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IS THERE ANY JUSTIFICATION FOR CONTINUING TO ASK TAXPAYERS TO FUND NPR AND PBS?

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EXECUTIVE SUMMARY

In mid-1971, less than a year after the Public Broadcasting Service was created, a 35-year-old lawyer in the Nixon White House warned that conservatives were being “confronted with a long-range problem of significant social consequences - that is, the development of a government-funded broadcast system similar to the BBC.” That lawyer was Antonin Scalia, future Supreme Court justice, whose judicial rulings and observations would make him a conservative icon. His predictions were correct. Pledged as “a vital public resource to enrich our homes, educate our families and to provide assistance to our classrooms” by Lyndon Johnson in his 1967 State of the Union address, what was then known as educational television quickly morphed into something its originators in government insisted it would not become: a liberal forum for public affairs and journalism. When Johnson signed the Public Broadcasting Act of 1967, which set up public broadcasting in the United States on Nov. 7, 1967 - we mark the half-century anniversary this year - he warned against it degenerating into services that “could mislead as well as teach,” which is regrettably where we find ourselves today.

Legislators at the time fought hard to keep public affairs out of a purportedly educational endeavor out of fear that including it would be constitutionally dubious, and that taxpayer-funded opinion would generate political controversy. Even the liberal godfather of public broadcasting, Fred Friendly of the Ford Foundation, understood that “we must avoid at all costs any situation in which budgets of news and public-affairs programming would be appropriated or even approved by any branch of the Federal government.” During the debates throughout 1967 leading to passage of the bill, Senator William Springer included a ban on opinion because he felt that “the fastest way to get it [public broadcasting] changed to something else was to get it into the business of editorializing.” His colleague Senator Norris Cotton also warned that if public broadcasters ever exhibited such a bias, Congress would make life “very uncomfortable” by shutting down “some of their activities in the Appropriations Committee.”

That consequence has not materialized. Attempts by conservative leaders from Nixon onward to defund the Corporation for Public Broadcasting in reaction to clear violations of this mandate have been repeatedly stymied. Scalia was once again clairvoyant when he said defunding would be “politically difficult in view of ... the generally favorable public image which CPB has developed.” The same can be said for impracticable efforts to strip out the public broadcasting component. In 2017, a new Republican president promises to eliminate funding for public broadcasting. Though the strategy may fail yet again, the time is ripe for such action.

The argument for defunding is that bias exists in public broadcasting. True, a government that is \$20 trillion in debt should not fund a service that is not included among the enumerated powers of the Constitution, especially



when the original justification no longer holds in the present technological environment. But taxes should not be coerced from the citizenry to fund expression that is consistently found to lack balance, a position upheld by courts in other contexts. Thomas Jefferson, who never heard a broadcast, was undoubtedly right when he observed that “to compel a man to furnish contributions of money for the propagations of opinions which he disbelieves and abhors, is sinful and tyrannical.”

This paper will build on the academic work of, among others, Charles S. Clark at Congressional Quarterly, Trevor Burrus at The Cato Institute and Patricia Chuh at The Catholic University of America. The author would also like to thank his intern Maiya Clark for her invaluable help and insights. And as befits a paper written during the anniversary of the great public broadcasting debate, it will make its case by dissecting the historical record and the cultural antecedents of public broadcasting.



INTRODUCTION

On the morning of June 2, 2017, one day after President Trump had announced that he would pull the United States out of the Paris Agreement on climate change, National Public Radio informed its listening audience that the U.S. president's actions notwithstanding, China, Europe and many private corporations would continue to work "in a sustainable direction." NPR was not ostensibly giving the opinion of any individual or institution. It was simply reporting the news while also implying that the practices that would follow the President's actions were unsustainable. News at NPR, Public Broadcasting Service (NPR's television counterpart) and the other smaller public broadcasters is, however, almost always framed in like manner within the ideological assumptions of liberal elites. What is produced is a quality product - but one that skews to the left.

NPR and PBS deny they are biased and insist they just report the news. In this case, they might argue that "sustainability" is not an ideologically loaded term but simply a synonym for "action on climate change." After all, at American Public Media - the second largest producer of public radio programs after NPR - stories about energy on the show "Marketplace" are reported by the "Sustainability Desk,"¹ a unit set up by the liberal Tides Foundation to look at climate-related stories through the lens of environmental and social justice.² Public broadcast apologists might counter that with 97 percent of scientists endorsing "the consensus opinion on man-made global warming,"³ the unsustainability of refusing to follow the Paris Agreement is a scientific fact. That framework would ignore - perhaps because they have not heard - conservative critiques of that assertion. One such critique made by colleagues at The Heritage Foundation⁴ points out that the study in which that claim is made does not stand up to scrutiny. Writers and announcers for NPR may be unaware of other perspectives and their own biases.

NPR and PBS do not broadcast government propaganda. But they do represent the views of a particular group - those of the politically correct elite left - whose assumptions frame public affairs programming on public broadcasting. This group is comprised of a *bien pensant* coalition of government bureaucrats, academics, entertainers, philanthropists,

1 Sustainability, <https://www.marketplace.org/topics/sustainability>.

2 "American Public Media Receives \$2.1 Million from Tides Foundation for Global Sustainability Desk," American Public Media, August 9, 2005, <http://www.americanpublicmedia.org/american-public-media-receives-2-1-million-from-tides-foundation-for-global-sustainability-desk/> (accessed July 20, 2017).

3 John Cook, Dana Nuccitelli, Sara Green, Mark Richardson, Barbel Winkler, Rob Painting, Robert Way, Peter Jacobs, and Andrew Skuce, *Environmental Research Letters*, Vol. 8 No. 2, May 15, 2013, <http://iopscience.iop.org/article/10.1088/1748-9326/8/2/024024> (accessed June 30, 2017).

4 Nicolas Loris, David Kreutzer, Katie Tubb, and Kevin Dayaratna, "The State of Climate Science: No Justification for Extreme Politics," The Heritage Foundation, April 22, 2016, http://www.heritage.org/environment/report/the-state-climate-science-no-justification-extreme-policies#_ftnref4 (accessed June 30, 2017).



ethnic group activists, corporate leaders, etc., many of whom control America's institutions. This coalition is an updated version of the "managerial elite" which the political theorist James Burnham warned would come to rule industrial societies.⁵ The views of this group almost always favor government control of or involvement in everything from healthcare to the environment to the media. "I don't think there is any denying the fact that the establishmentarian thought is liberal," William F. Buckley said with some bitterness about his experiences working on "Firing Line" at PBS.⁶

The Burnhamite elite bias demonstrated on climate is replicated on issues from gun control to taxation to abortion.⁷ On the live wire issue of national identity, the CPB is all in: In its 2018–2020 Federal Appropriations Request and Justification,⁸ two of the five activities that receive funding have to do with promoting "diversity." This is despite the fact that conservatives as well as a growing number of liberals⁹ are warning that the emphasis on subnational groups erodes national solidarity. Michael Lind even goes so far as to write that the managerial elites of North America and Europe champion diversity because it "reduces the likelihood that workers of different ethnicities will unite in a common front against economic elites."¹⁰

Many if not most journalists (not just taxpayer-funded ones) echo the opinions of the elites, whom they tend to use as sources. The difference here is taxpayer involvement. Problems inevitably arise when taxpayers are asked to fund the work of journalists. Teaching children to count can be done in a neutral fashion, as can a cultural series on Shakespeare. The nature of public affairs itself, however, tends toward politicization. A documentary on the Vietnam War or climate change will by necessity involve opinion. The problems become all the more acute when one side of the political spectrum perceives persistent bias. Conservatives make up an infinitesimally small portion of the audience for public broadcasting.¹¹ Conservative leaders must now find the intestinal fortitude to free Americans from the tax obligation to fund it. President Trump's 2018 budget, which includes the removal of

5 James Burnham, *The Managerial Revolution*, (New York, Penguin Books, 1941).

6 Laurence Jarvik, *PBS: Behind the Screen*, (New York: Crown Publishing Group, 1998), pg. 201.

7 Mike Gonzalez, "Trump Should End Government Funding of NPR's Biased News," *The Daily Signal*, January 21, 2017, <http://dailysignal.com/2017/01/21/trump-should-end-government-funding-of-nprs-biased-news/>.

8 2018–2020 Federal Appropriations Request and Justification <http://www.cpb.org/funding#footnote02> (accessed July 3, 2017).

9 Peter Beinart, "How the Democrats Lost Their Way on Immigration," *The Atlantic*, July–August issue, <https://www.theatlantic.com/magazine/archive/2017/07/the-democrats-immigration-mistake/528678/> (accessed June 20).

10 Michael Lind, "The New Class War, American Affairs," May 20, 2017. *American Affairs Journal*. <https://americanaffairsjournal.org/2017/05/new-class-war/> (accessed June 21, 2017)

11 Pew Research Center, "Where News Audiences Fit on the Political Spectrum," October 21, 2014, <http://www.journalism.org/interactives/media-polarization/outlet/npr/> (accessed July 18, 2017).



federal grants for public broadcasting, is an opportunity to do so.¹² Defunding would not be easy. Each time funding cuts are proposed, public broadcasting institutions tout their educational role.¹³ As George Will writes, “Often the last, and sometimes the first, recourse of constituencies whose subsidies are in jeopardy is: ‘It’s for the children.’”¹⁴

Cutting CPB’s subsidies should be the mission not only of conservatives but also of all who care about the health of First Amendment rights and of self-rule. Government paying for news for Americans to consume damages freedom of the press. The money is not insignificant. NPR, PBS and other public broadcasters such as American Public Media and the far-left Pacifica Radio network get about half a billion dollars in funding from the Corporation for Public Broadcasting (\$445 million in the 2017 appropriation),¹⁵ which gets all its money from the taxpayer. That is about one tenth of the \$5 billion in discretionary cuts included in the House of Representatives budget released in July. Though that budget is less clear than the President’s one on elimination of funding, it calls for encouraging private funding for the CPB, the activities of which, it says, “go beyond the core mission of the Federal Government.”¹⁶

More importantly, perhaps, the prevailing Orwellian doublespeak that occurs when the media repeats the managerial elite’s interpretation of policy choices can endanger the ability of the electorate to detect the potential for an erosion of democratic self-rule. The Paris climate accord, championed by NPR, is a case in point. President Obama, in league with foreign leaders¹⁷, refused to submit it to Senate confirmation. Thus, by repeating the mantra of a global elite, public broadcasters perversely limit the choices of the people coercively taxed to fund them.

Only an in-depth look at the trends and events that led up to the Public Broadcasting Act of 1967, the hearings and debates that were part of it during the Johnson Administration, and the creation of the institutions under the Nixon Administration can provide the proper context for what is needed today.

12 Budget of the U.S. Government, Fiscal Year 2018, Elimination: Corporation for Public Broadcasting, pg. 95. <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/msar.pdf> (accessed July 12, 2017).

