Transition Rules Relating to Term of Office of Board of Directors of Corporation for Public Broadcasting

Section 5(c). (1) With respect to the three offices whose terms are prescribed by law to expire on March 26, 1992, the term for each such office immediately after that date shall expire on January 31, 1998.

(2) With respect to the two offices whose terms are prescribed by law to expire on March 1, 1994, the term for each of such offices immediately after that date shall expire on January 31, 2000.

(3) With respect to the five offices whose terms are prescribed by law to expire on March 26, 1996--

(A) one such office, as selected by the President, shall be abolished on January 31, 1996;

(B) the term immediately after March 26, 1996, for another such office, as designated by the President, shall expire on January 31, 2000; and

(C) the term for each of the remaining three such offices immediately after March 26, 1996, shall expire on January 31, 2002.

(4) As used in this subsection, the term 'office' means an office as a member of the Board of Directors of the Corporation for Public Broadcasting.

Objectivity and Balance Policy, Procedures, and Report

Section 19. Pursuant to the existing responsibility of the Corporation for Public Broadcasting under section 396(g)(1)(A) of the Communications Act of 1934 (47 U.S.C. 396(g)(1)(A)) to facilitate the full development of public telecommunications 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, the Board of Directors of the Corporation shall--

(1) review the Corporation's existing efforts to meet its responsibility under section 396(g)(1)(A);

(2) after soliciting the views of the public, establish a comprehensive policy and set of procedures to--

(A) provide reasonable opportunity for members of the public to present comments to the Board regarding the quality, diversity, creativity, excellence, innovation, objectivity, and balance of public broadcasting services, including all public broadcasting programming of a controversial nature, as well as any needs not met by those services;

(B) review, on a regular basis, national public broadcasting programming for quality, diversity, creativity, excellence, innovation, objectivity, and balance, as well as for any needs not met by such programming;

(C) on the basis of information received through such comment and review, take such steps in awarding programming grants pursuant to clauses (ii)(II), (iii)(II), and (iii)(III) of section 396(k)(3)(A) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)) that it finds necessary to meet the Corporation's responsibility under section 396(g)(1)(A), including facilitating objectivity and balance in programming of a controversial nature; and

(D) disseminate among public broadcasting entities information about its efforts to address concerns about objectivity and balance relating to programming of a controversial nature so that such entities can utilize the Corporation's experience in addressing such concerns within their own operations; and

(3) starting in 1993, by January 31 of each year, prepare and submit to the President for transmittal to the Congress a report summarizing its efforts pursuant to paragraphs (1) and (2).

Consumer Information; Disclosure of Funding

Section 20. Prior to the expiration of the 90-day period following the date of the enactment of this Act [Aug. 26, 1992], the Corporation for Public Broadcasting, in consultation with representatives of public broadcasting entities, shall develop guidelines to assure that program credits for public television programs that receive production funding directly from the Corporation for Public Broadcasting adequately disclose that all or a portion of the cost of producing such program was paid for by funding from the Corporation for Public Broadcasting, and that indicates in some manner that the Corporation for Public Broadcasting is partially funded from Federal tax revenues.

Independent Production Service Funding

Section 21. In making available funding pursuant to authorizations under this Act [see Short Title of 1992 Amendment note set out under section 609 of this title], any independent production service established under section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) shall, to the maximum extent practicable and consistent with the provisions of the Communications Act of 1934 [47 U.S.C. 151 et seq.], provide such funding to eligible recipients and projects representing the widest possible geographic distribution, with the objective of providing funding to eligible recipients and projects in each State from which qualified proposals are received over the course of such authorizations.

Current.org
Selections from the newspaper about public TV and radio in the United States

CPB Chairman Landau (left) brought the party line to the board room; Pfister (right) had seen CPB captured by partisan politics in the 1970s.

Public broadcasting's unholy link to politics

A 1985 blowup over a trip to Moscow revealed that political animals were again entrusted with shielding public TV from political pressure

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This article originally appeared in *Channels*, a magazine about the electronic media, in July/August 1985, where the author was senior editor.

By Steve Behrens

The prickly scene played itself out in about an hour, in front of a hushed audience. Then a vote: The board of the Corporation for Public Broadcasting barred its president and another staffer from leading a public broadcasters' trade delegation to Moscow.

'Oh, Ed Pfister, you're incredible!' Sonia Landau shouted, as reporters took notes. 'You don't give a damn about this organization.'

Onlookers at the shoot-out May 15 [1985] had followed the emotional debate intently, but afterwards few could agree exactly how to assess what had happened. What did the episode say about CPB, the conduit for federal support of public broadcasting and the industry's supposed "heat shield" against undue political influence? Was the board's decision truly alarming, inconsequential, or merely accidental?

Many of the public broadcasters present were alarmed to

hear White House appointees on the board give ideological reasons for their vote. It seemed a case of the heat shield generating its own heat, one broadcaster observed. CPB
President Edward J. Pfister couldn't live with the board's decision; he resigned his office the next day.

From another viewpoint, however, the only real consequence would be one less junket to pay for. Sonia Landau, the board's chairman since last September, said the matter would have amounted to a molehill if Pfister hadn't resigned, and implied that he was finding an excuse to quit before the board got around to firing him.

Others were sure they had witnessed an accident. The pieces converged so suddenly and irrationally that the scene held the surprise and fascination of a highway wreck. Two willful personalities had clashed; for assorted reasons, the
majority of board members came together to side with Landau.

The subject of the flare-up, the display of emotion, Pfister's resignation — all were unexpected in their particulars. But for politically jaded observers, it had been easy to anticipate some sort of showdown for four years, ever since the
election of a President hostile to taxpayer support of public broadcasting. Reagan's appointments to the CPB board last September gave it a solid conservative bloc [box] And in January, that bloc installed as chairman Sonia Landau, who had headed Women for Reagan/Bush during last year's campaign. The vote, by secret ballot, was six to four. Nine months later, the Moscow trip was defeated by the same margin.

That trip would seem an unlikely target for Reaganite assault: It was merely one of a series of respectably capitalist attempts to sell PBS shows overseas. The foray even promised a high cost/benefit ratio for the industry. The most recent overseas trip coordinated by CPB's Office of International Affairs — last October, to Beijing. Tokyo, and Sydney — resulted in sales and co-production deals worth $387,000 so far. The cost was one tenth as much, and CPB's share was raised from foundations just to avoid the specter of junketing on taxpayers' money. CPB's next planned trip — the ill-fated one, next September, to an Eastern Bloc television market in Moscow — was to cost CPB just $3,700, of which foundation grants would cover more than half.

Plans for the trip had been unquestioned until April. Landau says the board simply hadn't focused on it before. But Pfister says she first raised the issue with him in April after she had lunch with Charles Wick, head of the U.S. Information Agency, the government's overseas propagandist. USIA had sought free rights to distribute CPB-subsidized programs overseas — a request that was turned down by the same CPB office that planned the Moscow trip.

The disturbance over the trip whipped up so suddenly that one board member who later voted against it, Howard D. Gutin, had already signed up to go to Moscow when others warned him they were making an issue of the trip. He quickly cancelled. Gutin, who runs the Texas public television station that produces the country music series *Austin City Limits* for PBS, wasn't certain he wanted to go anyway. "The only thing I've got to sell is Willie Nelson," he said, "and I'm not sure the Soviets want Willie Nelson."

CPB's 10-member board usually meets every other month in its own chamber a few blocks away from the White House, but on the ides of May it convened in San Francisco. The idea was to be close to PBS's annual meeting at the St. Francis Hotel there, but CPB's shoot-out ended up overshadowing the larger convention.

Sonia Landau had asked for a staff report, and when it came up on the agenda she made her point directly: "I am concerned that an institution that operates on federal money is dealing with the Soviet government. . . . I am concerned because I am so mindful of our heat-shield requirement, which is, as you know, that we are not influenced by Congress, we're not influenced by the White House. I'd like to also think it means we shouldn't be influenced by the Kremlin." PBS could send a delegation, she said, but CPB, which handles federal funds, should not.

David Stewart, the mild, white-bearded director of CPB's international activities, gave his defense: U.S. businessmen are swarming over Moscow, and the BBC and even the Muppets were doing co-productions with Russian television. "For once," American public television should be one of the first on the scene, he urged.

But the board's Reaganite members were looking far beyond public television to the prime obsession of their kind: the Evil Empire, as the President had called it. Board member Richard Brookhiser wanted to know: Would Russian programs be imported to play on PBS?

Russian programs be imported to play on PBS?

If the stations wished, Stewart replied. He would serve only as a facilitator.

Brookhiser didn't want any part of it. "I mean, the Bolshoi is fine. You know, ballet is ballet. Nature programs . . . little things grazing on the tundra. Fine . . . But if we are going to be opening the doors to wonderful Soviet ideas on their own history or something, this is just disastrous. He gave examples of how the Soviets view their history and called them liars. "I certainly don't want to be facilitators for that."

That possibility also jarred Ken Towery, a board member who once served as deputy director of the U.S. Information Agency. He reminded Stewart that USIA is forbidden by law from showing its propaganda domestically. Considering that, he asked, wouldn't it be strange to spend tax dollars to bring back Soviet government productions?

Board members began to get argumentative. "I don't see very much difference," said Sharon Rockefeller, "between delegations which have gone to Beijing twice now, I understand, which is a totally Communist country —"

"We're not negotiating an arms treaty with them, though," Landau interrupted.

Rockefeller was unconvinced. If CPB pulled out of the trip, she said emphatically, "I think that some fundamental rights will be trampled on, and I think we are really getting into an area in which we do not belong."

The central question became whether CPB — a nonprofit corporation that gets almost all of its money from Congress can spend money as independently as any broadcast firm or must take cues from the government. In other words, is its money "federal" or "private"? Landau's position was clear: "I don't think I want CPB, when I am the custodian of that federal money, to be sending a CPB party there."

It didn't matter to her, she said, that most of the trip's cost would be paid by a foundation grant, not tax money. Public broadcasters could still go to Moscow on their own, she said, but she moved a resolution to withdraw CPB from the trip.

Ed Pfister asked to speak, and began quietly: "I guess, ladies and gentlemen, that in many ways this is probably the single most important issue for me as a public broadcaster that you ever discussed in my time here." As usual, he sounded as if he were patiently lecturing his bosses on the board—a trait that could not have endeared him to them. When Congress puts its appropriation in CPB's hands, the federal dollars become private dollars, he said.

CPB's job is to communicate, he said. "Our job is to go around and above almost all of the efforts that are sometimes made to obstruct communication." Withdrawing from the trip would be "inappropriate," he advised.

Accusations that the trip would be a "junket" emerged, possibly adding one or two more votes to the majority. Lee Hanley, a Republican, said he feared that Congress would regard the Moscow trip, during these budget-conscious times, as wasteful. Harry O'Connor opposed any junkets that would divert funds from programming.

Board members Lillie Herndon and The day after quitting as CPB's president, Pfister warned public broadcasters that they couldn't rely on the corporation to protect their independence. Lloyd Kaiser joined Rockefeller in defense of the trip. Then the vote was called, the motion passed six to four, and Landau dismissed David Stewart from the table. "We'll be in touch," she said.

If this had been just an ordinary board-management dispute, Pfister said later, he wouldn't have resigned the next day.

God knows, there had been enough of those. Pfister often had been either stalwart or stubborn, depending on which board member was asked. While the board was cautiously staying neutral on the issue of commercial advertising on public television in 1982, he vociferously opposed the proposal until the board told him to hush. Both Republicans and Democrats felt he was often unresponsive to his bosses on the board. In January the board argued for four hours in private session over whether to keep Pfister and his vice presidents, says Gutin. "The officers were reappointed, but not without a lot of gnashing of teeth."

The clashes continued, often over minor decisions, but this new dispute was something else again—the board wasn't simply sticking its nose into management details. It was inserting politics. Pfister detected a "current of was inserting politics. Pfister detected a "current of ideology" running through the May 15 debate — withdrawing from the Moscow trip because of arms negotiations; fearing imported Russian propaganda; worrying about what Congress would think.

"I tried for 12 hours to talk my way out of it," Pfister says. "The answer that I consistently came to was that I could not represent that kind of thinking."

On Thursday, May 16, the day after the board's vote, Pfister announced his resignation and the board accepted it in a quick noontime meeting. The news raced through the PBS convention, where support for his stand was nearly universal.

Pfister was already scheduled to speak to PBS station officials after their Friday luncheon. So when he approached the microphone, they stood and applauded at length, not only for him, but also for the independence of their industry.

It was a fairly typical public broadcasting speech, talking up integrity, the need to be a "civilized voice," and so on. But the words carried extra weight this time. Pfister spoke of broadcasting bringing people together—"even those with whom we may be in disagreement." And he warned the station executives: "With the CPB board's decision this week, more of the obligation to safeguard independence falls squarely on your shoulders."

That was a "cheap shot," Landau later declared to a reporter. As Pfister left the room amid a second standing ovation, she made a thumbs-down gesture for those who were watching her. Within minutes, the two antagonists met at close range outside the ballroom, according to several accounts. As Pfister approached, trailed by a flock of reporters, Landau could be heard exclaiming, "Can you believe that man?"

"Yes, Sonia, I think you should believe it," Pfister replied.

"Oh, Ed Pfister, you're incredible, just incredible," Landau shouted, following him into the convention press room. "You don't know the meaning of the word honest. You don't give a damn about this organization." As reporters took notes, she turned away, hissing, "You're a schmuck."

Fortunately for the sake of a complete historical record this exchange took place in San Francisco, where newspapers delight in officials' use of colorful language.

The *New York Times* didn't dip into these details, perhaps for reasons of taste and possibly also because its television critic on the scene, John Corry, is married to Landau and was himself hopping mad at Pfister.

"PBS Head Quits in a Masterpiece of Theater," headlined the *San Francisco Examiner*, erring more than slightly about who had quit.

