(1964); *see also Red Lion Broadcasting Co., Inc., v. FCC*, 395 U.S. 367, 392 (n. 18) (1969).

CBS v .DNC, 412 U.S. at 111-112, *quoting Democratic National Committee*, 25 FCC2d 216, 222-223 (1970).

Reviewing the policies then in place, the Court found that there was no need to require the sale of time because compliance with the fairness doctrine was the means that the FCC used to assure that the public received access to discussion of controversial issues and to varying points of view on those issues. *CBS v. DNC*, 412 U.S. at 110-14.[1] For this reason, Chief Justice Burger concluded that "under the Fairness Doctrine broadcasters are responsible for providing the listening and viewing public with access to a balanced presentation of information on issues of public importance...,"*CBS v. DNC*, 412 U.S. at 113 (footnotes omitted), and that "[consistent with that philosophy, the Commission on several occasions has ruled that no private individual or group has a right to command the use of broadcast facilities." *Id*.

This case presents entirely different circumstances. In 1987, the FCC abandoned the fairness doctrine based on the belief that marketplace forces would insure that licensees did not abuse their fiduciary obligations. *See, Syracuse Peace Council*, 2 FCCRcd 5043-5056-57, *aff'd on other grounds sub nom. Syracuse Peace Council v. FCC*, 867 F.2d 654 (D.C. Cir. 1989) ("in the absence of the doctrine, broadcasters will more readily cover controversial issues"). As a consequence, the Commission no longer has any specific policy which requires broadcasters to carry controversial

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[1]*See also, id*. at 147 (White, J., concurring) ("Congress intended that the Fairness Doctrine be complied with, but it also intended that broadcasters have wide discretion with respect to the method of compliance. There is no requirement that broadcasters accept editorial ads; they could, instead, provide their own programs, with their own format, opinion and opinion sources."); *Id*. at 178 (Brennan, J., dissenting) ("The Court maintains that, in light of the Fairness Doctrine, there simply is no reason to allow individuals to purchase advertising time for the expression of their own views on public issues.")