13 Public Service Media, March 2017, http://www.aps.org/sites/default/files/legislative/advocacy/2017%20PMS%20LEG%20Leave%20Behind_0.pdf (accessed July 31, 2017).

14 George Will, “Public Broadcasting’s Immortality Defies Reason,” *The Washington Post*, June 2, 2017, https://www.washingtonpost.com/opinions/public-broadcastings-immortality-defies-reason/2017/06/02/f5de02be-46fe-11e7-a196-a1bb629f64cb_story.html?utm_term=.8df3a01f6ca6 (accessed July 31, 2017).

15 Public Service Media.

16 Committee Report on the Markup of the Concurrent Resolution on the Budget for Fiscal Year 2018. Pg. 123. <http://docs.house.gov/meetings/BU/BU00/20170719/106305/HRPT-115-115-240.pdf> (accessed on July 24, 2017).

17 “Climate Deal Must Avoid US Congress Approval, French Minister Says,” *The Guardian*, June 1, 2015, <http://www.theguardian.com/world/2015/jun/01/un-climate-talks-deal-us-congress> (accessed July 31, 2017).



HISTORICAL BACKGROUND

Educational radio's roots in broader movement to foster public education

This unhealthy nexus between taxpayer funding and journalism has been a feature, not a bug, of public broadcasting from the start. The CPB was created by the Public Broadcasting Act of 1967, the broadcasting component of Lyndon B. Johnson's Great Society. The Act had a noble pedigree. Its roots can be found in the missionary zeal of 19th century New England Yankee educational reformists, whose tastes and cultural proclivities left an indelible imprint on many of America's leading intellectual institutions. The belief by these Boston Brahmins that much of America was a cultural Appalachia upon which the New England habits of self-improvement could be imposed found a niche in the revolutionary new media of the 20th century. But this history also contains the roots of something less palatable: a sometimes patronizing approach (perhaps also harking back to the sneering patricians), which rankles many Americans. Newt Gingrich quipped in 1996, "I don't understand why they call it public broadcasting. As far as I'm concerned, there's nothing public about it; it's an elitist enterprise. Rush Limbaugh is public broadcasting."¹⁸ And something different quickly grafted onto the high-minded educational and cultural mission: a focus on public affairs and journalism that all too often seeks not to elevate society but to tear down its existing institutions.

The Act that Johnson signed into law on Nov. 7, 1967 established the CPB so that it would channel funds to noncommercial radio and television stations for two purposes: education and high culture. The Act begins,

The Congress hereby finds and declares that—

(1) it is in the public interest to encourage the growth and development of public radio and television broadcasting, including the use of such media for instructional, educational, and cultural purposes;¹⁹

What made the 1967 Act the "single most significant legislative event in the contemporary history of broadcasting" was that it "laid the groundwork for the subsequent appropriation of funds" for the Educational Television Act

¹⁸ James Ledbetter, *Made Possible By ... The Death of Public Broadcasting In the United States* (New York: Verso, 1997), pg. 2.

¹⁹ 47 USC 396: Corporation for Public Broadcasting <http://uscode.house.gov/view.xhtml?req=%2247+USC+396%22&f=treesort&fq=true&num=0&hl=true&edition=prelim&granuleId=USC-prelim-title47-section396>.



of 1962.²⁰ Several trends informed these two acts: the growing awareness of television as a revolutionary medium with unknown potential; the “Sputnik Moment” sense that the Soviets had overtaken the U.S. in science, necessitating a government-led educational effort to catch up; and the growing acceptance of federal intervention in areas that had been off-limits. These trends fed “a long tradition of philanthropic efforts promoting broad education.”²¹

Educational radio stations had been sprouting for decades, an outgrowth of this broader philanthropic trend to foster public education. The case of WGBH, one of the leading NPR stations in the country today, is instructive. This announcement in the Harvard Crimson on Oct. 6, 1951 captures the spirit of this educational endeavor:

Tonight at 8:30, Frequency Modulation station WGBH will make its premier with the first full-length live performance of the Boston Symphony Orchestra since 1926. This station is the latest in the Lowell Institute Cooperative Broadcasting Council's adult education projects, and will present everything from Shakespeare to advice on baby care.²²

The Lowell Institute, part of a broader philanthropic movement in New England, was founded in 1836 “with a mission to inform the populace” by John Lowell, Jr., scion of one of America’s oldest families.²³ The harshness of life in New England influenced the instincts of members of these families: “The prosperity of my native land, New England, which is sterile and unproductive, must depend on the intelligence and information of its inhabitants,”²⁴ wrote John Lowell, Jr. in his will. This rigorous drive to self-improvement clearly transferred to the educational broadcasting stations.

It seemed natural that broadcasting stations would find their homes in institutions created by another Yankee, the famed Vermont Senator Justin Morrill, who wanted to bring education to the middle class. Michael McCauley writes that though “there is no literal connection between educational radio and Justin Morrill’s effort to create land-grant colleges ... America’s pioneer educational stations seemed a natural extension of Morrill’s imperative to expand the reach of the modern university.”²⁵ WHA at the University of Wisconsin is another example of an early educational radio station,

20 John Edward Burke, *An Historical-Analytical Study of the Legislative and Political Origins of the Public Broadcasting Act of 1967*, (New York: Arno Press, 1979, c1972), pg.2,<http://trove.nla.gov.au/work/8633327?selectedversion=NBD1324473>.

21 Howard Husock, “A New Role for Public Broadcasting?” *National Affairs*, Spring 2015,<https://www.nationalaffairs.com/publications/detail/a-new-role-for-public-broadcasting>.

22 “Lowell Institute’s WGBH Takes Air,” *The Harvard Crimson*, <http://www.thecrimson.com/article/1951/10/6/lowell-institutes-wgbh-takes-air-ptonight/>, October 6, 1951 (accessed July 31, 2017).

23 The Lowell Institute, <http://www.lowellinstitute.org/about/>.

24 The Lowell Institute.

25 Michael P. McCauley, *NPR: The Trials and Triumphs of National Public Radio*, (New York: Columbia University Press, 2005).



premiering in January 1921.²⁶

Growing efforts to fund public television

With television's growing popularity, by the 1950s stations were also "exploring various ways of conveying classroom information through the medium of television, or even turning the TV set into a classroom."²⁷ In 1951, the Federal Communications Commission proposed that television channels be reserved on the spectrum for educational purposes. In 1952, it set aside 242 channels for such purposes.²⁸ At the same time, another philanthropic institution, the Ford Foundation, entered the arena. Henry Ford II, the grandson of the founder of the motor company, settled on education as one of the missions of the foundation, and "[e]ducation for the foundation came to include educational television as well."²⁹

The Ford Foundation established the Fund for Adult Education in 1951 to help communities raise funds for educational stations, and the Fund for the Advancement of Education, which would look at experiments with using television "not as an educational 'extra,' but regularly, as a basic part of daily instruction"³⁰ [emphasis mine]. The Fund for Adult Education also founded the Educational Television and Radio Center, which distributed educational programming. In 1963, the Center was renamed National Educational Television, another Ford-controlled distributor that eventually was replaced by PBS in 1970.³¹ In so doing, the Foundation was walking away from radio and its original educational goal.

Soon afterward the Ford Foundation began to drift toward radical causes, which would have surprised Henry Ford, Sr., and which led his grandson Henry Ford II to resign as chairman in 1956. In his letter of resignation, Ford reminded the Trustees that the Foundation was "a creature of capitalism. ... I'm just suggesting to the trustees and the staff that the system that makes the foundation possible very probably is worth preserving."³²

Despite the Foundation's largesse, the television stations "found it very

²⁶ Burke, pg. 18.

²⁷ "The Truth About Public Television," Lecture by Charles Lichenstein, Distinguished Fellow at The Heritage Foundation, delivered at Hillsdale College, March 1989, <https://imprimis.hillsdale.edu/the-truth-about-public-television/> (accessed July 31, 2017).

²⁸ Burke, pg. 22.

²⁹ Lichenstein, "The Truth About Public Television."

³⁰ "Teaching by Television", Report Issued by the Fund for the Advancement of Education, Preface, <https://babel.hathitrust.org/cgi/pt?id=mdp.39015059772163;view=1up;seq=11> (accessed July 31, 2017).

³¹ Encyclopaedia Britannica, Public Broadcasting Service. <https://www.britannica.com/topic/Public-Broadcasting-Service>.

³² Philanthropy Roundtable, Letter of Resignation by Henry Ford II, http://www.philanthropyroundtable.org/topic/donor_intent/henry_ford_2_letter_of_resignation (accessed June 30, 2017).



difficult to meet capital and operating costs.”³³ The concept of federal funding for educational television had not yet been fully accepted by congressmen. However, a turning point came in a 1956 speech by Leonard H. Marks, the National Association of Educational Broadcasters’ legal counsel, to that association.³⁴ Television was “a new dimension in a new era and only federal funding could bring it to a level of productivity that everyone thought possible.”³⁵

Several weeks after this address, Marks was a dinner guest at the Washington home of then-Texas Senator Lyndon B. Johnson. Marks explained to Johnson, who had been a teacher in rural Texas, how the new technology would allow one teacher to reach thousands. “This excited his attention ... he remembered, he said, in Cotulla (Texas), how he could work with those 26 kids in his classroom” and do better than other teachers.³⁶ The future president envisioned how TV could bring instructors like him into thousands of classrooms, and asked Marks to visit him in the office the next morning so he could meet with the chairman of the Commerce Committee, Warren Magnuson.³⁷ At that meeting, the two senators asked Marks to draft a bill to pay for educational TV through federal funds. Magnuson introduced the bill the following year and stuck with it for an additional five until it became law as the Educational Television Facilities Act of 1962, which authorized \$25,250,000 for educational TV.³⁸

Federal dollars for educational television

Though the 1962 Act was a breakthrough in terms of getting lawmakers accustomed to the idea of using federal dollars to support educational television, it was too narrow to propel the Education Television project forward, since the money was aimed at creating facilities, not programming. At a December 1964 conference of the NAEB in Washington, Ralph Lowell, a trustee of the Lowell Institute and the founder of WGBH, spoke vehemently about the need for a major new source of investment. Lowell decried that Procter & Gamble spent more in one year “to advertise its soap on television” than the entire capital investment of all ETV stations and their annual operating costs combined.³⁹ He called on President Johnson to convene a commission on how to raise the funds.

