediate upward revision of the ASCAP contract, and the revision upward which ASCAP wants is a contract which would retain the present sustaining fee but levy an additional 10 per cent royalty direct on the advertisers. The stations would pay the sustaining fee.

"All broadcasting stations are therefore warned against risking the cancellation of their present contracts before they have been given the text of a revised contract that is acceptable to them. In his letter to the stations, Mr. Mills has reiterated his previous assurance that whenever the existing formula is changed all stations will be afforded an opportunity to revise their licenses in accordance with the new formula. Therefore, there is no occasion on the part of any station to cancel the existing contract.

"Mr. Mills says that because more than 400 broadcasting stations have signed the ASCAP license, this fact shows their approval of the ASCAP terms. As a matter of fact, I advised the stations to sign these contracts and I told them at the St. Louis Convention and elsewhere - that only by signing them could they escape the penalties which were threatened against them. Therefore, it does not follow, as Mr. Mills suggests, that any broadcaster who does not at once serve a notice of cancellation upon ASCAP will be assumed to disavow the statements made in these copyright bulletins."

The bulletin announces the publication of another independent song for broadcasters, called "What Is That Blue Song", composed by Thomas Hearon and published by Cronn & Hearon, 1587 Broadway, New York. All broadcasting stations and all orchestras and other musical organizations affiliated or connected with them are authorized to perform the composition publicly for profit at any time or any place without payment of any additional fee, the original consideration having been paid for by Mr. Schuette.

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## GOLDSMITH QUITS RADIO CORPORATION

Dr. Alfred N. Goldsmith, vice president and general manager of the Radio Corporation of America, who has been an executive of that organization since its formation in 1919, has resigned to form a private consulting engineering practice in radio, electrical entertainment, sound films and allied fields.

Dr. Goldsmith, who was with the Marconi Company before its organization of the RCA, and prior to that a General Electric consultant in radio engineering, said that he intended to form a 'suitable but not elaborately extensive' concern to carry on his ideas.

"It is an idea I have entertained for some years", Dr. Goldsmith explained, "to expand my activities into a general engineering practice. While I have retired from my previous position, the Radio Corporation has become one of my major clients. What I have planned should be quite a departure or evolution from the usual line of consulting engineering operations. Being a practical engineer, I have no personal ambition to start an 'overhead factory', but will conduct my own organization in what I believe to be the most approved economical fashion.

"I am concentrating, more or less, on the new devices and improved economical methods in the broad fields of radio communication and electrical entertainment, together with electrical, acoustic and optical equipment and processes and the corresponding patent surveys and appraisals. In these fields, research, development and commercialization of new ideas will be devised and supervised."

Dr. Goldsmith has numerous inventions to his credit and has written several standard works in the fields of radio and electrical science. He was president of the Institute of Radio Engineers in 1928 and is now president of the Society of Motion Picture Engineers.

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## DETROIT PRIEST RECEIVES HEAVY MAIL RESPONSE

Senator Thomas, of Oklahoma, during the debate on the Glass Banking bill produced a telegram from the secretary to Father Coughlin, the Detroit radio priest, which said that two talks made by the latter over his regular network of stations each Sunday had brought in 725,000 letters from listeners.

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#### BEER ADVERTISING ON RADIO MAY BE RESTRICTED

If the 3.05 per cent beer and wine bill is enacted into law in any where near its present form, ether programs will not be sponsored by brewers, as has been predicted by so many opponents to the measure. As reported to the Senate by the Judiciary Committee, the bill provides that beer or wine cannot be advertised in dry States. This means that high-powered radio stations are prohibited from all such advertising, since their waves reach in all directions, and that only newspapers which do not go beyond the borders of wet States can advertise the beverages. Low-powered stations, located near a line between a State where sale is permitted and one prohibiting the sale, will be unable to accept advertising from brewers.

Drys have been particularly active in a campaign against radio programs advertising wines and beer, drawing vivid pictures of whole families, particularly the children, listening to and absorbing messages about the beverages.