PBS and CPB had shared headlines a dozen years ago, when ideology once before intruded into the affairs of public broadcasting. Nixon aides, some of whom were planning and covering up Watergate during the same period, were plotting to gain control over both CPB and PBS and eliminate what they saw as liberal, anti-Nixon public affairs programming on public television.

In official statements starting in 1971 the Nixon team played on local public broadcasters' fears of a centralized "fourth network" and lauded "the principle of localism."

Ideology had intruded into the affairs of public broadcasting — with greater repercussions — when Nixon and his aides conspired to take control of CPB and get liberal programs off the air in the early '70s.

In private, however, Nixon aides engaged in tough-guy strategizing: They planned to redirect CPB funds from National Educational Television and other major producers of "objectionable programs" and send more funds to the local stations, which they expected would be more conservative and too weak to produce news analysis of consequence. The White House aide in charge, Clay T. Whitehead, estimated in a memo that "local stations' support can be bought for about $30 million."

(At one point Chuck Colson presciently advised other aides to be less explicit in their memos, which could be leaked. The memos were later released by the Carter Administration under the Freedom of Information Act.)

When new Nixon appointments gave his partisans control of CPB's board in 1972, they installed USIA official Henry Loomis as president, and former Republican Congressman Thomas B. Curtis as chairman, and announced that CPB would take control over most of PBS's program decision-making. The move was checked in 1973, however, when the stations reorganized PBS as a cooperative under their control. Decentralization had been Nixon's rallying cry, but PBS used it against him. A key strategist for PBS was Ralph B. Rogers, a successful businessman active in the Dallas PBS station, and at his side was a young assistant named Ed Pfister.

Eventually the plotting backfired on Nixon. He had expected Curtis, the new CPB chairman, to be a team player, but Curtis resigned in 1973, citing White House interference. Other board members rebelled, and the White House called off the dogs.

Yet even though Nixon didn't push public affairs off its schedule, public television has never been the same. Some say the experience made it more cautious in its public affairs programming. Certainly the industry took a different shape.

Most decision-making authority over national program funding has been transferred, piece by piece, from CPB to the stations and their cooperatives. And in the same spirit, the CPB Board six years ago took itself out of decisions on individual grants to television producers and gave semi-autonomy to a new Program Fund that distributes the grants. This spring, public radio stations decided to assume nearly full support of National Public Radio in much the same way that the public television stations took over PBS a dozen years before.

The resulting industry is structured nothing like network television, which is streamlined to make money by serving its funders (advertisers). Public broadcasting reshaped itself with a radically different objective: to shield itself from control by its funders. It dispersed its money and power, fashioning a cumbersome structure bristling with checks and balances, layered with heat shields.

"If you stand outside public broadcasting, it's a hodgepodge," says Pfister. "If you stand inside, and understand how it has to do its work, it's not a hodgepodge; it's damned near a work of genius."

And when the layers of committees and bureaucrats fail to discourage political meddling, there are still such individuals as Curtis and Pfister who can call attention to a breach by resigning.

Pfister likes the idea of CPB. He believes there should be some kind of intermediary between Congress and the broadcasters who actually make program decisions. But CPB loses its effectiveness, he says, when ideology intrudes. "As soon as that happens, CPB becomes the centerpiece of suspicion and anxiety."

When he heard what happened in San Francisco, John Wicklein, a former director of the CPB Program Fund, admitted to feelings of suspicion and anxiety: "I am afraid this is the start of a campaign to make CPB programs, especially in the area of public affairs, follow the Reagan line."

"To me that's the same kind of chilling pressure tactics the CPB board was using during the Nixon years," says Robert K. Avery, a University of Utah professor who coauthored a history of the Nixon-CPB affair. "When I see this kind of pressure being brought to bear from the top, I cannot imagine CPB being willing to venture far to take creative risks.

That kind of "chilling effect" may very well set in, causing some public broadcasters to watch their steps, anticipating what Sonia Landau thinks appropriate. At the very least, the highly partisan board has shown its potential for mischief. In a number of ways, however, the San Francisco episode, with its farcical moments, was far less serious than Nixon's scheming. No one produced evidence of any conspiracy directed by the White House this time. Programming was not the direct target, and the practical effect was small: Come September, a dozen public broadcasters will go to Moscow anyway — under PBS's sponsorship
rather than CPB's.

By that time, the CPB Board hopes to have hired a new president. A search committee composed entirely of Reagan appointees has begun to line up candidates. The person they install as president, by his or her priorities, may tell us a lot about whether CPB is again being used as a political instrument. Will Pfister's replacement be strong on communications or on the right kind of politics?

Sonia Landau wants to get on with CPB's future and put Pfister in the past. She resents people who impugn her motives. Richard Brookhiser dismisses charges that the board has been politicized, explaining, "It's the partisan complaints of people who are now in the minority."

He has a point. The Democrats had not been shy about appointing highly political people to the same board: a labor leader and activist attorneys, for example. When Henry Geller was Carter's top communications policymaker, he says, he opposed naming "political animals" to oversee CPB, but Carter did so anyway. Except for Sharon Rockefeller, their terms expired and they weren't reappointed. That's natural; their party lost the White House. That's politics.

But should party politics govern federal support for public broadcasting? Geller thinks not. Some of Carter's appointees were able people, just as some of Reagan's are, but what put them on the board was their politics, Geller contends. Some have not had the substance to resist chances to take partisan advantage. As Geller puts it, the board is and has been a "dumping ground for political favors." The Nixon White House memos reveal how key congressional chairmen could virtually force the White House to appoint favored constituents to the CPB Board.

Congress and Lyndon Johnson botched CPB in its original setup by putting Presidential appointees in charge, according to Geller. Nixon, in his plotting to take control of CPB, only took advantage of that weakness.

A better way of appointing the CPB Board was proposed in 1979 by the second Carnegie Commission on public broadcasting. It recommended that a "public telecommunications trust" be created, with its trustees appointed for nonrenewable nine-year terms by the President. But the President would choose names from a slate drawn up by a panel "chaired by the Librarian of Congress, drawn from governmental institutions devoted to the arts, the sciences, the humanities, and the preservation of our heritage," and including two public broadcasters.

As it is, the CPB board is chosen by means of a questionable interaction among White House and congressional aides, whose daily business is politics. Compared to that, the Carnegie Commission's nominating method would be more likely to put nonpolitical persons of substance on the board.

We can hope that fears of CPB's "politicization" are unfounded, as the board majority attempts to reassure us. Yet there is always a next time.

Richard Nixon acknowledged this in 1972, even as his staff connived to get liberal commentary off PBS. As his aide Whitehead recorded in a memo, Nixon told a group of public broadcasters gathered at the White House that "you never
know who's going to be sitting in [my] chair next, and that some Presidents might be inclined to use federal support of public broadcasting to their advantage."

of public broadcasting to their advantage.

Well-connected board members

Political connections were behind the White House appointment of many CPB Board members in the corporation's 18-year existence. So it's not too surprising that most members of the board's new majority have close ties to the conservatives now on top.

Chairman Sonia Landau served in both Reagan campaigns — last year as head of Women for Reagan/Bush — and once ran for Congress as a Republican. Harry O'Connor had produced and syndicated Ronald Reagan's pre-Presidential radio show. Industrialist William L. Hanley Jr. was head of the 1980 Reagan-Bush campaign in Connecticut. R. Kenneth Towery is a political consultant for conservative candidates and was previously a deputy director of USIA and the top aide to right-wing Texas Senator John Tower.

Richard Brookhiser once wrote speeches for Bush and is now an editor of William F. Buckley's National Review. The sixth vote against the Russian trip was cast by Howard Gutin, one of two public television station presidents appointed to the board last fall. Gutin runs the sister stations in Austin and San Antonio, KLRU and KLRN, and is a retired Army film and television official. Lloyd Kaiser, who backed the Moscow trip, runs WQED, Pittsburgh.

The remaining three board members, originally appointed by previous Presidents, voted for the Moscow trip. Sharon Percy Rockefeller has sterling political ties of her own, as a leader of the Equal Rights Amendment ratification drive, daughter of an ex-senator from Illinois, and wife of a West Virginia senator. Lillie E. Herndon is a former president of the National Congress of Parents and Teachers. Howard A. White is general counsel of ITT World Communications.

The only political restriction on board appointments is that only 6 of the 10 members can be affiliated with any single party. Six of the present directors are Republicans, Rockefeller and White list themselves as Democrats, and the two station managers are independents.

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(202) 463-7055

Carnegie Commission on Educational Television Papers

Collection Information:

- Dates: 1954-1957, 1963-1967
- Size: 2.4 cubic feet, 12 tape recordings
- Summary: Records of the Carnegie Corporation-funded study of public television in the United States which was instrumental in the establishment of the Corporation for Public Broadcasting.
- Subjects:
  - Carnegie Commission on Educational Television
  - Corporation for Public Broadcasting
  - educational television
  - public television
- Local Call #: U.S. Mss 145AF; Tape 588A
- Guide: http://libtext.library.wisc.edu/cgi-bin/ead-idx?c=shs&id=uw-whs-us0145af
- Location: Wisconsin Historical Society

Note: This collection is not located in the National Public Broadcasting Archives

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Nixon Administration Public Broadcasting Papers
Summary of 1971

Introduction | 1969 | 1970 | 1971 | 1972 | 1973 | 1974

A major part of OTP's activity in 1971 involved the development of a long-term financing bill for CPB. However, because of disagreements with CPB over details of the draft "Public Telecommunications Financing Act of 1971" and the Administration's displeasure with public broadcasting's news and public affairs programming, the Administration did not submit a CPB funding bill to Congress that year.

On April 13, Flanigan and Whitehead, now OTP Director, met in Flanigan's office with CPB Directors Cole and Wrather, both of whom had been appointed to the Corporation Board by President Nixon. The meeting was an outgrowth of Flanigan's and Whitehead's correspondence with Cole, dating from November 9, 1970, when Flanigan wrote to Cole complaining about the NET documentary "Banks and the Poor." On March 15, Flanigan sent Whitehead a memo which said:

> Regarding the Corporation for Public Broadcasting, we discussed having a meeting of our directors to determine where we go from here with the Corporation. Nothing having happened on this, I believe we should undertake that activity immediately. If you agree, I propose to ask Al Cole, Jack Rather [sic], and our other friends that we have put on that Board to come to the White House and sit down to discuss the future of the control of the Board and the management with us. After that, we can determine the validity of the desirability of meeting with the President.

Following the April 13 meeting, Whitehead asked OTP General Counsel Scalia to draft a letter to CPB Chairman Pace, outlining points to be discussed at a subsequent meeting with selected CPB Board members. Pace had previously proposed that the President meet with the entire CPB Board.

On May 20, Whitehead wrote Pace, suggesting that, prior to a meeting with the President, he [Whitehead] "get together with a few selected members of the Board, to discuss the details of the meeting with the President, the range of subjects which should be covered, and other matters of mutual concern."

Whitehead met with Pace, Cole, and Wrather on June 3. On June 4, Scalia drafted for Whitehead a "Memorandum to the President," outlining reasons for long-term financing for CPB. The memo, classified "CONFIDENTIAL," noted that the Administration's 1972 Budget said that "legislation will be proposed to provide an improved financing arrangement for CPB." Scalia pointed out that the legislation had been promised for several months and that an apparent change of heart at this point would be alleged to be politically motivated." Citing several other reasons for submitting a financing proposal, the memo concluded:

> "The best possibility for White House influence over the Corporation is through the Presidential appointees to the Board of Directors. These tend to be independent people, however, and failure to submit the previously announced legislation might antagonize them."

Flanigan met with CPB Director Wrather on June 14.

On June 16, President Nixon nominated Zelma George to the CPB Board.

On June 18, a more detailed "Memorandum for the President" was drafted for Flanigan. It laid out other options regarding CPB. Among the items discussed was the CPB Board:

> We appointed Jack Wrather, Tom Moore, and Jock Whitney to the CPB Board last year and reappointed Saul Haas and Frank Schooley due to Congressional pressure. We have just announced the appointment of Zelma George to the Board to fill a term which expires next Spring. Four more vacancies will also be filled at that time, giving us clear control of the Board.

The memo also reminded the President of the meeting he had had with Pace and Cole in October 1969:

> Frank Pace and Al Cole met with you in 1969 and agreed to reduce CPB funding of NET substantially. While some alteration has taken place, there is room for substantially more.

It went on to say:

> We have discussed with Jack Wrather the possibility of substituting him for Frank Pace as Chairman of the CPB Board. Wrather has replied that he does not have the time and knows of no person more suitable than Pace--who, although a Democrat, is generally conservative and aware of the need to keep the Corporation out of political controversy.

The memo then presented two options and three recommendations with respect to CPB:

> OPTIONS
>
> (1) Elimination of CPB
>
> This alternative would be politically difficult in view of the strong educational support and the generally favorable public image CPB has developed.
>
> (2) Shaping the Corporation
>
> Probably no amount of restructuring will entirely eliminate the tendency of the Corporation to support liberal causes. On the other hand, this Administration does have an opportunity to establish, by legislation and otherwise, structures and counterbalances which will restrain this tendency in future years and which, as a political matter, it will be difficult for other administrations to alter. It is in this direction that we have thus far been proceeding.
>
> RECOMMENDATIONS ([Charles] Colson concurs)
>
> (1) Obtain an agreement from Pace to replace Macy with a professional, apolitical President of our choosing as soon as discretion permits.
>
> (2) Make clear to Pace that CPB must further reduce its funding of NET, in order to accelerate the shrinking of that organization's influence in the public television field.
>
> (3) Proceed with the legislative package prepared by OTP after Pace has agreed to these changes. This increases the amount of CPB funding but at the same time reduces its influence over social thought, by excluding it from classroom programming and by increasing the independence of local stations which are generally more conservative in outlook.