33 Burke, pg. 27.

34 Ibid., pg. 36.

35 Ibid., pg. 37, Burke interview with Leonard H. Marks.

36 Burke, pg. 38.

37 Ibid.

38 Ibid, pgs. 35–40, and 50.

39 Ibid., pg. 38.



A Lowell Committee was soon set up and met the following year in 1965 at WGBH studios in Boston. At that time, yet another philanthropic organization, the Carnegie Corporation, entered the fray. Eventually, the commission proposed by Lowell became the Carnegie Commission on Educational Television, and this entity recommended what became the Public Broadcasting Act and specifically called for the creation of the Corporation for Public Broadcasting. In a letter supporting the idea of a commission, President Johnson wrote:

From our beginning as a nation we have recognized that our security depends upon the enlightenment of our people; that our freedom depends on the communication of many ideas through many channels. I believe that educational television has an important future.⁴⁰

Carnegie set the promotion of culture on a new pedestal. “The Carnegie Commission came out candidly for elitism and argued, somewhat paradoxically, that it should by all means be imposed on everyone. And not only imposed but paid for in major part by everyone.”⁴¹ E.B. White, the renowned New Yorker essayist who helped the commission with its work, captured the essence of the moment in a letter to the Commission, a passage of which read:

Non-commercial TV should address itself to the ideal of excellence, not the idea of acceptability — which is what keeps commercial TV from climbing the staircase. I think TV should be providing the visual counterpart of the literary essay, should arouse our dreams, satisfy our hunger for beauty, take us on journeys, enable us to participate in events, present great drama and music, explore the sea and the sky and the woods and the hills.⁴²

The spell was cast. Johnson, now president, accepted most of the Carnegie Commission’s key recommendations. The man who had already federalized education on an unprecedented scale made his case to the full Congress in his 1967 State of the Union address: “We should develop educational television into a vital public resource to enrich our homes, educate our families and to provide assistance to our classrooms.”⁴³

Public affairs programming, educational programming and the culture of the 1960s

40 Public Television: A Program for Action, the Report of the Carnegie Commission on Educational Television (New York: Bantam Books, Inc., 1967), pg. VIII.

41 Lichenstein.

42 E.B. White’s letter to the Carnegie Commission, <https://current.org/1966/09/e-b-whites-letter-to-carnegie-i-2/>.

43 Burke, pg. 146.



A significant parallel development was taking place at the time. National Educational Television which the Ford Foundation had set up had begun to experiment with documentaries, panel discussions and other public affairs programs that it distributed to the stations. These NET programs, with the Ford Foundation's drift toward radical causes, were increasingly informed by what became the counterculture of the 1960s and launched an all-out assault on America's institutions. This new emphasis on public affairs also departed from the "TV in the classroom" endeavor. At this point, ETRC was officially renamed NET, and we first see the full metamorphosis from educational television to something altogether different: news.

The reason for this change from educational programming to news was simple. Educational programming was not retaining viewers; in order to survive, changes would have to be made to appeal to a larger audience. "By 1958, NET's programming had acquired a well-deserved reputation as dull, plodding and pedantic. NET officials recognized that if it was to survive and move beyond its 'university of the air' status, NET needed strong leadership and a new program philosophy."⁴⁴ The answer was to hire as its new president John F. White, station manager at WQED-Pittsburgh, who immediately sought to turn NET into a network. "First, he moved NET headquarters from Ann Arbor, Michigan to New York City, where it could be associated more closely with its commercial counterparts. Next he declared his organization to be the 'Fourth Network,' and attempted to develop program strategies aimed at making this claim a reality."⁴⁵

"They said, 'No radio, no station relations, no instructional television. Five hours of general television for a general audience - 2 1/2 hours public affairs, 2 1/2 hours cultural affairs. Everything else goes out,'" recalled the broadcasting veteran Don Quayle, who would go on to become NPR's first chief.⁴⁶

At this point NET started buying programming from the BBC, a practice that has continued to this day under its replacement, PBS. In 1964, the Ford Foundation made a new infusion of money into NET, a grant of \$6 million that allowed NET to produce and distribute a five-hour weekly package that included public affairs.⁴⁷ In fact, Ford Foundation officials "stipulated that half of all Ford money go to programs about public affairs and international issues."⁴⁸ White agreed. "[I]t was through public affairs programming that NET hoped to emphasize its unique status as the 'alternative network.'"⁴⁹ A

44 The Museum of Broadcast Communications, Encyclopedia of Television, National Education Television Center, <http://www.museum.tv/eotv/nationaleduc.htm>.

45 Ibid.

46 McCauley.

47 Ibid.

48 Charles L. Ponce de Leon, *That's the Way It Is: A History of Television News in America*, (Chicago: The University of Chicago Press, 2005), pg. 90.

49 The Museum of Broadcast Communications.



documentary series called “NET Journal” typified how the intellectual views of the emerging class of managers - those who would take over American cultural institutions in the coming decades - were shaping programming:

Offered under the series title NET Journal, programs like *The Poor Pay More*, *Black Like Me*, *Appalachia: Rich Land, Poor People*, and *Inside North Vietnam* explored controversial issues and often took editorial stands. Although NET Journal received positive responses from media critics, many of NET’s affiliates, particularly those in the South, grew to resent what they perceived as its ‘East Coast Liberalism’.⁵⁰

Another documentary about the Cuban Revolution was rejected by several local stations who viewed it as “sugar-coated communism.”⁵¹ A similar fate met “*Inside North Vietnam*,” which was produced by Felix Greene, a former BBC producer who received help on the project from the communist government of North Vietnam. Greene had first pitched the documentary to CBS, but its executives termed it “irreparably biased” and turned it down.⁵² In fact, 40 members of Congress sent a letter to White asking him to reconsider showing this “communist propaganda” on NET, but White was unmoved and distributed the documentary to NET affiliates.⁵³

White found a supportive voice in McGeorge Bundy, former National Security Advisor for John F. Kennedy and later for Johnson, who by 1966 had become head of the Ford Foundation. Chastened over his support for the escalation of the war, Bundy backed White, as did the liberal broadcasting legend Bundy hired in 1966 as the Foundation’s new television advisor, Fred Friendly. Friendly had resigned as president of CBS News when the network refused to pull an episode of “*The Lucy Show*” off the air to run a Congressional hearing on deepening U.S. involvement in Vietnam.

Friendly’s news background and liberal perspective greatly influenced NET’s direction. After the same 1967 State of the Union message in which Johnson loftily depicted educational television as a tool to assist in classrooms across the country, NET broadcast a panel of experts who heavily criticized Johnson’s speech on 75 of its stations across the country. It was the first time such a thing had been done, and it drew rave reviews from critics. The Associated Press reported it thus on Jan. 11: “President Johnson’s State of the Union message was criticized by civil rights leaders during a nationwide discussion of the address over the National Educational Television network.”⁵⁴

⁵⁰ Ibid.

⁵¹ Ledbetter, pg. 188.

⁵² Ponce de Leon, pg. 93.

⁵³ Ibid.

⁵⁴ Clippings assembled together in April 1967, by James Karayn, National Bureau Chief of NET, http://claytwhitehead.com/ctwlibrary/Box%20022/007_Telecommunications%20Meetings%20with%20the%20National%20Educational%20Television.pdf (accessed July 31, 2017).



Later that year, NET used a new \$10 million grant from Ford to launch a live, 2 ½ hour show called “Public Broadcasting Laboratory.” From the beginning, “PBL” epitomized the move away from educational programming to edgy news programming. Overseen by Av Westin, an avant-garde producer stolen by Friendly from CBS,⁵⁵ “PBL” debuted in November, coincidentally only days after the Public Broadcasting Act was signed. Charles Ponce de Leon writes:

More than any other television program at the time, PBL provided a platform for dissenting political views and controversial artistic projects ... Not surprisingly, Westin and his fellow producers were assailed by conservatives. They were also condemned by many station managers, who were uncomfortable broadcasting a program so clearly informed by the political and cultural radicalism of the era; a number of stations, mostly in the South, refused to air several controversial episodes. But Friendly stood behind Westin.⁵⁶

In light of this focus on public affairs programming, one of the original correspondents was Robert MacNeil, formerly of NBC, and another was Jim Lehrer, who went on to co-anchor “PBS NewsHour” for many years.

The Denver Post’s editorial on Johnson’s address, which said that “[i]t was both coincidental and appropriate that his words and image were being broadcast at the moment by 70 ETV stations”⁵⁷ missed the significance of the story entirely. The NET vision was in reality hostile to what Johnson had had in mind. “The establishment of the Carnegie Commission represented an end run around the old guard of educational broadcasting - NET and its patron, the Ford Foundation - based in New York. The Carnegie initiative was essentially a Cambridge/Boston operation.”⁵⁸ Bundy and the man he had brought to the Ford Foundation to create a noncommercial television system of hard-hitting news programs were now being shut out. As Ralph Engelman wrote, “The future system was being drawn largely outside the purview of the historic leadership of noncommercial broadcasting at Ford and NET.”⁵⁹

Carnegie’s vision of spreading high-minded culture and educational programming to large swaths of the public framed the Public Television Act. However, Friendly and Bundy’s conceptual model of a New York-based network, distributing hard-hitting documentaries and news programs discussing race, Vietnam and wealth redistribution inspired the programming that would follow.

55 Ponce de Leon, page 97.

56 Ibid.

57 Karayn.

58 Ralph Engelman, *Friendlyvision*, (New York: Columbia University Press, 2011).

59 Ibid.



Funding for educational programming, yes; Editorializing, no

In debates after Senator Magnuson introduced the Broadcasting Act bill in the Senate in March, Bundy and Friendly's impact on the report was limited to their testimony. At hearings of the Subcommittee on Communication, Friendly argued that "crucial issues such as Vietnam, space and national politics require a national news organization with depth of personnel and facilities - and ability to get on the air: nationally and immediately."⁶⁰

Everything possible, however, was done in the debates, hearings and writing of the report to ensure that editorializing and opinion-making would not be part of the broadcasts. Senator Norris Cotton, a Republican from New Hampshire, warned that if the broadcaster were to exhibit "a bias, a slanting or an injustice" the Congress would be able to do something about it by making life "very uncomfortable" for the directors of the corporation or by shutting down "some of their activities in the Appropriations Committee."⁶¹ (For the past half century, however, conservative leaders who have tried to do just that have been unable, as we shall see, but the intent of the drafters is clear.)

Johnson and the congressmen who supported the bill wanted it funded from general tax revenue through appropriations, while Friendly fiercely opposed the idea of funding that had to be approved by the federal government. He thought that requiring approval would be at odds with the public affairs programming that he insisted should be included. He told the Senate Subcommittee:

There will be - there should be - times when every man in politics - including you - will wish that it had never been created. But public television should not have to stand the test of political popularity at any point in time. Its most precious right will be the right to rock the boat.⁶²

His idea had always been that communications satellites "held by gravity in fixed positions in synchronous orbit 22,300 miles above the earth" would "supplant the patchwork of telephone lines and microwave relay stations used by the broadcast networks."⁶³ A nonprofit entity that set up the system and administered it would set aside a portion of the profits it would make from commercial interests to pay for noncommercial television. The idea was rejected in 1966 by the Federal Communications Commission and Congress.