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SOUTH AMERICAN LINE ORDERS SEVEN VESSELS EQUIPPED WITH RCA SHORT WAVE SETS

On the basis of results obtained with short wave radio equipment on two of its ships, the Pacific Argentine Brazil Line has ordered similar installations on the entire fleet of nine vessels.

C. J. Pannill, executive Vice President of the Radio-marine Corporation of America, said that the new short wave sets on the Steamships West Notus and West Cactus had made it possible for those vessels to maintain constant communication direct with San Francisco throughout entire voyages, during which many distant South American ports were visited.

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EXAMINERS! REPORT WOULD DENY LOUISIANA STATION

Denial of the application of Hello World Broadcasting Corp., operating Station KWEA, Shreveport, La., for a renewal of its station license and of the application to move the station to Baton Rouge was recommended by Examiner R. H. Hyde, to the Federal Radio Commission.

Testimony of the applicant, Mr. Hyde says, disclosed poor equipment.

Denial of the application of W. H. Allen & Co., Alexandria, La., for a construction permit was also recommended in the same report because of small capital investment and financial ability of the applicant, and lack of experience or training for the business.

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#### CIVIL LIBERTIES UNION TO AID SHULER FIGHT

The American Civil Liberties Union and Morris L. Ernst, attorney, of New York City, have joined the legal forces of the Rev. Robert P. (Bob) Shuler, in the fight to win back his license to operate his radio station KGEF in Los Angeles.

While the Supreme Court refused to review the case, Shuler obtained a stay of execution pending further appeal. It is for this next appeal that he has enlisted the aid of Mr. Ernst and the Civil Liberties Union.

Mr. Ernst explained he had decided to help Mr. Shuler on the broad grounds of constitutional principles.

"This is the first important radio case on censorship". Mr. Ernst said. "This issue is important because the Supreme Court has never decided on the limits of the powers of the Radio Commission. Up until now the Supreme Court has refused to look into the grounds upon which the commission may deny a license.

"This creates a dangerous situation, for at present the commission has practically unlimited powers to suppress any radio station it feels like.

"If the Rev. Shuler said offensive things he should be punished, as provided by law, but it is against all previous rules laid down by the Supreme Court to gag a man in the future for something he said in the past. On this principle a newspaper, publishing an offensive article, would be punished by suspension of publication, something the Supreme Court has refused to permit in the past."

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#### EXPERT PROGRAM DIRECTOR DESIRES POSITION CHANGE

A program director and production manager, of unquestioned ability and long experience, now holding responsible position in New York City, seeks a place as program director or production manager with either a radio station or an advertising agency.

This man started radio work in 1924 with a station in a city of 500,000. Left there four years later (after serving as assistant manager and program director) to join one of the large chains in New York City as an announcer. A year later he accepted a position in the radio department of one of the largest advertising agencies in the country. There he did production, script-writing and announcing. Two years later joined New York broadcasting service. Since then has supervised planning, building and production of radio programs for adver-Anyone interested Is 29 years old and married. may secure further details by communicating with HEINL RADIO BUSINESS LETTER, Insurance Building, Washington, D.C. X X X X X X X X X X

#### DECISIONS OF THE FEDERAL RADIO COMMISSION

WEAO, Ohio State University, Columbus, Ohio, granted mod. of license to increase power from 750 w. to 1 kw.; KFNF, Henry Field Co., Shenandoah, Ia., granted continuation of special authority to use time assigned to but not used by Stations KUSD and WILL from Feb. 1 to March 1, 1933; WNAD, University of Oklahoma, Norman, Oklahoma, granted special authority to operate from 8:30 to 10:30 p.m. CST, Feb. 24, 1933; KFMX, Carleton College, Northfield, Minn., granted auth. to remain silent for period of 30 days, provided no changes are made in equipment, which would require a construction permit; WJBY, Gadsden Broadcasting Co., Gadsden, Ala., granted auth. to remain silent until Jan. 30, and station directed that it can not resume operation except with transmitter location as specified in license and approved monitor installed;