On June 22, Wrather wrote a letter to Flanigan following up on their June 14 meeting in Flanigan's office. In his letter, Wrather said:

> I feel very strongly that this is not the time to try to make quick decisions and changes...the propitious time to make a move, if such is desired, might be at a later date, coincident with the new appointments in early '72.... The selection of any replacement is pretty critical and I feel should be given enough time to really scout the entire field of possibilities....

On July 9, Whitehead met with Flanigan and Colson to discuss an "Action Memorandum" regarding CPB. The proposed action was premised upon the assumption that "entire elimination of Federal support of public television is politically impossible" and, in any case, "could easily be undone by a subsequent Administration." Thus, redirecting Federal support "so as to create a structure which will be dominated by those elements in the public television field which are generally most congenial—namely, the local stations," was viewed as the "most effective course of action."

The memo laid out a course of action which included having the President meet with Cole and Wrather to obtain their agreement in exchange for Administration support of a new funding bill, to reduce CPB funding of NET "to a near-zero level," and to "replace John Macy as soon as practicable with a non-political professional."

The memo cautioned that pains must be taken "to avoid the appearance of hostility to public broadcasting, both because it is a sacred cow in many quarters and because the President's Opponents are already trying to tar him with antagonism towards 'free and independent' media."

The following day Scalia prepared a breakdown of CPB expenditures for Colson and Flanigan. Scalia's breakdown showed how Federal funds might be diverted from CPB station support and networking activities to direct Federal station support.

On July 15 OTP Counsel Henry Goldberg prepared a memorandum for Whitehead and Scalia "intended to offer a policy rationale for accomplishing the objectives explicit and implicit in the July 9 'Action Memorandum' and the July 10 memorandum concerning CPB...." Goldberg's memo stressed the concept of local station control of public broadcasting.

The local control rationale was used in a "Memorandum for the President" from Flanigan which Scalia drafted on August 9:

> The foundation of the public broadcasting network is the <u>local stations</u>. Most of these were created and are supported by state funds, and almost all carry classroom programming during school hours. These stations generally reflect the Philosophical outlook of the areas which they serve, and, as a group, are not dominated by the liberal establishment of the Northeast.

The memo then detailed the objectives of Administration policy toward public broadcasting:

> We believe that the principal objective of our policy toward public broadcasting should be to modify the structure of the system so as to eliminate the dominant position of CPB. An attempt to cut back public broadcasting as a whole would be doomed to failure because of the strong support that medium receives, not only from education interests, minority groups and liberals, but also from Congressmen whose districts contain stations which contribute to local education. Moreover, a mere reduction of funding for all public broadcasting would be ineffective in the long run since the level could easily be raised by a later administration. 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.
>
> There are three ways of attempting to prevent such a development:
>
> 1. Attempt to reduce drastically the Federal support for the Corporation for Public Broadcasting and thereby all public broadcasting, including educational broadcasting, as well as public affairs programming;

> 2. Attempt to selectively reduce the public affairs emphasis of CPB; or
>
> 3. Alter the basic structure of the public broadcasting and the funding arrangements.
>
> In view of the widespread support for many aspects of public broadcasting outside of public affairs programming, such as Sesame Street, Forsythe [sic] Saga, high school equivalency programs, etc., we think it would be unwise to attempt an across-the-board cut in CPB funding; not only would the political repercussions be undesirable but it would be highly unlikely that we could achieve this result politically. Any significant effort to reduce CPB effort of public affairs programming would run into resistance from commercial broadcasters who would just as soon leave this to public television and would raise a hue and cry about government control, etc. While it would be more effective than the first course of action, we think that it can be done more effectively if combined with the third alternative. The most fruitful course of action in achieving your objectives therefore seems to be a restructuring of CPB in its relationship to the local stations and a careful structuring of long-term financing arrangements to limit centralized control of public broadcasting which is certain to be highly liberal in its stance, and in conjunction make appropriate changes in the management of CPB through our friends on the Board of Directors.

Scalia redrafted his "Memorandum For The President" on August 17.

On September 7, Wrather conveyed to Whitehead information about Bill Moyers and Martin Agronsky which Wrather had asked Macy to provide. Wrather's transmittal memo to Whitehead characterized the information as "confidential."

The Scalia memos of August 9 and 17 were reworked by Whitehead, and a revised draft "Memorandum For The President" was prepared September 23. One of the courses of action the memo recommended was to induce CPB to change its orientation and emphasis on public affairs programming." The memo said:

> Our friends on the CPB Board of Directors, notably Jack Wrather, Al Cole, and Tom Moore, favor this approach and are working with limited success toward this end. At a minimum, replacement of Frank Pace as Chairman and John Macy as President would be necessary, and more detailed White House intervention would probably be required to keep a rein on the full-time CPB and PBS staffs....

Later that day, Jon M. Huntsman, Staff Secretary, informed Flanigan that the President wanted all funds for public broadcasting cut. Huntsman's "CONFIDENTIAL, EYES ONLY," memorandum, with copies to Haldeman and Alex Butterfield, said:

> The following report appeared in the September 23, 1971, News Summary:
>
> > Robert MacNeil and Sander Vanocur will anchor a weekly political program on Public Broadcasting in '72. It will "try to reverse the usual focus of political reporting from the politician down to the people." Said Vanocur: "we have taken an institutional view of politics in the past...in a sense will be doing psycho logical reporting." (We can hardly wait.)... Senator Ervin' s Constitutional Rights Subcommittee will begin next week exploring the growing deterioration in relations between the press and the government.
>
> The above report 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.

On September 28, Whitehead drafted a response to the President's request that "all funds for Public Broadcasting be cut immediately." Whitehead's memo began:

> We have identified several options for dealing with the public affairs programming of public broadcasting. In the short run, there does not appear to be any way to cut off Federal funds. Federal funds for the Corporation for Public Broadcasting (CPB) for FY 1972 were apportioned by 0MB in July and a check for $30 million was transferred to the Corporation in August. These funds remain available to the Corporation until expended, outside the control of the Executive Branch by statute. The $5 million remaining to be apportioned is to match non-Federal contributions and would not normally be apportioned until late in the fiscal year. Our efforts, therefore, must be directed to legislative action for FY 1973 and beyond.

Whitehead advised the President that it would be hard to cut back funds for public affairs programming without cutting back funds for educational and cultural programming as well.

The September 28 memorandum was redrafted September 30, then redrafted again October 4. The memo described the current situation and laid out four major options:

> Option 1: Negotiate a compromise financing bill that would increase Federal funds for public broadcasting, but would circumscribe the power of CPB by increasing the autonomy of the local stations.
>
> Option 2: Seek legislation to cut CPB funds drastically and to exclude it from public affairs programming.
>
> Option 3: 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.
>
> Option 4: Same as (3), but also seek revision of tax laws to prohibit foundations from supporting news and political commentary programming, in the same way they are prohibited from lobbying.

Whitehead then made the following recommendation:

> Recommendation: The first option does little but avoid controversy and the second is likely to accomplish little but controversy. Options (3) and (4) would have lasting and constructive effect, though both would raise a loud Liberal howl. Only Option (4) stands a chance of achieving all of our goals.
>
> I recommend you approve Option (4) if you are willing to face the controversy and that we open the attack in my address to the annual convention of the local stations October 20.

On October 5, Whitehead sent the memo to Ehrlichman, Haldeman, Garment, and Colson, asking each for comments.

The next day he sent a slightly different version of the memo to presidential Counsellor Robert Finch, 0MB Director George Shultz, Press Secretary Ron Ziegler, and Communications Director Klein. He asked each of them for comments as well.

Finch and Garment responded to Whitehead right away, recommending Option 3; Klein responded, recommending Option 1. Ehrlichman pointed that all the options involved legislation and said he doubted whether the legislature route was the best way to go. Instead Ehrlichman suggested:

> The best alternative would be to take over the management and thereby determine what management decisions are going to be made. Obviously, this is an uphill fight but seems to me to be the only feasible path to accomplish your ends. If you tell me that you can't take

> over the management, then I think this is just a situation that can't be solved. If you have a 50-50 chance of making a fight and taking over the management, then I think it might be worth the try and some very bright guy like Malek ought to be put in charge of bringing it off.

Colson too supported Option 3 but recommended that Option 3 state by how much public broadcasting funding would be increased.

In conveying his views to Flanigan and Whitehead, Colson also said, "I don't think you need to put things quite so explicitly in the first paragraph. This is a serious mistake for whatever records this piece of paper might ultimately end up in or, perish the thought, should it get Out."

The paragraph referred to read:

> You have expressed serious concern regarding Vanocur/MacNeil and the National Public Affairs Center for Television (NPACT) funded by the Corporation for Public Broadcasting (CPB) and Ford Foundation. (Liz Drew will be funded by CPB through NPACT; the Moyers and Agronsky shows do not receive CPB funds, although the public television network which carries them to the local stations is funded entirely by CPB.) This comes at a time when we need some firm decisions on our posture toward the financing and structure of public broadcasting.

On October 12, Scalia advised Whitehead that Klein had changed his recommendation from Option 1 to Option 3.

The Memorandum for the President was again revised on October 12 and 15. The October 15 draft dropped Option 4, which called for a revision of the tax laws. The other three options were presented in a little more detail than in the October 4 draft, with the following prefatory comments:

> The Problem : To achieve your goals, with some lasting impact, we must first replace the current CPB management and assure its control by the Board, and second, find new arrangements for funding public television. Neither step will be easy, and both will require us to take some political heat.
>
> First, controlling the management of CPB is difficult because the Public Broadcasting Act purposely structured it to minimize executive branch influence. CPB is theoretically governed by an independent Board, with members appointed to fixed terms with Senate confirmation. In fact, however, it is the full-time management, headed by John Macy, that really runs CPB and controls the money. The part-time Board is only marginally effective, in part because all the members are convinced CPB is a great thing.
>
> Second, it is difficult to control CPB by cutting back their funds because they have all the discretion on how funds are disbursed. Public affairs programming is not a large part of their activity, and there is wide public and Congressional support for the popular "Sesame Street," drug abuse shows used in high schools, and the like. A cut in CPB funding cannot be targeted specifically at public affairs programs, and would force a cutback in these other areas. It would also cause a reduction in support for local educational TV stations (in 223 Congressional districts), since that also goes through CPB.
>
> This Fiscal Year: OMB thinks CPB appropriations are mandatory spending over which we have no legal control. Even if we are willing to make a test of OMB's authority to withhold funds, there is no effective way to cut funds substantially for this fiscal year, since $30 million of the $35 million appropriation has already been disbursed. Furthermore, CPB has already made block grants to independent programming organizations which have in turn already funded the objectionable programs. Thus, there is no way to control CPB's disbursement of its funds this year either. The best we can do is to reduce these programs after June 30, by taking over the Board.

> Controlling the Board: We have now appointed eight of the fifteen Board members, but because of various political pressures at the time, only four or five can be counted on to help us replace CPB management and redirect the programming emphasis. We can take over the Board next April when you have five appointments to make. All your advisers agree that Fred Malek should start now to find five tough-minded appointees who will vote with us to fire John Macy and his top staff and replace them with suitable people. Malice agreed to do this; we will then attempt to get these appointees by Senators Magnuson and Pastore, both of whom have a strong affection for CPB.
>
> Funding Alternatives: There has been pressure since CPB was established for greatly increased funding under "permanent" financing; and your last budget promised a plan for "improved" financing arrangements. The Congress is calling for an Administration plan this session. We have to adopt some legislative posture on funding arrangements.

The memo then presented the three options previously discussed.

Discussions about CPB were also taking place in other quarters of the White House at this time. An October 15 memo from Rose to Larry Higby of Haldeman's staff made a number of observations:

> In spite of what it may seem, no one participating in this exercise has ever been unclear as to the President's basic objective: to get the left-wing commentators who are cutting us up off public television at once, indeed yesterday if possible. ...
>
> We need eight loyalists to control the present CPB Board and fire the current staff who make the grants. There is no way to get this number of votes until our five new appointments next April. ...
>
> We should be aware, however, that these appointees must be confirmed and therefore go through Senators Magnuson and Pastore. Last Spring Senator Magnuson forced us to reappoint a known left-winger over the adamant opposition of John Ehrlichman as the price of confirming four other people. It is difficult to think that the Spring of 1972 will be any different. ...
>
> For the longer term the essential thing is to get CPB Out of the business of financing public affairs programming. One obvious way would be to abolish CPB if we could do it. A substantial majority of those who know anything about it believe there is simply no way. Indeed it is believed Congress would ram the money for CPB through over our protests. Thus the Whitehead memo proposes using increased funding of local public tv stations directly as the carrot to buy passage of a prohibition against CPB funding of public affairs programs. ...
>
> 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. This is another battle for which I and a number of others would be eager to draft legislation if it is desired. ...
>
> Those are the unpleasant facts. Believe me, I do not enjoy watching these left-wingers any more than you do, but I think it is essential that we know the maximum that can be done and do it rather than spinning our wheels proposing the impossible. ...

During the time these discussions were taking place, CPB Director Wrather was providing Whitehead with more information which Wrather asked be kept "confidential."

On October 4, Wrather sent Whitehead material he had obtained from Macy about NPACT and the appointment of MacNeil and Vanocur as Senior Correspondents for the Center

On October 12, he sent Whitehead a memo Macy had prepared for the CPB Board concerning Paul Jacobs' Great American Dream Machine segment on FBI informants.

Also during this period, Macy extended an invitation to the White House to informally suggest names for the 15-member Board which CPB and NET were appointing to run NPACT. Matt Coffey of Macy's staff called Garment with the invitation.

In a October 13 memo to Whitehead and Flanigan, Garment said, "In view of Tom's [Whitehead] pending proposal to the President, we may decide not even to respond to Coffey's invitation...My recommendation would be to do so and to get some strong people in there (along the lines of Charlie Crutchfield).