After the bill was referred to the more conservative House on March 22, Representative Hastings Keith of Massachusetts raised concerns about

⁶⁰ Engelman.

⁶¹ 113 Cong. Rec. 13003 (1967).

⁶² Ponce de Leon, pg. 94.

⁶³ Engelman



the political dangers inherent in a government-supported broadcasting system.⁶⁴ In his historical analysis of the legislation, Burke observes that “[t]hroughout the hearings, witnesses had to keep reassuring several of the members that this legislation would not result in a Federal broadcasting network.”⁶⁵

In nine days of hearings by the Committee on Interstate and Foreign Commerce, concerns about possible political interference were allayed by the introduction of an amendment that determined no more than eight of the 15 board members could come from the same political party. The House Committee in its report stated that “[t]he educational stations must not be permitted to become vehicles for the promotion of one or another political cause, party or candidate.”⁶⁶ Thus, the bill that came out of the House included the line, “No noncommercial educational broadcasting station may engage in editorializing or may support or oppose any candidate for political office.”⁶⁷ Despite some grumbling, what later became Section 399 in the bill stayed at the insistence of the ranking member William Springer, a Republican from Illinois, whose support was essential to final passage.

The report also included a section that held that the Corporation was created “[t]o facilitate the full development of public telecommunication in which programs of high quality, diversity, creativity, excellence and innovation, which are obtained from diverse sources, will be made available to public telecommunications entities, *with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature*” [emphasis mine].⁶⁸

Dean Coston, Deputy Under Secretary at the then-Department of Health, Education and Welfare, who was among the opponents of excluding editorializing, worked closely with Johnson during the original drafting of the bill and fought hard to get public radio included. He did not mind banning the endorsement of candidates and requiring balance, but he insisted that editorializing by radio and TV presenters be permitted. Springer, however, held his ground. In the words of one of his staffers, he felt that “the fastest way to get it [public broadcasting] changed to something else was to get it into the business of editorializing.”⁶⁹ Most of the congressmen who were interested in passage of the act did not fight what became Section 399, perhaps intuiting that the spirit of this prohibition would be largely ignored. It thus made it to the final bill signed into law.

64 Burke, pg. 198.

65 Ibid, pg. 204.

66 Max D. Paglin, James Hobson, Joel Ronsenbloom, eds. *The Communications Act: A Legislative History of the Major Amendments, 1934–1996*, (Maryland: Pike & Fischer, Inc., 1999), pg. 156.

67 Ibid.

68 47 USC 396: Corporation for Public Broadcasting, <http://uscode.house.gov/view.xhtml?req=%2247+USC+396%22&f=treesort&fq=true&num=0&hl=true&edition=prelim&granuleId=USC-prelim-title47-section396> (accessed July 31, 2017).

69 Burke, pg. 209.



Critics who held that Section 399 violated the First Amendment kept fighting it and eventually won in court. In 1984, in *Federal Communications Commission v. League of Women Voters*, in which the defendants were joined by the far-left public radio network Pacifica Radio, the Supreme Court found that the “broad ban on editorializing by every station that receives CPB funds far exceeds what is necessary to protect against the risk of governmental interference or to prevent the public from assuming that editorials by public broadcasting stations represent the official view of government.”⁷⁰

The House passed the bill on Sept. 21, 1967 with a 266–91 bipartisan vote (it had passed the Senate on May 17), and the bill went to conference. The Senate objected that the House’s provision on objectivity and balance would be hard to meet for each program in a series. Some flexibility was allowed: Each program in a series would not have to meet this standard, but a series of programs as a whole would.⁷¹

The House approved the conference report on Oct. 19, the Senate on Oct. 26, and President Johnson signed the Public Broadcasting Act on Nov. 7, 1967. The change in the name came out of a recognition that “educational radio” would also be an important component.⁷² Three of the most prominent foundations in the country acted as fairy godmothers for the Broadcasting Act, each bequeathing a gift: Lowell the educational emphasis, Carnegie the cultural and Ford the editorializing aspect. Of the three, the Ford Foundation was to have the decisive impact.

The final bill defined educational television or radio programs as “[p]rograms which are primarily designed for educational or cultural purposes.”⁷³ In his remarks upon signing it, Johnson referred to education seven times and to public affairs once. He said that at its best, public broadcasting would make the nation a replica of the Greek marketplace, but ominously warned that “in weak or even in irresponsible hands, it could generate controversy without understanding; it could mislead as well as teach; it could appeal to passions rather than to reason. If public television is to fulfill our hopes, then the Corporation must be representative, it must be responsible, and it must be long on enlightened leadership.”⁷⁴

70 *F.C.C. v. League of Women Voters* 468 U.S. 364 (1984). <https://supreme.justia.com/cases/federal/us/468/364/case.html> (accessed July 31, 2017).

71 Burke, pg. 221.

72 Ibid, pg. 183, Senator Griffin’s comment.

73 “Congress Creates Public Broadcasting Corporation,” *CQ Almanac*, 1967. <https://library.cqpress.com/cqalmanac/document.php?id=cqal67-1313387> (accessed July 31, 2017).

74 Remarks Upon Signing of the Public Broadcasting Act, <http://www.presidency.ucsb.edu/ws/?pid=28532>, (accessed July 31, 2017).



The Nixon years

Richard Milhous Nixon was elected president a year later and entered the White House with a team full of hope. That optimism extended to public broadcasting. Nixon intuitively understood the new medium. In fact, his career highlight (the Checkers Speech) and low point (the debate with John F. Kennedy) were televised events. The CPB may have been established under the Johnson Administration, but Nixon was clearly going to put his imprint on the experiment, or so his administration thought.

Nixon and his team quickly realized to their dismay that educational and cultural broadcasting would soon also include public affairs programming to be presented by liberals. Promises of balance and objectivity disappeared. Friendly's vision of a network producing news (in the case of NPR, around the clock) and discussing race, Vietnam and the sexual revolution (and later, gender identity issues) had won. The only part of Friendly's dream that did not materialize was the part related to funding, which would come from general tax revenue. The editorializing would thus truly be made possible by "people like you," i.e. taxpayers whose contributions would be appropriated by Congress whether the content offended them or not. When President Nixon tried to cut funding, he found that Senator Cotton's promise of shutting down operations in the Appropriations Committee was built on sand. Some variation of the same story would be repeated under almost every Republican leader, notably Ronald Reagan, Newt Gingrich and George W. Bush.

As early as May 6, 1969, Clay T. Whitehead, a White House staff assistant, wrote a memo to Dwight Chapin, deputy assistant to the president, stating that "it is desirable for the President to be associated in an affirmative way with public broadcasting."⁷⁵ In another memo, he wrote, "The Nixon Administration's support for the Corporation for Public Broadcasting will shape the future of public television in America."⁷⁶

Nixon pushed PBS forward. He shared Johnson's antipathy to Fred Friendly's NET and wanted something to replace it. NET had been co-owned by the CPB since 1967, though the Ford Foundation continued to contribute the lion's share of its budget. At a meeting in the fall between Nixon, Frank Pace, Jr. (CPB Board chairman) and Albert L. Cole (a Reader's Digest director whom Nixon had appointed to the CPB Board), Cole told Nixon that the Foundation's underwriting of NET's programming was inappropriate because "he who pays the piper calls the tune."⁷⁷ According to Assistant to the President Peter Flanigan, Nixon "entirely agreed."⁷⁸ On Oct. 24, Flanigan sent a memo to Bureau of the Budget Director Robert Mayo requesting an additional \$5 million for the CPB. "The President feels very strongly that public

⁷⁵ Nixon Administration Public Broadcasting Papers, Summary of 1969, <https://current.org/1979/02/nixon-administration-public-broadcasting-papers-summary-of-1969/> (accessed July 31, 2017).

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.



broadcasting should not be dependent for content on Foundation supported programs,” the memo said.⁷⁹

The CPB began funding individual stations to encourage competition with Friendly’s NET. Whitehead wrote that “NET is unhappy that their domination of the field is disappearing,” adding that,

From the standpoint of the President’s objectives, the grants to individual stations cut both ways: the people who run the educational and public television stations around the country tend to be relatively liberal, but the geographical diversification probably would promote an overall less liberal emphasis than the New York City centralized NET. Funding a separate production unit to ‘compete’ with NET would not be a complete bed of roses either, since the liberal bent of people in the performing arts is well known.⁸⁰

Four days later, Flanigan sent back a memo he had prepared for Nixon explaining an agreement he had reached with CPB Board Chairman Pace:

I made it clear to Pace that the proposed \$5 million increase in funding for the Corporation was contingent upon the creation of new program production facilities to replace National Education Television ... I stated our position that government funding of CPB should not be used for the creation of anti-Administration programming or for the support of program-producing organizations which use other funds to create anti-Administration programs. Mr. Pace agrees with this and appreciates the additional support that will be forthcoming for CPB.⁸¹

In 1970, NET continued airing programming that Flanigan considered “clearly inappropriate for a government-supported organization.”⁸² After that, the CPB pressured it to wind down its operations as an independent network. NET merged on June 29 with Newark-based public station WNDT Channel 13 in New York, which changed its call letters to WNET, its name to this day. PBS began broadcasting on Oct. 5, 1970 after the merger was completed. One of the legacy programs it inherited from NET was “Sesame Street.” The show’s enduring popularity has from the beginning enormously helped CPB retain its federal funding. Another inheritance - the one that forces CPB to parade Big Bird in times of trouble - was the penchant for liberal public affairs programming that the Ford Foundation had instilled into NET.

NPR, too, inherited this inclination. It went on the air on April 20, 1970 with live gavel-to-gavel hearings by the Senate Foreign Relations Committee on

⁷⁹ Ibid.

⁸⁰ Ibid

⁸¹ Ibid.

⁸² Flanigan's Memo to Cole, November 9,(accessed June 19, 1960).



the Vietnam War.⁸³ It was from the start strictly a public affairs operation broadcasting from a liberal perspective. On May 3, the 5 p.m. news show “All Things Considered” debuted with coverage of a May Day anti-Vietnam protest by students.

