application of it to Red Lion was not designed to delay authoritative decision of this question. The Commission and the Solicitor General believed the Court of Appeals decision was sound and urged the Supreme Court that further review was not warranted. However, the Supreme Court decided to hear the case, and we welcome its review. The Solicitor General and the Commission have opposed delay in its resolution of the matter, and are ready to proceed as soon as possible.

Similarly, the Solicitor General's opposition to the petition of the Radio-Television News Directors Association asking the Supreme Court to grant certiorari in its case prior to decision by the Court of Appeals for the Seventh Circuit was not intended to delay resolution of the fundamental issues in this area. The Red Lion case was already before the Supreme Court and constituted an appropriate vehicle for deciding many of the basic questions concerning the Fairness Doctrine. The proposal of RTNDA to by-pass the Court of Appeals was unusual in the extreme and did not seem to us at all necessary, since the collateral question of the validity of the personal attack rules we have adopted to implement this portion of the Fairness Doctrine could be decided in ordinary course, quite apart from the Red Lion case. The Supreme Court apparently concluded that it would prefer to consider both aspects of the matter at one time, but wanted lower court decisions in each case. It therefore ordered argument in the Red Lion case postponed until the RTNDA case is before it in due course. If Commissioner Loevinger must assess blame for delay in concluding the pending litigation, I would suggest that he look in this direction—though I wish to make it clear that I have no objection to the course followed by RTNDA and think the Court's disposition of the matter is entirely appropriate and may conduce, in the long run, to the earliest practicable final decision of this important litigation. But, again, we and the Solicitor General were not seeking delay. Indeed, the course we urged would have produced a Supreme Court ruling on the basic constitutional challenge to the Fairness Doctrine and the personal attack principle more quickly than any other method proposed. I think Commissioner Loevinger's charges of intentional delay cast an unwarranted aspersion not only on the Commission but also the Solicitor General of the United States, who controls our litigation in the Supreme Court and filed the pleadings in question.

It is true that the step we are not taking—if the Court concurs—will involve delay in resolving the question of our authority to adopt rules dealing with the personal attack problem, though the issue of our basic policy in this area, out of which the rules evolved, is still before the Supreme Court in the Red Lion case. The latter case can either be adjudicated in the near future, or can be deferred until we have revised the rules and they can be challenged again if their new form is still regarded as objectionable by the parties to the present case, or anyone else.

Certainly nothing we do by way of amendment of a portion of the rules will prevent any interested party from challenging our authority to act in this area, nor will the Supreme Court be asked "to concede the power and invite the probability of adoption of rules at least as onerous as the ones now in effect." It may hold the Red Lion case until a new challenge to our revised rules is before it, in which case it will know precisely what rules we would propose to apply in this area before it makes any ruling on the basic issues of the Fairness Doctrine and the personal attack principles—as distinguished from the rules—which we have developed in a series of decided cases. But even if it decides the Red Lion case in the near future, it will be ruling, as did the Court of Appeals, on the application of our policies to a specific factual situation fully disclosed on the record in that proceeding. If it were to affirm our action in Red Lion, that would not in any way commit it to affirmance of the rules we would be in the process of revising. Those could be challenged in advance of their application to anyone, just as was done with respect to the rules we are now asking permission to reconsider in part. There is no need for us to give the Courts any "assurance" as to the revised form of the rules we may adopt because the exact form of the revised rules will be before the Courts if and when they are asked to pass on our authority to make and enforce rules in this field.

We are not proposing to change our rules "to make a better showing in pending litigation" or "to present a better face to court." We are trying to adopt a