

It is therefore respectfully requested that the cases be held in abeyance and that the Commission be authorized to conduct further proceedings upon an expedited basis for the purpose of reconsidering subparts (a) and (b) of the rules. Respectfully submitted.

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DONALD F. TURNER,
Assistant Attorney General,
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By: DANIEL R. OHLBAMM,
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Federal Communications Commission.

March 1, 1968.

CERTIFICATE OF SERVICE

I, Robert D. Hadl, hereby certify that the foregoing "Motion To Hold Cases In Abeyance And To Authorize Further Proceedings" was served this 1st day of March, 1968, by mailing true copies thereof, postage prepaid to the following persons at the addresses shown below:

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CONCURRING STATEMENT OF COMMISSIONER KENNETH A. COX

As is often the case, I find the opinion of Commissioner Loevinger in this matter a truly remarkable document. He imputes motives to those who disagree with him which simply do not exist.

It is true that the Commission has invited litigation to test the validity of our fairness doctrine, and I have done so personally. It is not accurate to say that we have not been true to our promise to litigate the issue, that we are considering changes in our rules for mere cosmetic effect, that we are serving only our own interest as a litigant and no public purpose at all, or that our action falls short of any standards of diligence, promptness and candor which we demand of our licensees—or which would generally be regarded as reasonable in a situation such as this.

Commissioner Loevinger is perfectly entitled to believe that we should not have taken this step—indeed I was initially of that view, though for entirely different reasons that he advances, but ultimately joined the rest of my colleagues in directing our General Counsel to move the Court of Appeals for the Seventh Circuit to hold the personal attack cases in abeyance and to authorize us to take further proceedings looking toward partial revision of the rules. However, I do not think he should be allowed to distort the record without challenge—particularly since the statements he now makes are not, for the most part, the ones he advanced while we were considering the matter.

The opposition filed by the Solicitor General to the petition of Red Lion Broadcasting Company for Supreme Court review of the decision of the Court of Appeals for the District of Columbia sustaining the Fairness Doctrine and our