The original vision for what NPR is today, indeed its very name, was suggested by WGBH President Hartford Gunn at a November 1968 conference in New York that grappled with the issue of forming a nationwide, interconnected system. In a paper titled “A Model for a National Public Radio System,” Gunn recommended sidelining the educational stations and setting a network up in Washington, D.C. that provided “a service of tightly formatted, in-depth national and international news and public affairs, with the emphasis on analysis, commentary, criticism and good talk.”⁸⁴ Gunn’s vision “reflected the Bostonian’s contempt for those Midwest land grant university stations at the heart of educational radio.”⁸⁵

NPR’s first program director, Bill Siemerling, hired by NPR President Don Quayle, brought his “commitments to ‘uplift the downtrodden masses’ and shine a light on the things that were not working in society.”⁸⁶ That liberal approach clashed with that of the NAEB old guard, who “simply wanted CPB to improve the kind of educational programming that already existed.”⁸⁷ But Siemerling “gave the network its very soul.”⁸⁸ Gunn’s suggested name stuck, and his vision won, too: University stations now carry programming from a Washington, D.C.-based NPR, which has a West Coast production facility in a Los Angeles suburb called Culver City.⁸⁹

PBS’ own bias soon became apparent. NET had continued for a time to produce shows with its own branding and in November aired a show on public stations called “Banks and the Poor” that fueled “the Administration’s displeasure with public broadcasting’s news and public affairs programming.”⁹⁰ In mid-1971, as the administration considered the CPB’s 1972 budget, the general counsel for the White House’s newly established Office of Telecommunications Policy - none other than the future Supreme Court Justice Antonin Scalia - wrote a memo that outlined the

83 McCauley.

84 Gunn, as quoted in McCauley.

85 Jack, W. Mitchell, *Listener Supported: The Culture and History of Public Radio*, (Westport, Connecticut: Praeger Publishers, 2005), pg. 45

86 McCauley

87 Ibid.

88 Ibid.

89 Paul Farhi, “NPR always seems to be reporting from a town called Culver City. Why?,” *The Washington Post*, June 29, 2016 https://www.washingtonpost.com/lifestyle/style/npr-always-seems-to-be-reporting-from-a-burg-called-culver-city-why/2016/06/29/918ede36-37e2-11e6-a254-2b336e293a3c_story.html?utm_term=.5a1804cfd17 (accessed July 20, 2017).

90 Nixon Administration’s Public Broadcasting Papers, Summary of 1971, (Accessed June 19, 2017).



Administration's options.⁹¹ One option was to eliminate the CPB altogether, which Scalia argued against because it would be "politically difficult in view of the strong educational support and the generally favorable public image which CPB has developed."⁹² Scalia recommended a second option, to shape the CPB through the appointment of favorable board members and executives and to increase "the independence of local stations which are generally more conservative in outlook."⁹³ Scalia was clear-eyed about the enormity of the problem for conservatives. "We are confronted with a long-range problem of significant social consequences - that is, the development of a government-funded broadcast system similar to the BBC."⁹⁴

In 1971, the CPB hired Johnson's Communications Director Bill Moyers, who has been a liberal fixture on PBS ever since, to do a weekly public television show that examined "segregated schools, the role of (the new) public television in America, strip mining, rising food costs and the Vietnam War."⁹⁵ PBS also began airing a nightly show featuring the liberal Martin Agronsky, which was distributed by Washington's PBS affiliate WETA, the station that produces many of PBS' public affairs shows. When PBS announced on Sept. 23 that it had hired NET's Robert MacNeil and NBC's Sander Vanocur to anchor a weekly political program, Nixon decided that he wanted to eliminate CPB funding.

In a "Confidential, Eyes Only" memo on the same day, Staff Secretary Jon Huntsman wrote to Flanigan that the hiring of MacNeil and Vanocur "greatly disturbed the President who considered this the last straw. It was requested that all funds for Public Broadcasting be cut immediately. You should work this out so that the House Appropriations Committee gets the word."⁹⁶

Nixon's aides tried to explain to the president that the funding for Fiscal Year (FY) 1972 was already out and that efforts must be directed for FY 1973 and beyond.⁹⁷ The goal instead should be to gain control of the CPB Board and explore whether public affairs could be stripped out.

The White House started preparing the ground for a confrontation by spreading news that MacNeil and Vanocur were making \$65,000 and \$85,000 annually, salaries then so large that they were greater than those of the vice president and the chief justice and twice as large as National Security Advisor Henry Kissinger's salary. "Taxpayer TV was becoming an upholstered playpen for liberal broadcasters," quipped Pat Buchanan, then a

91 Ibid.

92 Ibid.

93 Ibid.

94 Ibid.

95 This Week With Bill Moyers, <http://billmoyers.com/series/week-bill-moyers/>.

96 1971 Summary.

97 Ibid.



young speechwriter in the White House.⁹⁸

Whitehead also began to build up a national case against public affairs programming. At a now-famous speech in Miami to the National Association of Educational Broadcasters on Oct. 20, he said, “On a national basis, PBS says that some 40 percent of its programming is devoted to public affairs ... How different will your networked news programs be from the programs that Fred Friendly and Sander Vanocur wanted to do at CBS and NBC?”⁹⁹ Whitehead also said “all the glamour is packed into your nighttime schedules and the tendency is to get more public attention by focusing on the news, public affairs and cultural programs that are aimed for the general audience ... are you devoting enough of your resources to the learning needs of your in-school and in-home audiences?”¹⁰⁰ Whitehead also hit NPR: “Don Quayle’s National Public Radio may be the only real national radio network we have.”¹⁰¹ All of this, he added, “just invites political scrutiny of the content of the network’s programs.”¹⁰²

Things came to a head when the administration proposed a \$45 million budget for the CPB, an increase of 30 percent for FY 1973. Congress responded with a two-year request for \$155 million, \$65 million for FY 1973 and \$90 million for FY 1974, which passed the House with a 254–69 vote and the Senate 82–1.¹⁰³ On the advice of his aides, Nixon vetoed the CPB authorization bill on June 30.¹⁰⁴ In Questions & Answers prepared for him by his staff, Nixon was encouraged to voice his support for the aims of public broadcasting but stress that the introduction of journalism was “undermining the intent of the Public Broadcasting Act of 1967.”¹⁰⁵

Congress eventually came around and pared down the budget. Buchanan remembers: “No serious attempt was made to override Nixon’s veto, though the Senate had passed the original bill by 82-1. Given the liberal dominance of the media, and inevitable liberal control of public broadcasting, I urged Nixon to terminate all federal funding. After he left office he told me he should have done so, leaving those who cherish what public broadcasting has on offer to pay for it themselves.”¹⁰⁶ Pace resigned as chairman of the CPB Board, as did Macy as the Corporation’s President, and Nixon did get control of the

98 Pat Buchanan, *Nixon’s White House Wars: The Battles That Made and Broke a President and Divided America Forever*, (New York: Crown Forum, 2017).

99 Clay Whitehead Speeches, p. 65. [http://claywhitehead.com/ctwlibrary/Box%20040/007_CTW%20Speeches%20and%20Talks%20\(1%20of%202%20folders\).pdf](http://claywhitehead.com/ctwlibrary/Box%20040/007_CTW%20Speeches%20and%20Talks%20(1%20of%202%20folders).pdf) (accessed July 31, 2017).

100 Ibid.

101 Ibid.

102 Ibid.

103 Nixon Administration’s Public Broadcasting Papers, Summary of 1972.

104 Ibid.

105 Ibid.

106 Buchanan, pgs. 273–274.



CPB board and began to effect some changes. As a result, PBS became more decentralized.

An empowered Nixon might have gone on to defund the CPB. But on July 17, five men were arrested after breaking into the Democratic National Committee headquarters at the Watergate complex, and the president soon became mired in the scandal that led to his demise. PBS covered the hearings gavel-to-gavel. In 1985, NPR hired Daniel Schorr, who made his fame as a CBS correspondent and commentator during Watergate.

A quick review of the relationship between Republican leaders and the CPB from Nixon to Trump makes clear that each of Nixon's successors met with similar frustrations, with the exception of Gerald Ford's two-year presidency. In 1976, Ford put the CPB on an advanced five-year funding appropriation schedule to "eliminate the scrutiny of programming."¹⁰⁷ Congress cut that to two years, a schedule that exists to this day.

Reagan, Bush, Sr., Gingrich, Bush, Jr.

Like Nixon, Reagan sought to eliminate funding for CPB,¹⁰⁸ vetoed budgets and saw CPB executives resign on his watch. Eventually, he too came to believe that he could only correct NPR's and PBS' biases by affirming support for the CPB in public while attempting to control the board. "The first Reagan budget, drawn up by David Stockman, had no public broadcasting funds whatsoever," but funding was saved by liberal members on the board.¹⁰⁹ One of Reagan's appointees to the board, Richard Brookhiser, attempted in 1986 to quantify public broadcasting's liberal bias, about which there had been a constant complaint for 16 years of public broadcasting's existence, by commissioning a "scientific content analysis." Having come across the stated goal of "objectivity and balance," Brookhiser said: "I thought, 'Wait a minute, nobody ever mentions this,' and we have no way of even talking about it."¹¹⁰ Opposition from liberal board members who called it "a threat to the existence of public broadcasting" meant however that the study was never commissioned.¹¹¹ Echoing Nixon, two CPB presidents, Ed Pfister and Martin Rubenstein,

107 Statement by CEO Patricia Harrison Before the Subcommittee on Labor, Health and Human Services, Education and Related Agencies, U.S. House Committee on Appropriations. <http://www.cpb.org/pressroom/statement-ceo-patricia-harrison-subcommittee-labor-health-and-human-services-education-0> (accessed July 31, 2017).

108 Encyclopedia of Journalism, edited by Christopher H. Sterling, (London: SAGE Publications, 2009), pg. 1145.

109 Conflicting Communication Interest in America: The Case of National Public Radio, (Westport, CT: Greenwood Publishing Group, 1999) <http://docslide.net/documents/conflicting-communication-interests-in-america-the-case-of-national-public.html>

110 Quoted in Ledbetter, pg. 172.

111 Roberto Salinas, "Making Public Television Public," The Heritage Foundation, January 18, 1992, <http://www.heritage.org/report/making-public-television-public>.



resigned over policy differences with Reagan appointees on the board.¹¹² The same experience was repeated under George H.W. Bush, too, under whom legislation was introduced to abolish the CPB.¹¹³ As Senator Jesse Helms (R-NC) said at the time, “There are millions of Americans out there who share the view that the programming on public television is not balanced.”¹¹⁴

As Speaker of the House of Representatives in 1995, Newt Gingrich promised to zero out CPB funding, an actual plank of his Contract With America. He told a lunch gathering on Capitol Hill on Feb. 17 of that year that “The CPB still hasn’t seen the light ... They still don’t realize that the appropriation is gone, that the game is over. The power of the speaker is the power of recognition, and I will not recognize any proposal that will appropriate money for the CPB.”¹¹⁵ Once again, congressional realities made this impossible. “The shouting, the accusations of bias and elitism ... produced little more than a fairly simple, if painful, budget cut.”¹¹⁶

Exactly the same fate befell President George W. Bush, who tried every year of his presidency to eliminate or drastically cut funding for the CPB,¹¹⁷ so much so that in Obama’s first year in office, the President of PBS Paula Kerger allowed herself a public sigh of relief.¹¹⁸ Like Reagan, Bush’s team also tried to find some way quantify NPR’s and PBS’ political bias. CPB’s Bush-appointed Chairman, Ken Tomlinson, hired a consultant to keep track of bias at both networks in 2004.¹¹⁹ Tomlinson was said to be particularly incensed at the commentary by Moyers, who was still a fixture in public media.¹²⁰ The consultant Tomlinson hired, Fred Mann (with whom the author worked as an intern for the National Journalism Center in the 1980s and who continues to be a friend), was contemptuously derided by NPR’s media reporter David Folkenflik as someone who “does not have the kind of journalistic accomplishments that typically command respect within the profession - or that would give him the stature to assess two national news outlets with

112 David Crook, “CPB President Resigns In Dispute Over Policy,” November 15, 1986, Los Angeles Times, http://articles.latimes.com/1986-11-15/entertainment/ca-3515_1_public-broadcasting.