Scalia cautioned Whitehead that this was "a mousetrap by Macy." Whitehead then recommended to Flanigan:

> That we express our preferences through someone like Jack Wrather rather than directly to Macy. If we were to suggest names directly, it would imply tacit approval and they would have the opportunity at any future time to say that we have participated to the extent of suggesting directors. Unless you have any objections, I will raise this with Malek and try to get a few names that we can ask Jack Wrather to pass along without any attribution to us.

On October 20, Whitehead sent Flanigan "still one more revision" of the "Memorandum for the President." This time the memorandum included an option Congressman Springer had suggested, making no legislative proposal at all and "forcing CPB into a one-year extension where their funds could be kept at or near the current $35 million." Whitehead told Flanigan that "Springer's option never has appealed to me and...seems worse than a fall back from an attempt to implement our reforms....

Attached to the October 20 memo was a summary of "Current Public Broadcasting Activities in Public Affairs and 'Commentary' Programming."

October 20 was also the day Whitehead opened his public attack on public broadcasting. (Whitehead had recommended launching the attack in his October 4 "Memorandum for the President.") Addressing the 47th Annual Convention of NAEB in Miami, Whitehead said:

> I honestly don't know what group I'm addressing. I don't know if it's really the 47th Annual Convention of NAEB or the first annual meeting of PBS affiliates. What's your status? To us there is evidence that you are becoming affiliates of a centralized, nationalized network.
> ...
>
> On a national basis, PBS says that some 40 percent of its programming is devoted to public affairs. You're centralizing your public affairs programs in the National Public Affairs Center in Washington, because someone thinks autonomy in regional centers leads to wasteful overlap and duplication. Instead of aiming for "overprogramming" so local stations can select among the programs produced and presented in an atmosphere of diversity, the system chooses central control for "efficient" long-range planning and so-called "coordination" of news and public affairs--coordinated by people with essentially similar outlooks.

On November 4, NPACT General Manager Jim Karayn wrote Whitehead "in the hope of eliminating some apparent misconceptions about NPACT's role within public television and its programming plans that were indicated by your references to us in your October 20 NAEB speech."

In his letter, Karayn explained that "NPACT programming is not dictated by one person or a small group of individuals with a particular philosophical viewpoint or journalistic background."

On November 9, Whitehead met with CPB an Pace. Two days later, he met with CPB Director Moore.

On November 15, Whitehead revised his October 20 Memorandum and sent it to Haldeman to be given to the President. The memo recommended that several steps be taken to eliminate "slanted programming":

> 1. Induce the programmers themselves to keep some balance, under pressure of criticism from our friends on the CPB Board and among the general public. Peter Flanigan and I will meet soon with our loyal Board members to emphasize the serious concern.
>
> 2. Replace Frank Pace and John Macy. We would try to do this immediately by telling them they have lost the confidence of the Administration and thereby have become obstacles to the progress of public television; our loyal friends on the CPB Board can help in this appeal. If this is not successful, we would have them voted out next year after getting firm control of the Board. Fred Malek will begin recruiting for their replacements as soon as your approval for this move is gained.
>
> 3. Take more effective control of the CPB Board. Although we have now appointed eight of the fifteen members, because of political pressures at the time of appointment, only four or five can be counted on to help us. We can take more effective control over the Board next April when you have five appointments to make. This will enable us to reduce drastically the CPB funding of the offensive commentators effective next summer.
>
> 4. Build more actively the public case against CPB programming bias through speeches by friends in the Congress, selected columns, and my speeches.

But even with "a loyal Board and top management at CPB" there were limits, Whitehead said, "to the change that is possible within the current structure of the Public Broadcasting Act":

> No matter how firm our control of CPB management, public television at the national level will always attract liberal and far-left producers, writers, and commentators. We cannot get the Congress to eliminate CPB, to reduce funds for public television, or to exclude CPB from public affairs programming. But we can reform the structure of public broadcasting to eliminate its worst features.
>
> There is, and has always been, a deep division within public broadcasting over the extent of national control versus local station control. Many local stations resent the dominance of CPB and NET. This provides an opportunity to further our philosophical and political objectives for public broadcasting without appearing to be politically motivated.
>
> We stand to gain substantially from an increase in the relative power of the local stations. They are generally less liberal, and more concerned with education than with controversial national affairs. Further, a decentralized system would have far less influence and be far less attractive to social activists.
>
> Therefore, we should immediately seek legislation to: (a) remove CPB from the business of networking; (b) make a drastic cut in CPB's budget; and (c) initiate direct Federal operating support for local stations on a matching basis.

Whitehead said, "the key to the success of this approach is to provide more Federal funding to the local stations than they can get from CPB," and estimated "local stations' support for our proposals could be bought for about $30 million."

On November 22, Alvin Snyder of Klein's staff sent Flanigan a memo containing "several examples of bias to help document our case against Frank Pace and the Corporation for Public Broadcasting."

Snyder's memo described Vanocur and MacNeil as "network rejects."

"Vanocur's bias is well documented," Snyder's memo continued:

> On the David Frost Show last July he said the President has ' consistently lied' to the American people. Vanocur said he is a bit ashamed of his role as a transmission belt for those lies. The government, claimed Mr. Vanocur, has used classification to cover 'every kind of sin, arrogance and obscenity--and there is none greater than Vietnam.' ...
>
> Last May Vanocur told the Chicago Tribune that extending the war into Laos and Cambodia was 'stupidity.' Said Vanocur: 'Every time you put a President on the air about Vietnam...we have very little chance to say, "it's hogwash," or "they're lying to you.

The memo cited a number of other examples of "bias," including a "scathing attack" by Bill Moyers "on our efforts to end the Vietnam war."

On November 24, Whitehead sent Haldeman a memo describing "what we are doing behind the scenes on the Vanocur/MacNeil situation":

> After Vanocur and MacNeil were announced in late September, we planted with the trade press the idea that their obvious liberal bias would reflect adversely on public television. We encouraged other trade journals and the general press to focus attention on the Vanocur appointment. Public television stations throughout the country were unhappy that once again they were being given programs from Washington and New York without participating in the decisions. My speech criticizing the increasing centralization of public television received wide coverage and has widened the credibility gap between the local stations and CPB. It also has brought more attention to the acknowledged liberal bias of CPB and NPACT.
>
> We then began to encourage speculation about Vanocur's and MacNeil's salaries. As a result of the increasing public controversy, several reporters and Congressman Lionel Van Deerlin asked CPB to release the salaries. Macy refused, but after pressure increased, quietly made it known that Vanocur receives a salary of $85,000 a year and Robert MacNeil $65,000.
>
> We plan to do two things in the next few weeks to continue to call attention to balance on public television, especially NPACT. We will quietly solicit critical articles regarding Vanocur's salary coming from public funds (larger than than of the Vice President, the Chief Justice, and the Cabinet) and his obvious bias. We will quietly encourage station managers throughout the country to put pressure on NPACT and CPB to put balance in their programming or risk the possibility of local stations not carrying these programs. Our credibility on funding with the local stations is essential to this effort.

On December 1, Peter Flanigan wrote Haldeman and told him "our alternatives with respect to Public Broadcasting are all bad." After reviewing the options of cutting CPB's budget below the current level and of attempting to by-pass CPB by giving funds directly to the local stations, Flanigan said there was a third option which had been suggested by Moore, "one of our few strong Board members."

Flanigan said Moore recommended the following:

> A. At the December 16th meeting of the Board he will undertake to have a Board resolution passed removing CPB from news and news analysis and commentary.
>
> B. At the end of December, he will be in a position to assure the Administration that, at its January meeting, the CPB Board will pass a resolution removing CPB from public affairs programming. Both of these resolutions will also remove PBS (Public Broadcasting Service which is the networking arm of CPB) from carrying any such programs even if produced privately.

C. In mid-January (based on the above commitment and assurance, and the following commitment regarding Macy) the Administration will send to the Congress a two-year financing bill for CPB proposing $45,000,000 in FY 73 and $55,000,000 in '74.

D. At the January meeting of CPB the Board will pass the resolution removing CPB and PBS from public affairs programming and networking.

E. In February or March Macy will be removed as President of CPB.

F. After the five new Presidential appointees to the Board in April, a new Chairman will be appointed.

This approach, based on Moore's commitment to produce the above results, was supported by Colson, Garment, Shakespeare, Whitehead, and himself, Flanigan said.

On December 2, Whitehead sent a memo to Flanigan saying that while he agreed with Moore's recommendation, he continued to think that the long-run benefits of attempting to by-pass CPB and give funds directly to the local stations are significant, "since many of the local

stations are less liberal, far less interested in public affairs, and, in any event cannot afford the talent or attract the attention to do anywhere near the damage of

C PB."

Whitehead said, however, that he was "willing to postpone this approach to see whether we can obtain instead the news and public affairs commitment that Tom Moore says he can deliver."

On December 7, Flanigan notified Whitehead, Garment, Colson, Shakespeare and Malek that "the President has approved Option III, that is the Tom Moore option, with regard to the Corporation for Public Broadcasting."

On December 22 Flanigan sent Whitehead a copy of minutes of the December 15-16 C.PB Executive Committee meeting.

According to the minutes, the Executive Committee asked CPB management:

> [to] devise a plan which will assure insofar as possible the balanced and objective presentation of public affairs. In this regard, the Committee generally agreed that at this juncture programs involving news analysis and political commentary have a low funding priority and present activity in that area should be phased out on the basis of a sound plan to be developed by management.

On December 22, Whitehead sent a memo to Richard Cook, Deputy Assistant to the President, in which he described the present situation on the Hill as follows:

> On the whole, Congressional attitudes do not now seem favorable towards CPB. This can be attributed to several factors: (1) dissatisfaction with slanted and irresponsible public affairs programs, *(2)* CPB's extensive advertising in newspapers and on network primetime to build audience and ratings, and (3) the high salaries being paid to Macy, Vanocur, MacNeil, Moyers, and others. I began to be publicly critical of CPB in my October speech to the National Association of Educational Broadcasters; since then, my Office has consistently been calling attention to these problems in the press and on the Hill.

On December 23, Scalia sent Whitehead a memorandum about a matter Scalia considered "urgent":

> I have attached an analysis of the current plan being considered for the CPB Board of Directors.. After giving it a good deal of thought, I have concluded that the most likely eventuality is that the plan will fail and the Administration's role will become public knowledge. Naturally, this is the worst possible development, but its likelihood argues for exceptional discretion and caution on our part.
>
> Since my initial recommendation to abandon this plan has been rejected, at the very least I urge you to point out to the White House staff all of the risks and difficulties outlined in the attached analysis. If, in the end, you have to go along with this approach, your acquiescence should be given reluctantly. I do not think it is an overstatement to say that OTP's future depends on how you handle this matter. The more you can do to dissociate yourself from this particular "initiative," the more likely it becomes that OTP will survive.

Attached to Scalia's "EYES ONLY" memo was his analysis of the Administration's plan for CPB.

On December 23, Whitehead drafted a letter from Flanigan to Congressman Springer. The letter noted that the CPB Board was to vote at its January 21 meeting on the future of CPB involvement in funding public affairs programming. The letter said that Schooley, the Board member whom Springer had urged be reappointed, opposed any limitation on the areas of CPB programming. Whitehead asked Springer if he could talk to Schooley "and try to convince him how he should change his position."

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Information Bank Abstracts
NEW YORK TIMES

January 8, 1971, Friday

SECTION: Page 60, Column 7

LENGTH: 149 words

JOURNAL-CODE: NYT

ABSTRACT:
White House Office of Telecommunications Policy dir Whitehead, in policy statement, urges Govt promote installation of satellite systems for trans-Atlantic and trans-Pacific air navigation; sees communications satellites as only practical solution to growth of internatl air traffic which now relies on high frequency radio for communications and control; says with cooperation of State Dept and foreign nations system could become basic, mandatory mechanism of communications and air traffic control over both oceans by 1980; statement paves way for more detailed program proposal by FAA, which is expected to arrange with commercial contractors for installation and mgt of system; success of system seen depending on gen use by airlines and aviation adms of many nations, after its formal recognition by ICAO; prompt implementation of White House policy seen assuring US control of system

Information Bank Abstracts
NEW YORK TIMES

June 24, 1971, Thursday

SECTION: Page 77, Column 7; (AP)

LENGTH: 43 words

JOURNAL-CODE: NYT

ABSTRACT:
Pres Nixon names White House com to chart policy for cable TV indus; White House Office of Telecommunications Policy dir **Clay T Whitehead** heads com; other members are Secs Stans, Romney and Richardson, and White House aides R H Finch, L Garment and H G Klein

It Didn't Begin with *Sesame Street*

By Jesse Walker

Public Radio and Television in America: A Political History, by Ralph Engelman, Thousand Oaks, Calif.: Sage, $55.00/$24.95 paper.

Among Beltway power brokers, public broadcasting means PBS: multicultural muppets, a soporific newshour, and a perpetual Three Tenors concert. (Why *three* tenors? Is that supposed to make the show three times as good? A friend suggests that PBS has embraced the Universal Studios Principle: If Dracula, Frankenstein, and the Wolf Man were scary in their own movies, they'll be *really* scary together.) Sometimes someone will remember National Public Radio, domain of *Some Things Considered* and Terry Gross, the rich man's Arsenio. But that's pretty much it. As far as policy makers are concerned, PBS and NPR represent the sum total of noncommercial broadcasting in the United States.

That's one reason to appreciate Ralph Engelman's *Public Radio and Television in America: A Political History*. Engelman served on the national board of Pacifica, America's oldest noncommercial radio network, from 1973 to 1979. Perhaps because of that background, he is more attuned than most writers to public broadcasters who do not fit the standard NPR/PBS mode, such as independently licensed community radio stations or public-access channels on cable TV.