Herman Radner, Lansing, Mich., granted authority to take depositions in re his application for a construction permit, hearing on which is set for Feb. 10; International Broadcasting Corp., Shreveport, La., granted authority to take depositions in re application for construction permit, hearing on which is set for February 24; Hartung Aircraft Corp., Roseville, Mich., granted CP for aviation service, 278 kc., 15 w. 8 a.m. to one-half hour after sunset. Granted aircraft license, 3,105 kc., 8 w.;

CITy of Coffeyville, Kans., granted CP for police system for police service, 2,450 kc., 50 w.; National Broadcasting Co., Inc., portable and mobile, granted gen. exp. CP and licenses for two new stations; frequencies, 34,600, 41,000, 51,400.60,000-400,000 kc., 5 w.; American Telephone & Telegraph Co., Hialeah, Fla., granted spec. exp. license, frequency 3,492.5 kc., 400 w.; WPDP, City of Philadelphia, granted license for police service, 2470 kc., 500 w.; KQM, Aeronautical Radio, Inc., Des Moines, Ia., granted aviation license, frequencies 3162.5, 3172.5, 3182.5, 3322.5, 5572.5, 5582.5, 5592.5, 5662.5 kc., 400 w.; W3XAU, Universal Broadcasting Co., Inc., Newtown Square, Pa., granted modification of license to change corporate name to WCAU, ; Broadcasting Company;

Pennsylvania Airlines, Inc., granted mod. of aviation aircraft license to add frequencies 4967.5 and 4,987.5 kc. to present assignment; frequency 3,082.5 deleted from present assignment; W2XAA, Bell Telephone Laboratories, portable, granted continuation of special authority for period of three months from Jan. 9, 1933, under provisions of Rule 22 as follows: 1. Additional authority to operate in special experimental service on any frequency within the band 1,594-8,655 kc., at any time during the 24 hours for the period above. W3XY, same company, Mendham Township, N.J., granted renewal of spec. exp. license; 278, 3,415, 5592.5, 5642.5 kc., 10 w. on frequency 278, 400 w. on other frequencies;

wsc, Radiomarine Corporation of America, Tuckerton, N.J., granted renewal of public coastal telegraph license; eqpt. and

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power as follows: Transmitter No. TU-1, power 3 kw.; No. TU-2, power 5 kw.; No. TU-3, power 500 w.; No. 2006, power 1200 w.; No. 74 power 70 kw.; No. 75, power 70 kw.; No. 2007, power 200 w.; WPD, Geo. Collings Warner, J., Tamp a, Fla., granted renewal of public coastal telegraph license, same as existing license;

KGN, Coos Bay Tireless Telegraph Co., North Bay, Oreg., granted renewal of public coastal telegraph license; same as existing license with exception of time of operation to 8 a.m. to 8 p.m.; WPN, Globe Wireless Ltd., Garden City, N.Y., granted renewal public coastal telegraph license same as present license; WSC, Radiomarine Corp. of America, Tuckerton, N.J., granted renewal of marine relay license same as existing license, except transmitters 4 and 5 heretofore rated as 70 kw., shall be specified in renewal license as 40 kw.; KTK, Globe Wireless, Ltd., Mussel Rock, Calif., granted renewal of marine relay license same as present license and granted mod. of license to delete transmitter 0-500 Serial No. 1; WPK, Press Wireless, Inc., Hicks-ville, N.Y., granted temp. renewal of license and set for hearing application for modification of license to add The Hague, Amsterdam and Brussels as additional points of communication; WJP, same except to add The Hague, Santiago and Berlin as additional points of communication; WEE, same except to add Rio de Janeiro as additional point of communication; WRP, same except to add Rio de Janeiro and Santiago, Chile, as additional points of communication; WJS, same except to add Amsterdam and Berlin; WPJ, same except to add Rio de Janeiro; WHL, same except to add Amsterdam and Rio de Janeiro; WRK, same except to add Santiago Chile, and Brussels, Belgium; WHI, same except to add Amsterdam; WRM, same except to add Santiago and Rio de Janeiro: WJQ. same except to add Berlin.