113 Congressional Quarterly, “Will Political Attacks and New Technologies Force Big Changes?,” <http://library.cqpress.com/cqresearcher/document.php?id=cqresrre1992091800>.

114 Ibid.

115 Ellen Edwards, “Gingrich Vows to Zero Out CPB,” February 17, 1995, The Washington Post, https://www.washingtonpost.com/archive/lifestyle/1995/02/17/gingrich-vows-to-zero-out-cpb/9d165fe9-aa92-4f2e-9075-cf75e78a1a12/?utm_term=.c3dc4c423957

116 Ledbetter, pg. 201.

117 InsideRadio, “Public Broadcasting Digs In On Fight Over Proposed Cuts,” March 20, 2017, http://www.insideradio.com/free/public-broadcasting-digs-in-on-fight-over-proposed-cuts/article_e99e30f8-0d3a-11e7-b74a-fb1aef2864b0.html (accessed July 31, 2017).

118 “PBS Chief Welcomes Public Funding Under Obama,” August 2, 2009, The Associated Press, <http://newsok.com/pbs-chief-welcomes-public-tv-funding-under-obama/article/feed/63883>.

119 David Folkenflik, “CPB Memos Indicate Level of Monitoring,” NPR, June 30, 2005, <http://www.npr.org/templates/story/story.php?storyId=4724317> (accessed July 31, 2017).

120 Ibid.



clear-cut authority.”¹²¹The effort was stopped. Tomlinson resigned from the board on Nov. 3, 2005 amid accusations that he was applying a political test to hiring at the CPB.¹²²

121 Ibid.

122 “Report Faults Ex-CPB Chair Tomlinson on Ethics,” NPR, November 15, 2005, <http://www.npr.org/templates/story/story.php?storyId=5013575> (accessed July 31, 2017).



WHY IT MUST CHANGE

The seeds of tension between conservatives and public broadcasting were sown from the start. Among the issues were the decision to include public affairs programming in an undertaking that had mostly been sold to the American people as educational and cultural; the further decision to finance such public affairs programming using taxpayer funds; and the early emergence of a political bias toward liberal causes, despite the Act's requirement of "objectivity and balance." As the record has shown, public broadcasting was captured early on by men and women influenced by the counterculture of the 1960s and subsequently reflected the liberalism that followed that era. The tension has not been good for conservatives or public broadcasters and consequently for the country.

Three main arguments follow: government spending in journalism falls outside the proper role of government; the problem is worsened by the left-leaning bias of the programming, which is unfair to roughly half the country, which must yet pay for public broadcasts; any justification that might have existed for public broadcasting in the 1960s has now disappeared under the new technological environment. These three problems are analyzed below.

Funding public broadcasting: Not the proper role of government

Article I, Section 8 of the Constitution states "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises,"¹²³ and enumerates its other specific powers. The careful reader will find that funding does not appear for either the press or education. The Cato Institute is right when it asserts "not only is the Constitution absolutely silent on the subject of education, but the U.S. Supreme Court has also refused to recognize any right to a taxpayer-funded education."¹²⁴

Over time, support grew for publicly funded education if left to the individual states under the 10th Amendment. In the mid-20th century, the concept of federal funding for education carried into classrooms by broadcasters had not yet been embraced, however. "On the contrary, it was the result of a gradual and sometimes painful evolutionary process which required many years of work."¹²⁵ There is little question that had public broadcasting hewed to neutral educational and cultural programming free of politics, it

¹²³ The Constitution of the United States, <http://constitutionus.com/>.

¹²⁴ David Boaz, "Education and the Constitution," The Cato Institute Blog, May 1, 2006. <https://www.cato.org/blog/education-constitution>.

¹²⁵ Burke, pg. 4.



would have bipartisan blessing today. However the early embrace of public affairs and the diminution of the educational component courted immediate opposition. As the Q&As prepared for Nixon instructed him to say, public broadcasting “was not intended to be a journalistic medium. Its purpose was to encourage local and private initiatives in educational programming and experimental program development.”¹²⁶

In its present form, NPR is just that, a journalistic medium, and one in which liberal voices dominate. As for PBS, little remains of the dreams Johnson harbored of outstanding teachers being brought to classrooms like his at Cotulla through the miracle of television. Today, digital television “has allowed stations to carry these programs on digital subchannels in lieu of the main PBS feed [and] many member stations/networks have replaced distance education content with children’s and other programming.”¹²⁷

This is not to say that there is no educational programming, but parsing what separates it from public affairs is not easy.

PBS’ primetime schedule has a strong public affairs element led by such marquee shows as “PBS NewsHour;” its flagship investigative documentary series, “Frontline;” “Washington Week,” etc. The cultural programming includes “Great Performances,” cooking and antiques shows and many period pieces imported from the BBC. The morning and afternoon schedules include programs such as “Sesame Street,” “intended to educate as well as entertain” children.¹²⁸

The educational effort is led by LearningMedia, a platform which the CPB describes as “the” destination for its educational digital media content,¹²⁹ and the Ready to Learn pre-K program for children in low-income communities.¹³⁰ The CPP requests appropriations of \$30 million for the Ready to Learn program for 2018, as opposed to the \$445 million for the CPB itself.¹³¹

LearningMedia is the portal through which teachers and parents can register and access digital resources, videos, interactive material, lesson plans and images. They can use it to access such PBS KIDS programs as “Curious George” and “Peg+Cat,” and also PBS documentaries and programs including “NOVA,” “American Experience,” “American Masters” and “Frontline.” CPB supporters could therefore describe expenditures on all the above as educational. That would only, however, raise questions for

126 Nixon Administration’s Public Broadcasting Papers, Summary of 1972.

127 Ibid.

128 PBS-TV PureHistory, <http://purehistory.org/pbs-tv/>.

129 PBS LearningMedia, <https://www.pbslearningmedia.org/about/products/teachers/>.

130 PBS LearningMedia, <https://whut.pbslearningmedia.org/readytolearn/>.

131 Public Service Media, http://www.aps.org/sites/default/files/legislative/advocacy/2017%20PMS%20LEG%20Leave%20Behind_0.pdf.



conservatives about whether educational programming is being used as surreptitious political indoctrination of the young.

Conservatives have repeatedly criticized “Frontline” as biased, for example. For example, in 2015, the National Rifle Association pointed out the many ways in which the episode “Gunned Down: The Power of the NRA” fell short of the Broadcasting Act’s guidelines on objectivity and balance.¹³² Frequent warnings on “NOVA” about climate change are another example.

During the 1992 funding crisis (which coincided with the 25th anniversary of the Broadcasting Act), Senator Bob Dole (R-Kansas) excoriated PBS documentaries: “The liberals love it. They have their own network. We are talking about political documentaries which come as close to being an editorial page as an institution such as broadcasting has.”¹³³ Nothing much has changed. The most acclaimed documentary maker for PBS today, Ken Burns, is a long-time donor to the Democratic Party who in 2009 endorsed Barack Obama, whom he compared to Lincoln.¹³⁴ In the closing days of the 2016 election he warned that Donald Trump was “Hitleresque.”¹³⁵ Clearly, whatever consensus may exist on publicly funding education does not extend to taxpayer funding of public affairs, and separating one from the other in the documentaries offered on LearningMedia is difficult.

There is also an inherent contradiction in government funding media, when the media is supposed to keep government in check. The Constitution’s First Amendment injunction against any law “abridging the freedom of speech, or of the press” does not in itself bar public funding of media, but Fred Friendly was on to something when he testified in 1967 that “We must avoid at all costs any situation in which budgets of news and public-affairs programming would be appropriated or even approved by any branch of the Federal government.”¹³⁶

When taxpayers believe their taxes are being misused, they demand accountability and pressure their elected officials, who then turn that pressure on the public broadcaster. This is why government and the press must exist separately if the latter is to be an independent check on the former. Changing the funding from annual appropriations to the BBC-style excise tax on television sets and radios that was proposed in the 1960s would not fundamentally change the equation; such a tax would still be imposed

132 NRA letter to PBS Ombudsman Michael Getler, February 15, 2015, http://www.nxtbook.com/nxtbooks/nra/aff_201503/index.php?utm_medium=Social&utm_content=org_nxtbook_com_nxtbooks_nra_aff_201503__18-2015-02-23&utm_campaign=Article#/18 (accessed July 31, 2017).

133 Congressional Quarterly Researcher, Charles S. Clark, September 18, 1992, <http://library.cqpress.com/cqresearcher/document.php?id=cqresrre1992091802> (accessed July 31, 2017).

134 Vietnam Veterans News, “Ken Burns introduced his “The Vietnam War” program in Houston,” April 30, 2017, <http://vietnamveterannews.com/898-ken-burns-introduced-his-the-vietnam-war-program-in-houston/>.

135 Brent Lang, “Documentarian Ken Burns Warns Donald Trump’s Rise is ‘Hitleresque,’” Variety, October 13, 2016, <http://variety.com/2016/film/news/ken-burns-donald-trump-hitler-1201887845/> (accessed July 5, 2017).

136 The Public television act of 1967. Hearings, Ninetieth Congress, first session, on S. 1160. pg. 73.



by government, and it would also be increasingly impractical in the age of the Internet. All taxpayer funds are raised coercively, which is why the government must act prudently when deciding what to do with the extracted funds.

The courts have held that Congress has the right to appropriate funds for ends that not all citizens agree on - say, a war - as long as those ends contribute to the public good and general safety. However in the area of expression, the courts have emphasized the need for balance. In *Wisconsin v. Southworth* in 2000, the Supreme Court upheld the constitutionality of mandatory university student activity fees used to support student groups that engaged in expressive activity. As Justice Samuel Alito explained when he wrote the opinion in the 2014 *Harris v. Quinn* case:

Public universities have a compelling interest in promoting student expression in a manner that is viewpoint neutral ... This may be done by providing funding for a broad array of student groups. *If the groups funded are truly diverse, many students are likely to disagree with things that are said by some groups* [emphasis mine].¹³⁷

In his opinion in the *Southworth* case, Justice Anthony Kennedy wrote that “[i]t is all but inevitable that the fees will result in subsidies to speech which some students find objectionable and offensive to their personal beliefs.”¹³⁸ The remedy was objectivity and balance. “The proper measure, and the principal standard of protection for objecting students, we conclude, is the requirement of viewpoint neutrality in the allocation of funding support. ... When a university requires its students to pay fees to support the extracurricular speech of other students, all in the interest of open discussion, it may not prefer some viewpoints to others.”¹³⁹

Thus, the issue of bias makes its entry. In insisting on objectivity and balance and banning editorializing, the drafters of the Broadcasting Act seem to have had a good sense of the Constitution.