For Engelman, "public" refers not just to state subsidies but to citizen participation--not just to city hall but to town square. "A fundamental distinction," he writes, "emerges between *federal* and *community* forms of public radio and television, with the former rooted in the Public Broadcasting Act of 1967, the latter in more decentralized and participatory processes." His book aspires to be the story of both brands of broadcasting--not a pathbreaking history rich with primary research but a synthesis of the many books and articles that preceded his.

His book is also, one gathers, an attempt to defend these stations against the alleged Threat From The Right, i.e., Republican politicians' now-dormant efforts to defund the Corporation for Public Broadcasting. This seems odd, as his account actually suggests that government money has been as likely to curb good noncommercial broadcasting as to nurture it. Again and again, federal funds have transformed genuinely grassroots stations into ratings-driven, "professional" outlets. But Engelman repeatedly lapses back into conflating the public sector and the public sphere. For Engelman, however flawed PBS and NPR may be, they are "public" institutions worth preserving. Profit-seeking businesses, he implies, could never create anything comparable.

That is nonsense. Talk radio, at its best, is the local, participatory platform for exchanging ideas that NPR no longer even aspires to be. Anyone who doubts this need only scan through the AM band on a Sunday afternoon. The last time I did, I heard citizens debating the proper direction of their school district, relying on personal experience rather than ideological cant. I heard state legislators fielding calls about pending bills, forced by the format to answer in more than soundbites. I even heard a rabbi debating some Randites over the existence of God. The best talk radio has a vitality that most NPR programming lacks.

Still, Engelman is happy to describe public broadcasting that takes place outside the state, even if he draws the line at embracing the business sector. He notes, accurately, that broadcasting was invented not by businessmen but by hobbyists: the grassroots network of amateurs who were jockeying discs and covering sports back when both government and corporations assumed radio would be used only for point-to-point communication. Unfortunately, Engelman doesn't describe the amateur ether in detail. Instead, he passes along a few quotes from Susan Douglas's Inventing American Broadcasting (arguably the best history of the medium ever written) and other sources, then hurries on.

This is a loss. The ham subculture of the 1910s bore a striking resemblance to Bertolt Brecht's later demand for a radio system that "knew how to receive as well as transmit, how to let the listener speak as well as hear, how to bring him into a relationship instead of isolating him," one that would "step out of the supply business and organize its listeners as suppliers." The difference is that the socialist Brecht believed that "only the State can organize this." The early amateurs, by contrast, were a spontaneous, self-regulating subculture that emerged without the state's support or affection.

What does this have to do with the Three Tenors? Not much. Engelman's "fundamental distinction" between federal and community broadcasting seems more like a giant canyon.

Community radio--the independently licensed, listener-sponsored, volunteer-run stations not married to any narrow programming format--was born in 1946, when Lewis Hill founded the Pacifica Foundation.

Hill, a pacifist, had come to reject the state as an innately violent institution; he had dreamed up his radio project during World War II, while interned in a labor camp for conscientious objectors. Imbued with this anarchism, the first Pacifica station--KPFA-Berkeley, launched in 1949--received no support from any level of government. In an unconscious echo of the hams' do-it-yourself ethic, KPFA relied on its listeners for money and on community volunteers for labor.

In the 48 years since, Pacifica has become known for broadcasting diverse and interesting music, serious radio drama, and, especially, political dissent. Engelman relates this history in considerable detail, though he treads lightly when discussing the original Pacificans' politics. Suspicious of both communists and liberals, the young station was far friendlier to the likes of anarchist poet Kenneth Rexroth than to, say, one-time Progressive presidential hopeful Henry Wallace. It's moved in several different directions since 1949, some more worthy than others; these days it's little more than a leftier version of NPR. (It also takes in over $1 million a year from the federal government, a far cry from its early independence.)

Engelman's brief biography of the network is useful as far as it goes, though he prefers to ignore his subject's recent problems, proclaiming instead that it "remains unique in its commitment to sustain an independent, critical, and oppositional public sphere on the broadcast spectrum." (Yes, he really writes like that. A professor of journalism, Engelman at his worst combines the clear prose style of the academy with the intellectual precision for which we reporters are renowned.)

Fortunately, the idea of noncommercial radio survived Pacifica's decline. In 1962, a stray KPFA volunteer named Lorenzo Milam founded a new station, KRAB, at the high end of Seattle's FM band. His inspiration and expertise--and money--helped launch more outlets, the so-called "KRAB Nebula," around the country. Federal grants came only later, along with funding guidelines that often undermined the stations' volunteer-based, community-oriented character.

Engelman's history of community radio strikes me as the weakest section of his book--a bad sign, since it's also the topic that I know the most about. He lavishes almost all of his attention on Pacifica, devoting less than two pages to the KRAB Nebula and scarcely more to the National Federation of Community Broadcasters. He barely touches the recent, Corporation for Public Broadcasting-sponsored efforts to "professionalize" community stations by increasing paid staff, reducing volunteers' power, and adopting more mainstream programming. The micro radio movement--illegal low-watt stations often formed in explicit rebellion against these new controls--is not mentioned at all. (See "Don't Touch That Dial," October 1995.) And sometimes Engelman's facts are out of date. Citing a 1990 source, he describes WORT in Madison, Wisconsin as "at the commercial end of community radio." That was true then but is no longer so today.

Still, Engelman tells enough for readers to see the basic differences between community radio and public TV. The former is a pluralistic movement built by many different people in many different places, from the ground up. The latter was invented by a handful of would-be social engineers at the Ford Foundation in the 1950s. Educational television, they declared, could be a force for social uplift, "an instrument for the development of community leaders," even "a form of psychotherapy." Their money and lobbying skills created a small network of public TV stations over the next decade, building an infrastructure that would begin receiving a few federal dollars in the early '60s and a lot more after 1967.

That's the year Congress created the Corporation for Public Broadcasting. The CPB was launched at the recommendation of the Carnegie Commission on Educational Television, a nominally independent panel that was in fact largely directed from the Johnson White House. CPB and PBS were supposed to be independent institutions shielded from government influence. In actual practice, they're federal bureaucracies run by political appointees, as susceptible to political pressure as any other part of official Washington.

At PBS, even demands for decentralization often come from above. Richard Nixon distrusted the network, believing--rightly--that it was biased toward the Eastern establishment. So in 1971, Clay Whitehead, head of the White House Office of Telecommunications Policy, tried to weaken the national network by calling for a "return to localism." It was an odd choice of words: How could public TV "return" to an arrangement it had never enjoyed? The ultimate result was not to decentralize or defund, but to neuter. PBS's commitment to controversial programming, already weak, softened even further after the Nixon attack. (Despite its radical reputation, PBS seems less committed to socialism than to the British class system.)

If community radio is noncommercial broadcasting at its most decentralist and anti-bureaucratic, and if PBS represents the other extreme, NPR falls somewhere in-between. Like community radio, educational radio emerged without federal direction: Some schools were sponsoring stations even before World War I, and dozens were born in the 1920s. Unlike community radio, these stations were, to judge from historical accounts, spectacularly dull--"pap for the intellectual masses," in Lorenzo Milam's words. You won't get this impression from Engelman's book, which prefers stressing the stations' allegedly populist roots over describing the enervating lectures that made up their usual programming.

At any rate, the foundations that created PBS weren't interested in radio, and the Public Broadcasting Act of 1967 would have ignored the medium altogether were it not for some last-minute lobbying by the National Association of Educational Broadcasters. The result was NPR, founded with CPB cash in 1970. It was William Siemering, the innovative manager of SUNY-Buffalo's WBFO-FM, who conceived the new network and its flagship program. The original *All Things Considered* plan called for news reports from public stations around the country, with the Washington offices serving more as a clearinghouse than as a command center. Instead, NPR became yet another centralized institution run by political appointees, especially after Siemering was fired as program director in 1972. By 1993, things had gotten to the point where the head of the CPB could seriously call for merging NPR with the Voice of America.

Competition from a rival network--American Public Radio, recently renamed Public Radio International--hasn't reversed the trend toward centralization. In 1987, Engelman notes, 60 percent of public radio programs were locally produced. Today, the ratio tips the other way. Meanwhile, most NPR and PRI programs are upscale and middlebrow, broadcasting hour after hour of candy-coated brie. It's hard to see how one can call this arrangement "public," unless one's only criterion is a heavy influx of public dollars.

Earlier this year, KPFK (Pacifica's Los Angeles outlet) canceled a program called *Music of the Americas*. The show, whose music ranged from Dixieland to film scores to contemporary experimental compositions, was "too arcane and challenging," station manager Mark Schubb told the *Los Angeles Times*. Thirty years ago, it would have been unheard-of for a Pacifica station to drop a show for such a reason. Today, it's par for the course.

Schubb also killed the *Opera Show*, a Sunday-morning fixture for 26 years. Like *Music of the Americas*, the *Opera Show* didn't limit itself to spinning records. Host Fred Hyatt interviewed guests, offered informed commentary, and sometimes went beyond the traditional boundaries of opera--all the way out to *The Pajama Game*. The problem wasn't the show's quality, Schubb explained; it was the ratings. "All that matters is coming up with matching funds," Hyatt complained to the *Times*. "And now, they're really punching the so-called multicultural thing. It's all very cynical."

Supposedly, government money was going to protect noncommercial stations against the Vengeful God Arbitron. It hasn't worked out that way. Engelman's book would be much better if he spent a little more time wondering why that might be so.

Jesse Walker is media editor of The Seattle Scroll. *He is writing a history of the micro radio movement and its historical predecessors.*

(RADIO, BOONDOGGLES)

Remarks of President Lyndon B. Johnson Upon Signing the Public Broadcasting Act of 1967

November 7, 1967

Secretary Gardner, Senator Pastore, Chairman Staggers, Members of the Congress, Cabinet, ladies and gentlemen:

It was in 1844 that Congress authorized $30,000 for the first telegraph line between Washington and Baltimore. Soon afterward, Samuel Morse sent a stream of dots and dashes over that line to a friend who was waiting. His message was brief and prophetic and it read: "What hath God wrought?"

Every one of us should feel the same awe and wonderment here today.

For today, miracles in communication are our daily routine. Every minute, billions of telegraph messages chatter around the world. They interrupt law enforcement conferences and discussions of morality. Billions of signals rush over the ocean floor and fly above the clouds. Radio and television fill the air with sound. Satellites hurl messages thousands of miles in a matter of seconds.

Today our problem is not making miracles--but managing miracles. We might well ponder a different question: What hath man wrought--and how will man use his inventions?

The law that I will sign shortly offers one answer to that question.

It announces to the world that our Nation wants more than just material wealth; our Nation wants more than a "chicken in every pot." We in America have an appetite for excellence, too.

While we work every day to produce new goods and to create new wealth, we want most of all to enrich man's spirit.

That is the purpose of this act.

It will give a wider and, I think, stronger voice to educational radio and television by providing new funds for broadcast facilities.

It will launch a major study of television's use in the Nation's classrooms and their potential use throughout the world.

Finally--and most important--it builds a new institution: the Corporation for Public Broadcasting.

The Corporation will assist stations and producers who aim for the best in broadcasting good music, in broadcasting exciting plays, and in broadcasting reports on the whole fascinating range of human activity. It will try to prove that what educates can also be exciting.

It will get part of its support from our Government. But it will be carefully guarded from Government or from party control. It will be free, and it will be independent--and it will belong to all of our people.

Television is still a young invention. But we have learned already that it has immense--even revolutionary--power to change, to change our lives.

I hope that those who lead the Corporation will direct that power toward the great and not the trivial purposes.

At its best, public television would help make our Nation a replica of the old Greek marketplace, where public affairs took place in view of all the citizens.

But 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.

I intend to search this Nation to find men that I can nominate, men and women of outstanding ability, to this board of directors.

As a beginning, this morning I have called on Dr. Milton Eisenhower from the Johns Hopkins University and Dr. James Killian of MIT to serve as members of this board.

Dr. Eisenhower, as you will remember, was chairman of the first citizens committee which sought allocation of airwaves for educational purposes.

Dr. Killian served as chairman of the Carnegie Commission which proposed the act that we are signing today.

What hath man wrought? And how will man use his miracles?

The answer just begins with public broadcasting.

In 1862, the Morrill Act set aside lands in every State--lands which belonged to the people--and it set them aside in order to build the land-grant colleges of the Nation.

So today we rededicate a part of the airwaves--which belong to all the people--and we dedicate them for the enlightenment of all the people.

I believe the time has come to stake another claim in the name of all the people, stake a claim based upon the combined resources of communications. I believe the time has come to enlist the computer and the satellite, as well as television and radio, and to enlist them in the cause of education.

If we are up to the obligations of the next century and if we are to be proud of the next century as we are of the past two centuries, we have got to quit talking so much about what has happened in the past two centuries and start talking about what is going to happen in the next century beginning in 1976.

So I think we must consider new ways to build a great network for knowledge--not just a broadcast system, but one that employs every means of sending and storing information that the individual can use.

Think of the lives that this would change:--the student in a small college could tap the resources of a great university.

Dr. Killian has just given me an exciting report of his contacts in Latin America as a result of some of the declarations of the Presidents at Punta del Este that he has followed through on and how these Presidents are now envisioning the day when they can dedicate 20 or 25 or a larger percent of their total resources for one thing alone--education and knowledge.

Yes, the student in a small college tapping the resources of the greatest university in the hemisphere.

--The country doctor getting help from a distant laboratory or a teaching hospital;

--a scholar in Atlanta might draw instantly on a library in New York;

--a famous teacher could reach with ideas and inspirations into some far-off classroom, so that no child need be neglected.

Eventually, I think this electronic knowledge bank could be as valuable as the Federal Reserve Bank.

And such a system could involve other nations, too--it could involve them in a partnership to share knowledge and to thus enrich all mankind.