# Set For Hearing

WMAL, M. A. Leese Radio Corp., Washington, D. C., application for voluntary assignment of CP and license to National Broadcasting Co., Inc., set for hearing to be held Feb. 15; all parties desiring to participate should file notice of intention on or before Feb. 3, 1933; WJSV, Old Dominion Broadcasting Co., Alexandria, Va., application for license to operate on 1460 kc., 10 kw. set for hearing to be held Feb. 16 before the whole Commission; WCGU, United States Broadcasting Corp., Brooklyn, N.Y., mod. of lic. to change hours of operation from sharing with WFOX, WLTH and WBBC to sharing with WBBC only (Facilities of WFOX and WLTH).

# Miscellaneous

WBAL, Consolidated Gas Elec. Lt. and Power Co., Baltimore Md., granted auth. to operate a portable 250 w. transmitter in metropolitan area of Baltimore for purpose of determining a new site for transmitter; KYW, Westinghouse E. M. Co., Chicago and Philadelphia, and other stations involved in Ex. Rep. No. 426, oral argument in "1020 kc. case" heretofore scheduled for Feb. 1 will be held on March 1 instead, because of petition of stations involved.

The Commission granted renewal of coastal telegraph station licenses for private coastal service, to the following:

WPY, City of New York Police Department; KQP, In land Waterways Corp., Minneapolis, Minn.; WPC, Bethlehem Shipbuilding Corp., Ltd., Quincy, Mass.; WPI, Inland Waterways Corp., Memphis, Tenn.

The following applications for renewal of license have been resubmitted:

WLIT, Lit Brothers Broadcasting System, Inc., Philadelphia, Pa., 560 kc., 500 w., shares WFI; WFI Broadcasting Co., Philadelphia, Pa., 560 kc., 500 w., shares WLIT; KFEL, Eugene P. O'Fallon, Denver, Colo., 920 kc., 500 w., shares KFXF.

# Broadcasting Applications

WLWL, Missionary Society of St. Paul, New York, N.Y. mod. of lic. to change freq. from 1100 kc. to 810 kc. and change in spec. hours, some hours requested experimentally, amended to request unlimited time; \*\forall JBK, James F. Hopkins, Inc., Detroit, Mich., mod. of license to increase night-time power, requests change of power from 50 w. to 100 w. night, 50 w. to LS;

# Applications - Other Than Broadcasting

TPEG, City of Jacksonville, Fla., license covering Composition 2442 kc., 100 w., municipal police station; W6XN, Transpacific Communication Co., Ltd., Dixon, Calif., renewal of spec. exp. license; KGUR, Aeronautical Radio, Inc., Burbank, Calif., license covering CP for change in location of transmitter to United Airport, Burbank, Calif., aeronautical station, point to point station; KGSI, Aeronautical Radio, Inc., Kansas City, Kanslicense covering CP for 2906, 5692.5 kc., 90 w., aeronautical station;

Atlantic Broadcasting Corp., Mobile, Ala., CP for genexp. station, frequencies to be assigned, 1.5 w.; Hamman Exploration Co., portable in Texas and Louisiana, license covering CP for 1628 kc., 2.5 w.; geophysical station. KIZA, amended application for license covering CP for 1628 kc., 10 w., geophysical station; W8XO, Crosley Radio Corp., Mason, Ohio, mod. of CP, for extension of completion date to Aug. 7, 1933.

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#### RKO RECEIVERS NAMED IN NEW JERSEY

With receivership applications pending in New York City and Baltimore, Vice Chancellor Alfred A. Stein, appointed temporary custodial receivers today for the Radio-Keith-Orpheum Corporation's interests and property in New Jersey.

Merlin H. Aylesworth, head of the NBC, is president of Radio-Keith-Orpheum. David Sarnoff is chairman of the board