Bias: Unintentional perhaps, but real

When they let their guard down, NPR, PBS and their parent organization, the CPB, admit that their workforce is overwhelmingly progressive¹⁴⁰ but reject that such lack of intellectual diversity has an impact on their output. For that to be true, however, one would have to believe that liberals are fully

137 *Harris v. Quinn*, Legal Information Institute, Cornell University, <https://www.law.cornell.edu/supremecourt/text/11-681> (accessed July 31, 2017).

138 *Wisconsin v. Southworth*, Legal Information Institute, Cornell University, <https://www.law.cornell.edu/supct/html/98-1189.ZO.html>.

139 *Ibid.*

140 Mike Gonzalez, “NPR Admits It’s Packed With Liberals,” Fox News Opinion, March 16, 2011, <http://www.foxnews.com/opinion/2011/03/16/earth-tax-dollars-npr.html> (accessed July 6, 2017).



conversant with conservative perspectives and ideas. More importantly, it would also have to be true that practically every Republican and Democratic leader since 1970 has been fundamentally wrong concerning their own political interests, the former in criticizing public broadcasting and the latter the opposite.

The argument that populating a newsroom with liberals will nonetheless produce objective reporting was well articulated on Sept. 14, 2012 by Ira Glass, whose “This American Life” show is produced by Chicago-based public radio station WBEZ. Here is the exchange with Bob Garfield of “On the Media,” a show produced by New York’s WNYC:

Bob Garfield: You and I both know that if you were to somehow poll the political orientation of everybody in the NPR news organization and at all of the member stations, you would find a progressive, liberal crowd, not uniformly, but overwhelmingly.

Ira Glass: Journalism, in general, reporters tend to be Democrats and tend to be more liberal than the public as a whole, sure. But that doesn’t change what is going out over the air. And I feel like, well, let’s measure the product.¹⁴¹

That journalists are more liberal than the public has been proven by countless studies. Washington Post media writer Erik Wemple did a good job of compiling many of those studies in a Jan. 27, 2017 column.¹⁴² On the right, the Media Research Center has also catalogued the lopsided ideological nature of newsrooms in a massive study.¹⁴³ The reasons given are well known: Many journalists have been taught that their job is to “afflict the comfortable and comfort the afflicted,” and the main news centers are based in the liberal hot houses of Manhattan and Washington, D.C. This was exactly the reason Nixon did not want the news divisions of PBS and NPR to be based in those cities. However, PBS’ public affairs shows are produced mainly in those two cities plus Boston,¹⁴⁴ which Hillary Clinton won with 82 percent of the vote.

In 1991, Walter Goodman of The New York Times explained the liberal tilt of PBS documentaries this way: “In its role as an alternative to the commercial networks, public television is almost forced into an adversarial role. Its very

141 “Ira Glass’s Challenge,” On The Media, September 14, 2012, <http://www.wnyc.org/story/235573-ira-glasss-challenge/> (accessed July 31, 2017).

142 Erik Wemple, “Dear Mainstream Media: Why so Liberal?,” *The Washington Post*, January 27, 2017 https://www.washingtonpost.com/blogs/erik-wemple/wp/2017/01/27/dear-mainstream-media-why-so-liberal/?utm_term=.fc8a884b4a89 (accessed July 7, 2017).

143 Media Research Center, “The Liberal Media: Every Poll Shows Journalists Are More Liberal than the American Public – And the Public Knows It,” <http://www.mrc.org/special-reports/liberal-mediaevery-poll-shows-journalists-are-more-liberal-american-public-%E2%80%94-and> (accessed July 7, 2017).

144 PBS Program Contacts, <http://www.pbs.org/about/contact-information/program-contacts/> (accessed July 7, 2017).



existence is a rebuke to a profit-driven society.”¹⁴⁵ A year later, Goodman wrote of PBS documentary makers, “unlike more restrained journalists, they have shown little compunction about pushing their own opinions.”¹⁴⁶

Glass’s second point that overwhelmingly liberal newsrooms do nonetheless produce objective reporting and analysis strains credulity for a simple reason: Even the most just person cannot throw into the analytical mix facts he does not know or perceptions he does not have. Believing *The Wall Street Journal*’s explanation of why FOX News’s Chris Wallace’s job at the last presidential debate of 2016 was so widely praised is easier:

He asked questions that would never have even occurred to the other moderators. Mr. Wallace’s personal politics are a mystery to us, but his position as an anchor at Fox News (where we have a weekly TV show) means he is exposed to political points of view that are alien at most other media outlets.¹⁴⁷

The conservative commentator Arnold Steinberg, who in his youth in the 1960s worked for Fred Friendly, raised the same point. After Friendly cut some questions from an interview he had conducted, he said, “I realized then the bias was unintended; that is, Fred Friendly simply did not grasp the novelty of my perspective or the significance of my questions. He was a professional at what he did, but he and I lived in a different world, and what Americans would later call ‘public’ (meaning taxpayer-funded) television and radio would, in its public affairs programming, be at best, similarly myopic.”¹⁴⁸

Perhaps because of the difficulty of measuring bias in reporting and analysis in a way that can be considered satisfactorily dispositive, Glass’ second contention has become PBS and NPR’s ultimate defense: Prove It. Conservatives could just shrug their shoulders and agree with Reagan speechwriter Peggy Noonan that “arguing over whether PBS is and has long been politically liberal is like arguing over whether the ocean is and has long been wet. Of course it is, and everyone knows it.”¹⁴⁹ Another recourse is to simply point out how conservatives and liberals have consistently reacted to public broadcasting for the past half century and infer that they know their own interests best. That demonstrates Noonan’s point: “The Democratic Party naturally desires to retain or increase public funding of a television

145 Walter Goodman, “Critic’s Notebook; Documentaries That Lean Left,” *The New York Times*, May 6, 1991, <http://www.nytimes.com/1991/05/06/movies/critic-s-notebook-documentaries-that-lean-left.html> (accessed July 5, 2017)

146 Quoted by Clark in the CQR, September 18, 1992.

147 Review & Outlook, “Chris Wallace’s Moderating Secret,” *The Wall Street Journal*, October 23, 2016. https://www.wsj.com/articles/chris-wallaces-moderating-secret-1477262113?mod=wsj_review_&_outlook (accessed July 7, 2017).

148 Arnold Steinberg, “Special Report: Public Television and Radio Remain Unconstitutional,” *The American Spectator*, March 24, 2017. <https://spectator.org/public-television-and-radio-remain-unconstitutional/> (accessed July 11, 2017)

149 Peggy Noonan, “P Is For Permanent,” *The Wall Street Journal*, June 16, 2005, <https://www.wsj.com/articles/SB122486862600567069> (accessed July 10, 2017).



network whose overall and reflexive tendency is to persuade viewers to see the world as liberals see it.”¹⁵⁰

While Nixon, Reagan and the others sought to limit or eliminate funding and put the CPB on a shorter leash, Carter sought not just to increase spending but “also increase public broadcasting’s insulation from inappropriate political influence” because “I want to encourage public broadcasters at all levels to engage in active news reporting and public affairs programming.”¹⁵¹ In 2012, the issue of CPB funding actually became a campaign matter in the presidential election. After Republican candidate Mitt Romney promised to defund the CPB, the Obama campaign cut a satirical ad with Big Bird in which it defended CPB funding.¹⁵²

For many years, PBS tried to bring in conservative voices such as Bill Buckley, who hosted the show “Firing Line” for more than 30 years, and John McLaughlin, who hosted “The McLaughlin Group” from 1982 until his death in 2016. The free-market economist Milton Friedman also had a documentary series in the 1970s. Buckley and Friedman, however, spoke of feeling like outsiders at PBS. “Somebody speaking with the accents and emphases of Bill Moyers is acceptable,” said Buckley, “in the sense that somebody speaking with those of a Milton Friedman or me would not be.”¹⁵³

Audiences have never been in any doubt. As Pew Research demonstrated in 2014, 25 percent of PBS’ audience is “mostly liberal” while 35 percent is “consistently liberal,” compared to 11 percent “mostly conservative” and four percent “consistently conservative.”¹⁵⁴ NPR’s audience is even more liberal, with 41 percent “consistently liberal” and 26 percent “mostly liberal,” versus three percent and nine percent “consistently conservative” and “mostly conservative” respectively.¹⁵⁵

An environment transformed

The world into which the CPB was born was different from today’s. The three networks - ABC, CBS and NBC - basically enjoyed an oligopoly. They competed mercilessly inside this environment, but at the end of the day they had 200 million Americans to divvy up. This oligopoly, moreover, relied on a finite spectrum, giving the industry the look of highly regulated utilities.

150 Ibid.

151 Jimmy Carter’s Public Broadcasting System’s message to Congress, October 6, 1977, <http://www.presidency.ucsb.edu/ws/?pid=6755> (accessed July 10, 2017).

152 Obama For America, Big Bird, <https://www.youtube.com/watch?v=bZxs09eV-Vc>.

153 Jarvik, pg. 201.

154 Pew Research Center, “Where News Audiences Fit on the Political Spectrum,” October 21, 2014, <http://www.journalism.org/interactives/media-polarization/outlet/pbs/> (accessed July 11, 2017).

155 Pew Research Center, “Where News Audiences Fit on the Political Spectrum,” October 21, 2014. <http://www.journalism.org/interactives/media-polarization/outlet/npr/> (accessed July 11, 2017).



The presidents of ABC, CBS and NBC supported the creation of public broadcasting in Congressional hearings, arguing that commercial TV was incapable of producing the educational and cultural content that Johnson and the Carnegie Commission wanted because such programming did not appeal to mass audiences.¹⁵⁶

The belief that broadcasters interested in profit were too crass to deliver education and culture permeated the creation of the CPB. A 1961 speech by FCC Chairman Newton Minow to the National Association of Broadcasters, in which he referred to commercial TV as a “vast wasteland”, was typical of this attitude:

You will see a procession of game shows, formula comedies about totally unbelievable families, blood and thunder, mayhem, violence, sadism, murder, western bad men, western good men, private eyes, gangsters, more violence, and cartoons. And endlessly, commercials - many screaming, cajoling, and offending. And most of all, boredom.¹⁵⁷

The same reason was given for broadcasting to low-density rural communities with underserved audiences that only government-subsidized broadcasting could serve. The commercial networks, in other words, were after advertising dollars, and the drafters of the bill promised that the CPB would not compete for those. There was, roughly, an understanding that, for the important things, everyone would stay out of each other’s way.