A wild and visionary idea? Not at all. Yesterday's strangest dreams are today's headlines and change is getting swifter every moment.

I have already asked my advisers to begin to explore the possibility of a network for knowledge--and then to draw up a suggested blueprint for it.

In 1844, when Henry Thoreau heard about Mr. Morse's telegraph, he made his sour comment about the race for faster communication. "Perchance," he warned, "the first news which will leak through into the broad, flapping American ear will be that Princess Adelaide has the whooping cough."

We do have skeptic comments on occasions. But I don't want you to be that skeptic. I do believe that we have important things to say to one another--and we have the wisdom to match our technical genius.

In that spirit this morning, I have asked you to come here and be participants with me in this great movement for the next century, the Public Broadcasting Act of 1967.

This act has a host of fathers. Many years ago when I was a Member of the Senate I had a bill prepared--Mr. Siegel drafted it for me--on public television. I had difficulty getting it introduced.

I asked Senator Magnuson to introduce it. He did. I am sorry he can't be here today. But he called me before I came over here and explained to me how happy he was that this event was taking place.

I don't want to single out any one person, because there are so many who have worked so long to bring this bill into where it is this morning to be signed.

I do want to recognize, though, in addition to Senator Magnuson, Senator Pastore, the Chairman of the subcommittee who has spent many days, weeks, and years in this effort, Senator Cotton, the ranking member of that committee, Chairman Staggers, Congressman Macdonald, Congressman Springer, all of whom have been part of the team that has brought this measure to the White House to make it the law of our land.

I should like to send a very special word of greeting to Mr. William Harley and the National Association of Educational Broadcasters who are gathered out in Denver today and who are participating in this ceremony by remote control.

As I mentioned before, we are honored to have Dr. James Killian here this morning. We are grateful to him and other members of the Carnegie Commission who provided the ideas and inspiration some of which are incorporated in this legislation.

I think I should add that John Gardner came to me in the early days when he was head of the Carnegie Commission, before we brought him in here, and suggested this Commission and asked me to help participate in forming it and making suggestions.

We are indebted to Dr. Gardner for this as we are to many things that he has done to provide leadership in the field of what is really important in the world--the education of our people.

At this time I am going to call on Dr. Alan Pifer who is president of the Carnegie Corporation who has a statement that I hope will be of interest to all of you.

Dr. Pifer.

[At this point Dr. Pifer spoke briefly. The President then resumed speaking.]

If there are any other distinguished and generous people, I will be glad to recognize them. If not, I want to express my personal appreciation to Mr. Douglass Cater of the White House staff for the many months that he has followed this legislation and worked on it.

Note: The President spoke at 11:33 a.m. in the East Room at the White House. In his opening words he referred to Secretary of Health, Education, and Welfare John W. Gardner, Senator John O. Pastore of Rhode Island, and Representative Harley O. Staggers of West Virginia, Chairman of the House Committee on Interstate and Foreign Commerce. During his remarks he referred to, among others, Seymour N. Siegel, director of radio communications in New York City and a member of the broadcasters advisory council to the President.

As enacted, the bill (S. 1160) is Public Law 90-129 (81 Stat. 365).

[Thanks to the Lyndon Baines Johnson Library for providing the text of President Johnson's remarks.]

Public
Broadcasting Act
1967

Subpart D --Corporation for Public Broadcasting

Sec. 396. [47 U.S.C. 396] Corporation for Public Broadcasting

(a) Congressional declaration of policy

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;

(2) it is in the public interest to encourage the growth and development of nonbroadcast telecommunications technologies for the delivery of public telecommunications services;

(3) expansion and development of public telecommunications and of diversity of its programming depend on freedom, imagination, and initiative on both local and national levels;

(4) the encouragement and support of public telecommunications, while matters of importance for private and local development, are also of appropriate and important concern to the Federal Government;

(5) it furthers the general welfare to encourage public telecommunications services which will be responsive to the interests of people both in particular localities and throughout the United States, which will constitute an expression of diversity and excellence, and which will constitute a source of alternative telecommunications services for all the citizens of the Nation;

(6) it is in the public interest to encourage the development of programming that involves creative risks and that addresses the needs of unserved and underserved audiences, particularly children and minorities;

(7) it is necessary and appropriate for the Federal Government to complement, assist, and support a national policy that will most effectively make public telecommunications services available to all citizens of the United States;

(8) public television and radio stations and public telecommunications services constitute valuable local community resources for utilizing electronic media to address national concerns and solve local problems through community programs and outreach programs;

(9) it is in the public interest for the Federal Government to ensure that all citizens of the United States have access to public telecommunications services through all appropriate available telecommunications distribution technologies; and

(10) a private corporation should be created to facilitate the development of public telecommunications and to afford maximum protection from extraneous interference and control.

(b) Establishment of Corporation; application of District of Columbia Nonprofit Corporation Act

There is authorized to be established a nonprofit corporation, to be known as the "Corporation for Public Broadcasting", which will not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this section, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act [D.C. Code, Sec. 29-501 et seq.].

(c) Board of Directors; functions, duties, etc.

(1) The Corporation for Public Broadcasting shall have a Board of Directors (hereinafter in this section referred to as the "Board"), consisting of 9 members appointed by the President, by and with the advice and consent of the Senate. No more than 5 members of the Board appointed by the President may be members of the same political party.

(2) The 9 members of the Board appointed by the President (A) shall be selected from among citizens of the United States (not regular full-time employees of the United States) who are eminent in such fields as education, cultural and civic affairs, or the arts, including radio and television; and (B) shall be selected so as to provide as nearly as practicable a broad representation of various regions of the Nation, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities of the Corporation.

(3) Of the members of the Board appointed by the President under paragraph (1), one member shall be selected from among individuals who represent the licensees and permittees of public television stations, and one member shall be selected from among individuals who represent the licensees and permittees of public radio stations.

(4) The members of the initial Board of Directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act [D.C. Code, Sec. 29-501 et seq.].

(5) The term of office of each member of the Board appointed by the President shall be 6 years, except as provided in section 5(c) of the Public Telecommunications Act of 1992. Any member whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term. No member of the Board shall be eligible to serve in excess of 2 consecutive full terms.

(6) Any vacancy in the Board shall not affect its power, but shall be filled in the manner consistent with this chapter.

(7) Members of the Board shall attend not less than 50 percent of all duly convened meetings of the Board in any calendar year. A member who fails to meet the requirement of the preceding sentence shall forfeit membership and the President shall appoint a new member to fill such vacancy not later than 30 days after such vacancy is determined by the Chairman of the Board.

(d) Election of Chairman and Vice Chairman; compensation of Board members

(1) Members of the Board shall annually elect one of their members to be Chairman and elect one or more of their members as a Vice Chairman or Vice Chairmen.

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(2) The members of the Board shall not, by reason of such membership, be deemed to be officers or employees of the United States. They shall, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this subpart, be entitled to receive compensation at the rate of $150 per day, including traveltime. No Board member shall receive compensation of more than $10,000 in any fiscal year. While away from their homes or regular places of business, Board members shall be allowed travel and actual, reasonable, and necessary expenses.

(e) Officers and employees; term of office, compensation, qualifications, and removal; political party affiliation, political test or qualification when taking personnel actions

(1) The Corporation shall have a President, and such other officers as may be named and appointed by the Board for terms and at rates of compensation fixed by the Board. No officer or employee of the Corporation may be compensated by the Corporation at an annual rate of pay which exceeds the rate of basic pay in effect from time to time for level I of the Executive Schedule under section 5312 of title 5. No individual other than a citizen of the United States may be an officer of the Corporation. No officer of the Corporation, other than the Chairman or a Vice Chairman, may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the Board and subject to the provisions of the Corporation's Statement of Ethical Conduct. All officers shall serve at the pleasure of the Board.

(2) Except as provided in the second sentence of subsection (c)(1) of this section, no political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, and employees of the Corporation.

(f) Nonprofit and nonpolitical nature of Corporation

(1) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(3) The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(g) Purposes and activities of Corporation; powers under District of Columbia Nonprofit Corporation Act

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(1) In order to achieve the objectives and to carry out the purposes of this subpart, as set out in subsection (a) of this section, the Corporation is authorized to--

(A) facilitate the full development of public telecommunications 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;

(B) assist in the establishment and development of one or more interconnection systems to be used for the distribution of public telecommunications services so that all public telecommunications entities may disseminate such services at times chosen by the entities;

(C) assist in the establishment and development of one or more systems of public telecommunications entities throughout the United States; and

(D) carry out its purposes and functions and engage in its activities in ways that will most effectively assure the maximum freedom of the public telecommunications entities and systems from interference with, or control of, program content or other activities.

(2) In order to carry out the purposes set forth in subsection (a) of this section, the Corporation is authorized to--

(A) obtain grants from and make contracts with individuals and with private, State, and Federal agencies, organizations, and institutions;

(B) contract with or make grants to public telecommunications entities, national, regional, and other systems of public telecommunications entities, and independent producers and production entities, for the production or acquisition of public telecommunications services to be made available for use by public telecommunications entities, except that--

(i) to the extent practicable, proposals for the provision of assistance by the Corporation in the production or acquisition of programs or series of programs shall be evaluated on the basis of comparative merit by panels of outside experts, representing diverse interests and perspectives, appointed by the Corporation; and

(ii) nothing in this subparagraph shall be construed to prohibit the exercise by the Corporation of its prudent business judgment with respect to any grant to assist in the production or acquisition of any program or series of programs recommended by any such panel;

(C) make payments to existing and new public telecommunications entities to aid in financing the production or acquisition of public telecommunications services by such entities, particularly innovative approaches to such services, and other costs of operation of such entities;

(D) establish and maintain, or contribute to, a library and archives of noncommercial educational and cultural radio and television programs and related materials and develop public awareness of, and disseminate information about, public telecommunications services by various means, including the publication of a journal;

(E) arrange, by grant to or contract with appropriate public or private agencies, organizations, or institutions, for interconnection facilities suitable for distribution and transmission of public telecommunications services to public telecommunications entities;

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(F) hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out the purposes of this subpart;

(G) conduct (directly or through grants or contracts) research, demonstrations, or training in matters related to public television or radio broadcasting and the use of nonbroadcast communications technologies for the dissemination of noncommercial educational and cultural television or radio programs;

(H) make grants or contracts for the use of nonbroadcast telecommunications technologies for the dissemination to the public of public telecommunications services; and

(I) take such other actions as may be necessary to accomplish the purposes set forth in subsection (a) of this section.

Nothing contained in this paragraph shall be construed to commit the Federal Government to provide any sums for the payment of any obligation of the Corporation which exceeds amounts provided in advance in appropriation Acts.

(3) To carry out the foregoing purposes and engage in the foregoing activities, the Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act [D.C. Code, Sec. 29-501 et seq.], except that the Corporation is prohibited from--

(A) owning or operating any television or radio broadcast station, system, or network, community antenna television system, interconnection system or facility, program production facility, or any public telecommunications entity, system, or network; and

(B) producing programs, scheduling programs for dissemination, or disseminating programs to the public.

(4) All meetings of the Board of Directors of the Corporation, including any committee of the Board, shall be open to the public under such terms, conditions, and exceptions as are set forth in subsection (k)(4) of this section.

(5) The Corporation, in consultation with interested parties, shall create a 5-year plan for the development of public telecommunications services. Such plan shall be updated annually by the Corporation.

(h) Free or reduced rate interconnection service; access to facilities

(1) Nothing in this chapter, or in any other provision of law, shall be construed to prevent United States communications common carriers from rendering free or reduced rate communications interconnection services for public television or radio services, subject to such rules and regulations as the Commission may prescribe.

(2) Subject to such terms and conditions as may be established by public telecommunications entities receiving space satellite interconnection facilities or services purchased or arranged for, in whole or in part, with funds authorized under this part, other public telecommunications entities shall have reasonable access to such facilities or services for the distribution of educational and cultural programs to public telecommunications entities. Any remaining capacity shall be made available to other persons for the transmission of noncommercial educational and cultural programs and program information relating to such programs, to public telecommunications entities, at a charge or charges comparable to the charge or charges, if any, imposed upon a public

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telecommunications entity for the distribution of noncommercial educational and cultural programs to public telecommunications entities. No such person shall be denied such access whenever sufficient capacity is available.

(i) Report to Congress

(1) The Corporation shall submit an annual report for the preceding fiscal year ending September 30 to the President for transmittal to the Congress on or before the 15th day of May of each year. The report shall include--

(A) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this subpart and such recommendations as the Corporation deems appropriate;

(B) a comprehensive and detailed inventory of funds distributed by Federal agencies to public telecommunications entities during the preceding fiscal year;

(C) a listing of each organization that receives a grant from the Corporation to produce programming, the name of the producer of any programming produced under each such grant, the title or description of any program so produced, and the amount of each such grant;

(D) the summary of the annual report provided to the Secretary pursuant to section 398(b)(4) of this title.

(2) The officers and directors of the Corporation shall be available to testify before appropriate committees of the Congress with respect to such report, the report of any audit made by the Comptroller General pursuant to subsection (l) of this section, or any other matter which such committees may determine.

(j) Repeal, alteration, or amendment

The right to repeal, alter, or amend this section at any time is expressly reserved.

(k) Financing restrictions

(1)(A) There is hereby established in the Treasury a fund which shall be known as the Public Broadcasting Fund (hereinafter in this subsection referred to as the "Fund"), to be administered by the Secretary of the Treasury.

(B) There is authorized to be appropriated to the Fund for each of the fiscal years 1978, 1979, and 1980, an amount equal to 40 percent of the total amount of non-Federal financial support received by public broadcasting entities during the fiscal year second preceding each such fiscal year, except that the amount so appropriated shall not exceed $121,000,000 for fiscal year 1978, $140,000,000 for fiscal year 1979, and $160,000,000 for fiscal year 1980.

(C) There is authorized to be appropriated to the Fund, for each of the fiscal years 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, and 1993, an amount equal to 40 percent of the total amount of non-Federal financial support received by public broadcasting entities during the fiscal year second preceding each such fiscal year, except that the amount so appropriated shall not exceed $265,000,000 for fiscal year

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1992, \$285,000,000 for fiscal year 1993, \$310,000,000 for fiscal year 1994, \$375,000,000 for fiscal year 1995, and \$425,000,000 for fiscal year 1996.

(D) In addition to any amounts authorized under any other provision of this or any other Act to be appropriated to the Fund, \$20,000,000 are hereby authorized to be appropriated to the Fund (notwithstanding any other provision of this subsection) specifically for the transition from the use of analog to digital technology for the provision of public broadcasting services for fiscal year 2001.

(E) Funds appropriated under this subsection shall remain available until expended.

(F) In recognition of the importance of educational programs and services, and the expansion of public radio services, to unserved and underserved audiences, the Corporation, after consultation with the system of public telecommunications entities, shall prepare and submit to the Congress an annual report for each of the fiscal years 1994, 1995, and 1996 on the Corporation's activities and expenditures relating to those programs and services.

(2)(A) The funds authorized to be appropriated by this subsection shall be used by the Corporation, in a prudent and financially responsible manner, solely for its grants, contracts, and administrative costs, except that the Corporation may not use any funds appropriated under this subpart for purposes of conducting any reception, or providing any other entertainment, for any officer or employee of the Federal Government or any State or local government. The Corporation shall determine the amount of non-Federal financial support received by public broadcasting entities during each of the fiscal years referred to in paragraph (1) for the purpose of determining the amount of each authorization, and shall certify such amount to the Secretary of the Treasury, except that the Corporation may include in its certification non-Federal financial support received by a public broadcasting entity during its most recent fiscal year ending before September 30 of the year for which certification is made. Upon receipt of such certification, the Secretary of the Treasury shall make available to the Corporation, from such funds as may be appropriated to the Fund, the amount authorized for each of the fiscal years pursuant to the provisions of this subsection.

(B) Funds appropriated and made available under this subsection shall be disbursed by the Secretary of the Treasury on a fiscal year basis.

(3)(A)(i) The Corporation shall establish an annual budget for use in allocating amounts from the Fund. Of the amounts appropriated into the Fund available for allocation for any fiscal year--

(I) \$10,200,000 shall be available for the administrative expenses of the Corporation for fiscal year 1989, and for each succeeding fiscal year the amount which shall be available for such administrative expenses shall be the sum of the amount made available to the Corporation under this subclause for such expenses in the preceding fiscal year plus the greater of 4 percent of such amount or a percentage of such amount equal to the percentage change in the Consumer Price Index, except that none of the amounts allocated under subclauses (II), (III), and (IV) and clause (v) shall be used for any administrative expenses of the Corporation and not more than 5 percent of all the amounts appropriated into the Fund available for allocation for any fiscal year shall be available for such administrative expenses;

(II) 6 percent of such amounts shall be available for expenses incurred by the Corporation for capital costs relating to telecommunications satellites, the payment of programming royalties and other fees, the costs of interconnection facilities and operations (as provided in clause (iv)(I)), and grants which the Corporation may make for assistance to stations that broadcast programs in languages other than English or for assistance in the provision of affordable training programs for employees at public broadcast stations, and if the available funding level permits, for projects and activities that will enhance public broadcasting;

(III) 75 percent of the remainder (after allocations are made under subclause (I) and subclause (II)) shall be allocated in accordance with clause (ii); and

(IV) 25 percent of such remainder shall be allocated in accordance with clause (iii).

(ii) Of the amounts allocated under clause (i)(III) for any fiscal year--

(I) 75 percent of such amounts shall be available for distribution among the licensees and permittees of public television stations pursuant to paragraph (6)(B); and

(II) 25 percent of such amounts shall be available for distribution under subparagraph (B)(i), and in accordance with any plan implemented under paragraph (6)(A), for national public television programming.

(iii) Of the amounts allocated under clause (i)(IV) for any fiscal year--

(I) 70 percent of such amounts shall be available for distribution among the licensees and permittees of public radio stations pursuant to paragraph (6)(B);

(II) 7 percent of such amounts shall be available for distribution under subparagraph (B)(i) for public radio programming; and

(III) 23 percent of such amounts shall be available for distribution among the licensees and permittees of public radio stations pursuant to paragraph (6)(B), solely to be used for acquiring or producing programming that is to be distributed nationally and is designed to serve the needs of a national audience.

(iv)(I) From the amount provided pursuant to clause (i)(II), the Corporation shall defray an amount equal to 50 percent of the total costs of interconnection facilities and operations to facilitate the availability of public television and radio programs among public broadcast stations.

(II) Of the amounts received as the result of any contract, lease agreement, or any other arrangement under which the Corporation directly or indirectly makes available interconnection facilities, 50 percent of such amounts shall be distributed to the licensees and permittees of public television stations and public radio stations. The Corporation shall not have any authority to establish any requirements, guidelines, or limitations with respect to the use of such amounts by such licensees and permittees.

(v) Of the interest on the amounts appropriated into the Fund which is available for allocation for any fiscal year--

(I) 75 percent shall be available for distribution for the purposes referred to in clause (ii)(II); and

(II) 25 percent shall be available for distribution for the purposes referred to in clause (iii)(II) and (III).

(B)(i) The Corporation shall utilize the funds allocated pursuant to subparagraph (A)(ii)(II) and subparagraph (A)(iii)(II) to make grants for production of public television or radio programs by independent producers and production entities and public telecommunications entities, producers of national children's educational programming, and producers of programs addressing the needs and interests of minorities, and for acquisition of such programs by public telecommunications entities. The Corporation

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may make grants to public telecommunications entities and producers for the production of programs in languages other than English. Of the funds utilized pursuant to this clause, a substantial amount shall be distributed to independent producers and production entities, producers of national children's educational programming, and producers of programming addressing the needs and interests of minorities for the production of programs.

(ii) All funds available for distribution under clause (i) shall be distributed to entities outside the Corporation and shall not be used for the general administrative costs of the Corporation, the salaries or related expenses of Corporation personnel and members of the Board, or for expenses of consultants and advisers to the Corporation.

(iii)(I) For fiscal year 1990 and succeeding fiscal years, the Corporation shall, in carrying out its obligations under clause (i) with respect to public television programming, provide adequate funds for an independent production service.

(II) Such independent production service shall be separate from the Corporation and shall be incorporated under the laws of the District of Columbia for the purpose of contracting with the Corporation for the expenditure of funds for the production of public television programs by independent producers and independent production entities.

(III) The Corporation shall work with organizations or associations of independent producers or independent production entities to develop a plan and budget for the operation of such service that is acceptable to the Corporation.

(IV) The Corporation shall ensure that the funds provided to such independent production service shall be used exclusively in pursuit of the Corporation's obligation to expand the diversity and innovativeness of programming available to public broadcasting.

(V) The Corporation shall report annually to Congress regarding the activities and expenditures of the independent production service, including carriage and viewing information for programs produced or acquired with funds provided pursuant to subclause (I). At the end of fiscal years 1992, 1993, 1994, and 1995, the Corporation shall submit a report to Congress evaluating the performance of the independent production service in light of its mission to expand the diversity and innovativeness of programming available to public broadcasting.

(VI) The Corporation shall not contract to provide funds to any such independent production service, unless that service agrees to comply with public inspection requirements established by the Corporation within 3 months after August 26, 1992. Under such requirements the service shall maintain at its offices a public file, updated regularly, containing information relating to the service's award of funds for the production of programming. The information shall be available for public inspection and copying for at least 3 years and shall be of the same kind as the information required to be maintained by the Corporation under subsection (l)(4)(B) of this section.

(4) Funds may not be distributed pursuant to this subsection to the Public Broadcasting Service or National Public Radio (or any successor organization), or to the licensee or permittee of any public broadcast station, unless the governing body of any such organization, any committee of such governing body, or any advisory body of any such organization, holds open meetings preceded by reasonable notice to the public. All persons shall be permitted to attend any meeting of the board, or of any such committee or body, and no person shall be required, as a condition to attendance at any such

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meeting, to register such person's name or to provide any other information. Nothing contained in this paragraph shall be construed to prevent any such board, committee, or body from holding closed sessions to consider matters relating to individual employees, proprietary information, litigation and other matters requiring the confidential advice of counsel, commercial or financial information obtained from a person on a privileged or confidential basis, or the purchase of property or services whenever the premature exposure of such purchase would compromise the business interests of any such organization. If any such meeting is closed pursuant to the provisions of this paragraph, the organization involved shall thereafter (within a reasonable period of time) make available to the public a written statement containing an explanation of the reasons for closing the meeting.

(5) Funds may not be distributed pursuant to this subsection to any public telecommunications entity that does not maintain for public examination copies of the annual financial and audit reports, or other information regarding finances, submitted to the Corporation pursuant to subsection (l)(3)(B) of this section.

(6)(A) The Corporation shall conduct a study and prepare a plan, in consultation with public television licensees (or designated representatives of those licensees) and the Public Broadcasting Service, on how funds available to the Corporation under paragraph (3)(A)(ii)(II) can be best allocated to meet the objectives of this chapter with regard to national public television programming. The plan, which shall be based on the conclusions resulting from the study, shall be submitted by the Corporation to the Congress not later than January 31, 1990. Unless directed otherwise by an Act of Congress, the Corporation shall implement the plan during the first fiscal year beginning after the fiscal year in which the plan is submitted to Congress.

(B) The Corporation shall make a basic grant from the portion reserved for television stations under paragraph (3)(A)(ii)(I) to each licensee and permittee of a public television station that is on the air. The Corporation shall assist radio stations to maintain and improve their service where public radio is the only broadcast service available. The balance of the portion reserved for television stations and the total portion reserved for radio stations under paragraph (3)(A)(iii)(I) shall be distributed to licensees and permittees of such stations in accordance with eligibility criteria (which the Corporation shall review periodically in consultation with public radio and television licensees or permittees, or their designated representatives) that promote the public interest in public broadcasting, and on the basis of a formula designed to--

(i) provide for the financial needs and requirements of stations in relation to the communities and audiences such stations undertake to serve;

(ii) maintain existing, and stimulate new, sources of non-Federal financial support for stations by providing incentives for increases in such support; and

(iii) assure that each eligible licensee and permittee of a public radio station receives a basic grant.

(7) The funds distributed pursuant to paragraph (3)(A)(ii)(I) and (iii)(I) may be used at the discretion of the recipient for purposes related primarily to the production or acquisition of programming.

(8)(A) Funds may not be distributed pursuant to this subpart to any public broadcast station (other than any station which is owned and operated by a State, a political or special purpose subdivision of a State, or a public agency) unless such station establishes

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a community advisory board. Any such station shall undertake good faith efforts to assure that (i) its advisory board meets at regular intervals; (ii) the members of its advisory board regularly attend the meetings of the advisory board; and (iii) the composition of its advisory board are reasonably representative of the diverse needs and interests of the communities served by such station.

(B) The board shall be permitted to review the programming goals established by the station, the service provided by the station, and the significant policy decisions rendered by the station. The board may also be delegated any other responsibilities, as determined by the governing body of the station. The board shall advise the governing body of the station with respect to whether the programming and other policies of such station are meeting the specialized educational and cultural needs of the communities served by the station, and may make such recommendations as it considers appropriate to meet such needs.

(C) The role of the board shall be solely advisory in nature, except to the extent other responsibilities are delegated to the board by the governing body of the station. In no case shall the board have any authority to exercise any control over the daily management or operation of the station.

(D) In the case of any public broadcast station (other than any station which is owned and operated by a State, a political or special purpose subdivision of a State, or a public agency) in existence on November 2, 1978, such station shall comply with the requirements of this paragraph with respect to the establishment of a community advisory board not later than 180 days after November 2, 1978.

(E) The provision of subparagraph (A) prohibiting the distribution of funds to any public broadcast station (other than any station which is owned and operated by a State, a political or special purpose subdivision of a State, or a public agency) unless such station establishes a community advisory board shall be the exclusive remedy for the enforcement of the provisions of this paragraph.

(9) Funds may not be distributed pursuant to this subsection to the Public Broadcasting Service or National Public Radio (or any successor organization) unless assurances are provided to the Corporation that no officer or employee of the Public Broadcasting Service or National Public Radio (or any successor organization), as the case may be, will be compensated in excess of reasonable compensation as determined pursuant to Section 4958 of title 26 for services that the officer or employee renders to organization, and unless further assurances are provided to the Corporation that no officer or employee of such an entity will be loaned money by that entity on an interest-free basis.

(10)(A) There is hereby established in the Treasury a fund which shall be known as the Public Broadcasting Satellite Interconnection Fund (hereinafter in this subsection referred to as the "Satellite Interconnection Fund"), to be administered by the Secretary of the Treasury.

(B) There is authorized to be appropriated to the Satellite Interconnection Fund, for fiscal year 1991, the amount of $200,000,000. If such amount is not appropriated in full for fiscal year 1991, the portion of such amount not yet appropriated is authorized to be appropriated for fiscal years 1992 and 1993. Funds appropriated to the Satellite Interconnection Fund shall remain available until expended.

(C) The Secretary of the Treasury shall make available and disburse to the Corporation, at the beginning of fiscal year 1991 and of each succeeding fiscal year

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thereafter, such funds as have been appropriated to the Satellite Interconnection Fund for the fiscal year in which such disbursement is to be made.