Today, Leonard H. Marks’ 1956 contention that television is “a new dimension in a new era and only federal funding could bring it to a level of productivity that everyone thought possible” is no longer true. Cable, satellite and the internet have transformed this world, and what purpose the CPB serves that could not be served by others is hard to imagine. As George Will wrote, terminating the CPB “would reduce viewers’ approximately 500 choices to approximately 499. Listeners to public radio might have to make do with America’s 4,666 FM commercial stations, 437 satellite radio channels, perhaps 70,000 podcasts and other internet and streaming services.”¹⁵⁸

Will has a point. Any public-spirited person looking for information on radio or television that would help make her a better-informed citizen can find everything she needs on the commercial dial. With options like MSNBC’s Steve Kornacki to talk radio’s Mark Levin, finding intelligent discussion of public affairs is possible, and there is truth in advertising: Levin does not hide the fact he is a conservative nor Kornacki that he is a liberal. Johnson’s Dean Coston may have said in protest of the clause excluding editorializing in 1968 - in comments that also displayed the pervasive contempt for the profit motive that existed - “I don’t know where you are going to get good public policy

156 Burke, pg. 201.

157 Newton Minow, “Television and the Public Interest,” American Rhetoric’s Top 100 Speeches, 1961, <http://www.americanrhetoric.com/speeches/newtonminow.htm>.

158 Will.



editorializing if you can't get it at the public sector. You certainly aren't going to get it out of the commercial networks."¹⁵⁹ But today, for comprehensive coverage of an important subject, Hugh Hewitt's MSNBC interview with CIA Director Mike Pompeo on June 24, 2017, is hard to beat.¹⁶⁰ And no taxes were coerced to pay for it.

In terms of the in-classroom help that the former teacher at the little schoolhouse in Cotulla wanted, what we have today is if anything too much choice. As a teacher told the Gates Foundation (itself a free provider of such tools), "There are so many digital resources out there, I am lost as to which ones are good. I am always excited to learn about new technology, but overwhelmed at how much there is out there. It is hard to find time to research it all, especially all the new education apps."¹⁶¹

As for culture, Minow's jeremiad about a "vast wasteland" could not be more wrong today. The rapid growth in critically acclaimed commercial U.S. television series over the past 20 years has led critics to call our present era "the Second Golden Age of Television."¹⁶² Examples include "Breaking Bad," "The Wire," "The Americans," "Homeland" and "Lost." As for nature shows, there is an embarrassment of riches, from the reality TV-oriented Discovery Channel to the National Geographic Channel, the Science Channel and others.

Technology, in fact, has made public broadcasting redundant. Its decentralized financing structure, in which more than 70 percent of CPB's federal funding goes directly to local media stations,¹⁶³ has become an obstacle to realizing the full potential of new technologies and a huge and unnecessary expenditure in overhead that could be going into content. "It's not just that these stations have become a waste of taxpayer money; they also present an obstacle to online distribution," says Jim Epstein, production assistant for New York's WNET from 2002 to 2009.¹⁶⁴ In concessions to stations, NPR hosts are barred from mentioning popular podcasts or smartphone apps. The podcasts themselves cannot carry "Morning Edition" or "All Things Considered." "Without the massive overhead cost of 1,400 local public radio and television stations, that revenue would more than cover the cost of producing the programs, and then distributing them free online."¹⁶⁵

159 Burke, pg. 209.

160 Hugh Hewitt, interview, "CIA Director Mike Pompeo," June 24, 2017, <http://www.hughhewitt.com/hughs-debut-msnbc/>.

161 Karen Johnson, "Resources to Help You Choose the Digital Tools Your Classroom Needs," March 15, 2016, <https://www.edsurge.com/news/2016-03-15-resources-to-help-you-choose-the-digital-tools-your-classroom-needs> (accessed July 6, 2017).

162 Todd Leopold, "The new, new TV golden age," CNN, May 6, 2013, <http://www.cnn.com/2013/05/06/showbiz/golden-age-of-tv/index.html> (accessed July 31, 2017).

163 About CPB, <http://www.cpb.org/aboutcpb> (accessed July 12, 2017).

164 Jim Epstein, "Why Government Funding Hurts PBS and NPR," July 16, 2017, <http://reason.com/reasontv/2017/02/17/public-broadcasting-end-federal-dollars> (accessed July 16, 2017).

165 Ibid.



The removal of that overhead would relieve the taxpayer of his burden. As it is right now, public broadcasting gets about 35 percent of its revenues from taxpayers, a figure that includes 14.6 percent in federal CPB appropriations, about 11.4 percent from state and local governments, and a certain percentage from more indirect sources such as state colleges and universities.)¹⁶⁶ Subscribers, corporations and foundations make up the bulk of the rest. The numbers are better for public radio, which is less than half as reliant on CPB appropriations as public television.¹⁶⁷ Take away the funds to the 1,400 stations, and public broadcasting would survive without taxpayer support.

Finally, public broadcasters have an unfair advantage over their commercial competitors: Their reliance on taxpayer support helps them avoid automatic dial turning when an upcoming commercial break is announced. Commercial programs like Hewitt's rely on sponsors, which means commercial interruptions. Hewitt knows that his command before he switches over to commercial plugs for sponsors - "Don't touch that dial, America!" - is regularly ignored by many.

I asked WMAL radio host Chris Plante what he thought of the competition from NPR and this is what he wrote:

Everyone in the radio business knows that when we go to a commercial break, radio listeners around the city are changing the channel. Some come back a few minutes later. Some don't. That reality obviously drives our ratings in a downward direction. NPR never hits that wall.

Their ratings in the D.C. metro are great. Stunning. Liberal area, to be sure. But, if CBS didn't have to run commercials, and had commercial-free programming all day and all night because of taxpayer subsidies, that would obviously put ABC and NBC at a terrible competitive disadvantage.¹⁶⁸

¹⁶⁶ Public Broadcasting Revenue, Fiscal Year 2015; Public Broadcasting Revenue by Source, <http://www.cpb.org/files/reports/revenue/2015PublicBroadcastingRevenue.pdf> (accessed July 12, 2017).

¹⁶⁷ Ibid., Table Two.

¹⁶⁸ Email to the author, June 30, 2017



CONCLUSION

Public broadcasting walked away from the promised emphasis on education and cultural promotion when it embraced public affairs, which conservatives have come to view as political indoctrination on the public dime. Thomas Jefferson never heard an electronic broadcast, but he summed up why continued taxpayer funding for public broadcasting under these circumstances is unfair and unwise when he said, “To compel a man to furnish contributions of money for the propagations of opinions which he disbelieves and abhors, is sinful and tyrannical.”¹⁶⁹

Public broadcasting figures such as Ira Glass say they want the bias measured, but attempts by Brookhiser, Tomlinson and Mann to do just that have been shut down after cries of censorship. Anything done on the public dime comes with accountability. The only solution is defunding.

It’s tempting to believe that public affairs broadcasting could be stripped from public broadcasting, leaving education and culture programming in place. In an Oct. 4, 1971 memo that curiously mirrored Friendly’s warnings about the danger of mixing opinion with public funding, Clay T. Whitehead outlined an option to “seek legislation to provide a new structure for federal funding of only educational and cultural programming at the national level and for direct grants to local educational stations.”¹⁷⁰ Peggy Noonan made the same argument in 2005 when she wrote, “Why, then, doesn’t Congress continue to fund PBS at current levels but tell them they must stick to what they are good at, and stop being the TV funhouse of the Democratic Party?”¹⁷¹

Doing so is not practicable and may not even be possible. How can public affairs be separated from education and culture in a Ken Burns documentary or a NOVA program that constantly hammers home climate change? It would require the constant monitoring that liberals have decried for decades. It would solve nothing.

The solution is to allow the whole package to go off public support and over to charitable foundations, corporations and individuals. Clearly, with some creativity, a taxpayer funding shortfall could be made up. The membership model has been shown to work (it sustains the foundation where the writer works, where corporations account for around four percent of funding and government for zero). Corporate sponsorships are already working and could bring even more funds. As George Will wrote, “If ‘Sesame Street’ programming were put up for auction, the danger would be of getting

169 Joyce Appleby and Terence Ball, eds., *Jefferson: Political Writings*, (Cambridge University Press, 1999), pg. 390.

170 Nixon Memos Summary, 1971.

171 Noonan.



trampled by the stampede of potential bidders.”¹⁷²

Conservatives have sometimes demurred on the question of handing PBS and NPR over completely to private sector actors. In an Oct. 15, 1971 memo from White House aide Jonathon Rose to Haldeman staffer Larry Higby, Rose wrote: “Even if we go the Whitehead route and succeed in cutting off federal funds for liberal hour on public TV, no doubt Mac Bundy will be ready with Ford Foundation money to take up the slack.”¹⁷³ Today, that would probably throw public broadcasting further into the arms of the Tides Foundation or the liberal financier philanthropist George Soros, who already gives NPR money.¹⁷⁴ The true conservative response to that, however, is: So what? Liberal and conservative views are already funded by the private sector, at MSNBC and Fox for example, where they compete in the market place of ideas. The goal here is not to suppress one side or the other but to remove the tyranny to which Jefferson referred.

172 Will.

173 Nixon Memos Summary, 1971.

174 Alicia Shepard, “Worthy Cause, Controversial Funding Source,” *NPR Ombudsman*, May 24, 2011, <http://www.npr.org/sections/ombudsman/2011/05/24/136216017/worthy-cause-controversial-funding-source> (accessed July 18, 2017).



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Gonzalez, who joined Heritage as Vice President of Communications in March 2009, became a Senior Fellow in June, 2014. In his new capacity he writes on national identity, diversity, multiculturalism and assimilation, as well as foreign policy.

Gonzalez was born in Cuba and left at the age 12. He also has lived in Belgium, France, Spain, Hong Kong and South Korea and has spent months living in and reporting from Afghanistan, Pakistan, China, Panama and Cyprus, among others.

Gonzalez got his first regular reporting beat in 1980, covering high school sports for one summer for The Boston Herald. He went to work for Agence France-Presse in 1987, reporting from around the globe for the news agency for six years. After taking off two years to earn an MBA from Columbia Business School, he next logged 11 years with The Wall Street Journal, writing a column on the stock market in New York before being posted to Hong Kong in 1995 as deputy editor of the editorial pages of the newspaper's Asia edition. Between 1998 and 2003, he served in the same capacity for the European edition in Brussels, before returning to Hong Kong as editor.

Gonzalez holds a bachelor's degree in communications from Boston's Emerson College and an MBA from Columbia Business School. Fluent in Spanish and French, he reads Italian and Portuguese.

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