(D) Notwithstanding any other provision of this subsection except paragraphs (4), (5), (8), and (9), all funds appropriated to the Satellite Interconnection Fund and interest thereon--

(i) shall be distributed by the Corporation to the licensees and permittees of noncommercial educational television broadcast stations providing public telecommunications services or the national entity they designate for satellite interconnection purposes and to those public telecommunications entities participating in the public radio satellite interconnection system or the national entity they designate for satellite interconnection purposes, exclusively for the capital costs of the replacement, refurbishment, or upgrading of their national satellite interconnection systems and associated maintenance of such systems; and

(ii) shall not be used for the administrative costs of the Corporation, the salaries or related expenses of Corporation personnel and members of the Board, or for expenses of consultants and advisers to the Corporation.

(11)(A) Funds may not be distributed pursuant to this subsection for any fiscal year to the licensee or permittee of any public broadcast station if such licensee or permittee--

(i) fails to certify to the Corporation that such licensee or permittee complies with the Commission's regulations concerning equal employment opportunity as published under section 73.2080 of title 47, Code of Federal Regulations, or any successor regulations thereto; or

(ii) fails to submit to the Corporation the report required by subparagraph (B) for the preceding calendar year.

(B) A licensee or permittee of any public broadcast station with more than five full-time employees to file annually with the Corporation a statistical report, consistent with reports required by Commission regulation, identifying by race and sex the number of employees in each of the following full-time and part-time job categories:

(i) Officials and managers.
(ii) Professionals.
(iii) Technicians.
(iv) Semiskilled operatives.
(v) Skilled craft persons.
(vi) Clerical and office personnel.
(vii) Unskilled operatives.
(viii) Service workers.

(C) In addition, such report shall state the number of job openings occurring during the course of the year. Where the job openings were filled in accordance with the regulations described in subparagraph (A)(i), the report shall so certify, and where the job openings were not filled in accordance with such regulations, the report shall contain a statement providing reasons therefor. The statistical report shall be available to the public at the central office and at every location where more than five full-time employees are regularly assigned to work.

(12) Funds may not be distributed under this subsection to any public broadcasting entity that directly or indirectly--

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(A) rents contributor or donor names (or other personally identifiable information) to or from, or exchanges such names or information with, any Federal, State, or local candidate, political party, or political committee; or

(B) discloses contributor or donor names, or other personally identifiable information, to any nonaffiliated third party unless--

(i) such entity clearly and conspicuously discloses to the contributor or donor that such information may be disclosed to such third party;

(ii) the contributor or donor is given the opportunity, before the time that such information is initially disclosed, to direct that such information not be disclosed to such third party; and

(iii) the contributor or donor is given an explanation of how the contributor or donor may exercise that nondisclosure option.

(l) Financial management and records

(1)(A) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States, except that such requirement shall not preclude shared auditing arrangements between any public telecommunications entity and its licensee where such licensee is a public or private institution. The audits shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents and custodians shall be afforded to such person or persons.

(B) The report of each such independent audit shall be included in the annual report required by subsection (i) of this section. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Corporation's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the Corporation's income and expenses during the year, and a statement of the sources and application of funds, together with the independent auditor's opinion of those statements.

(2)(A) The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such

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books, accounts, records, reports, files, papers and property of the corporation shall remain in possession and custody of the Corporation.

(B) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President, to the Secretary, and to the Corporation at the time submitted to the Congress.

(3)(A) Not later than 1 year after November 2, 1978, the Corporation, in consultation with the Comptroller General, and as appropriate with others, shall develop accounting principles which shall be used uniformly by all public telecommunications entities receiving funds under this subpart, taking into account organizational differences among various categories of such entities. Such principles shall be designed to account fully for all funds received and expended for public telecommunications purposes by such entities.

(B) Each public telecommunications entity receiving funds under this subpart shall be required--

(i) to keep its books, records, and accounts in such form as may be required by the Corporation;

(ii)(I) to undergo a biennial audit by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State, which audit shall be in accordance with auditing standards developed by the Corporation, in consultation with the Comptroller General; or

(II) to submit a financial statement in lieu of the audit required by subclause (I) if the Corporation determines that the cost burden of such audit on such entity is excessive in light of the financial condition of such entity; and

(iii) to furnish biennially to the Corporation a copy of the audit report required pursuant to clause (ii), as well as such other information regarding finances (including an annual financial report) as the Corporation may require.

(C) Any recipient of assistance by grant or contract under this section, other than a fixed price contract awarded pursuant to competitive bidding procedures, shall keep such records as may be reasonably necessary to disclose fully the amount and the disposition by such recipient of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(D) The Corporation or any of its duly authorized representatives shall have access to any books, documents, papers, and records of any recipient of assistance for the purpose of auditing and examining all funds received or expended for public telecommunications purposes by the recipient. The Comptroller General of the United States or any of his duly authorized representatives also shall have access to such books, documents, papers, and records for the purpose of auditing and examining all funds received or expended for public telecommunications purposes during any fiscal year for which Federal funds are available to the Corporation.

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(4)(A) The Corporation shall maintain the information described in subparagraphs (B), (C), and (D) at its offices for public inspection and copying for at least 3 years, according to such reasonable guidelines as the Corporation may issue. This public file shall be updated regularly. This paragraph shall be effective August 26, 1992, and shall apply to all grants awarded after January 1, 1993.

(B) Subsequent to any award of funds by the Corporation for the production or acquisition of national broadcasting programming pursuant to subsection (k)(3)(A)(ii)(II) or (iii)(II) of this section, the Corporation shall make available for public inspection the following:

(i) Grant and solicitation guidelines for proposals for such programming.

(ii) The reasons for selecting the proposal for which the award was made.

(iii) Information on each program for which the award was made, including the names of the awardee and producer (and if the awardee or producer is a corporation or partnership, the principals of such corporation or partnership), the monetary amount of the award, and the title and description of the program (and of each program in a series of programs).

(iv) A report based on the final audit findings resulting from any audit of the award by the Corporation or the Comptroller General.

(v) Reports which the Corporation shall require to be provided by the awardee relating to national public broadcasting programming funded, produced, or acquired by the awardee with such funds. Such reports shall include, where applicable, the information described in clauses (i), (ii), and (iii), but shall exclude proprietary, confidential, or privileged information.

(C) The Corporation shall make available for public inspection the final report required by the Corporation on an annual basis from each recipient of funds under subsection (k)(3)(A)(iii)(III) of this section, excluding proprietary, confidential, or privileged information.

(D) The Corporation shall make available for public inspection an annual list of national programs distributed by public broadcasting entities that receive funds under subsection (k)(3)(A)(ii)(III) or (iii)(II) of this section and are engaged primarily in the national distribution of public television or radio programs. Such list shall include the names of the programs (or program series), producers, and providers of funding.

(m) Needs of minorities and other groups

(1) Prior to July 1, 1989, and every three years thereafter, the Corporation shall compile an assessment of the needs of minority and diverse audiences, the plans of public broadcasting entities and public telecommunications entities to address such needs, the ways radio and television can be used to help these underrepresented groups, and projections concerning minority employment by public broadcasting entities and public telecommunications entities. Such assessment shall address the needs of racial and ethnic minorities, new immigrant populations, people for whom English is a second language, and adults who lack basic reading skills.

(2) Commencing July 1, 1989, the Corporation shall prepare an annual report on the provision by public broadcasting entities and public telecommunications entities of service to the audiences described in paragraph (1). Such report shall address

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programming (including that which is produced by minority producers), training, minority employment, and efforts by the Corporation to increase the number of minority public radio and television stations eligible for financial support from the Corporation. Such report shall include a summary of the statistical reports received by the Corporation pursuant to subsection (k)(11) of this section, and a comparison of the information contained in those reports with the information submitted by the Corporation in the previous year's annual report.

(3) As soon as they have been prepared, each assessment and annual report required under paragraphs (1) and (2) shall be submitted to Congress.

Subpart E--General Provisions

Sec. 397. [47 U.S.C. 397] Definitions

For the purposes of this part--

(1) The term "construction" (as applied to public telecommunications facilities) means acquisition (including acquisition by lease), installation, and modernization of public telecommunications facilities and planning and preparatory steps incidental to any such acquisition, installation, or modernization.

(2) The term "Corporation" means the Corporation for Public Broadcasting authorized to be established in subpart D.

(3) The term "interconnection" means the use of microwave equipment, boosters, translators, repeaters, communication space satellites, or other apparatus or equipment for the transmission and distribution of television or radio programs to public telecommunications entities.

(4) The term "interconnection system" means any system of interconnection facilities used for the distribution of programs to public telecommunications entities.

(5) The term "meeting" means the deliberations of at least the number of members of a governing or advisory body, or any committee thereof, required to take action on behalf of such body or committee where such deliberations determine or result in the joint conduct or disposition of the governing or advisory body's business, or the committee's business, as the case may be, but only to the extent that such deliberations relate to public broadcasting.

(6) The terms "noncommercial educational broadcast station" and "public broadcast station" mean a television or radio broadcast station which--

(A) under the rules and regulations of the Commission in effect on November 2, 1978, is eligible to be licensed by the Commission as a noncommercial educational radio or television broadcast station and which is owned and operated by a public agency or nonprofit private foundation, corporation, or association; or

(B) is owned and operated by a municipality and which transmits only noncommercial programs for education purposes.

(7) The term "noncommercial telecommunications entity" means any enterprise which-

(A) is owned and operated by a State, a political or special purpose subdivision of a State, a public agency, or a nonprofit private foundation, corporation, or association; and

(B) has been organized primarily for the purpose of disseminating audio or video noncommercial educational and cultural programs to the public by means other than a

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primary television or radio broadcast station, including, but not limited to, coaxial cable, optical fiber, broadcast translators, cassettes, discs, microwave, or laser transmission through the atmosphere.

(8) The term "nonprofit" (as applied to any foundation, corporation, or association) means a foundation, corporation, or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(9) The term "non-Federal financial support" means the total value of cash and the fair market value of property and services (including, to the extent provided in the second sentence of this paragraph, the personal services of volunteers) received--

(A) as gifts, grants, bequests, donations, or other contributions for the construction or operation of noncommercial educational broadcast stations, or for the production, acquisition, distribution, or dissemination of educational television or radio programs, and related activities, from any source other than (i) the United States or any agency or instrumentality of the United States; or (ii) any public broadcasting entity; or

(B) as gifts, grants, donations, contributions, or payments from any State, or any educational institution, for the construction or operation of noncommercial educational broadcast stations or for the production, acquisition, distribution, or dissemination of educational television or radio programs, or payments in exchange for services or materials with respect to the provision of educational or instructional television or radio programs.

Such term includes the fair market value of personal services of volunteers, as computed using the valuation standards established by the Corporation, but only, with respect to such an entity in a fiscal year, to the extent that the value of the services does not exceed 5 percent of the total non-Federal financial support of the entity in such fiscal year.

(10) The term "preoperational expenses" means all nonconstruction costs incurred by new telecommunications entities before the date on which they begin providing service to the public, and all nonconstruction costs associated with expansion of existing entities before the date on which such expanded capacity is activated, except that such expenses shall not include any portion of the salaries of any personnel employed by an operating public telecommunications entity.

(11) The term "public broadcasting entity" means the Corporation, any licensee or permittee of a public broadcast station, or any nonprofit institution engaged primarily in the production, acquisition, distribution, or dissemination of educational and cultural television or radio programs.

(12) The term "public telecommunications entity" means any enterprise which--

(A) is a public broadcast station or a noncommercial telecommunications entity; and

(B) disseminates public telecommunications services to the public.

(13) The term "public telecommunications facilities" means apparatus necessary for production, interconnection, captioning, broadcast, or other distribution of programming, including, but not limited to, studio equipment, cameras, microphones, audio and video storage or reproduction equipment, or both, signal processors and switchers, towers, antennas, transmitters, translators, microwave equipment, mobile equipment, satellite communications equipment, instructional television fixed service equipment, subsidiary communications authorization transmitting and receiving equipment, cable television equipment, video and audio cassettes and discs, optical fiber communications equipment, and other means of transmitting, emitting, storing, and receiving images and sounds, or

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intelligence, except that such term does not include the buildings to house such apparatus (other than small equipment shelters which are part of satellite earth stations, translators, microwave interconnection facilities, and similar facilities).

(14) The term "public telecommunications services" means noncommercial educational and cultural radio and television programs, and related noncommercial instructional or informational material that may be transmitted by means of electronic communications.

(15) The term "Secretary" means the Secretary of Commerce when such term is used in subpart A and subpart B, and the Secretary of Health and Human Services when such term is used in subpart C, subpart D, and this subpart.

(16) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(17) The term "system of public telecommunications entities" means any combination of public telecommunications entities acting cooperatively to produce, acquire, or distribute programs, or to undertake related activities.

Sec. 398. [47 U.S.C. 398] Federal interference or control

(a) Prohibition

Nothing contained in this part shall be deemed (1) to amend any other provision of, or requirement under, this chapter; or (2) except to the extent authorized in subsection (b) of this section, to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over public telecommunications, or over the Corporation or any of its grantees or contractors, or over the charter or bylaws of the Corporation, or over the curriculum, program of instruction, or personnel of any educational institution, school system, or public telecommunications entity.

(b) Equal opportunity employment

(1) Equal opportunity in employment shall be afforded to all persons by the Public Broadcasting Service and National Public Radio (or any successor organization) and by all public telecommunications entities receiving funds pursuant to subpart C (hereinafter in this subsection referred to as "recipients"), in accordance with the equal employment opportunity regulations of the Commission, and no person shall be subjected to discrimination in employment by any recipient on the grounds of race, color, religion, national origin, or sex.

(2)(A) The Secretary is authorized and directed to enforce this subsection and to prescribe such rules and regulations as may be necessary to carry out the functions of the Secretary under this subsection.

(B) The Secretary shall provide for close coordination with the Commission in the administration of the responsibilities of the Secretary under this subsection which are of interest to or affect the functions of the Commission so that, to the maximum extent possible consistent with the enforcement responsibilities of each, the reporting

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requirements of public telecommunications entities shall be uniformly based upon consistent definitions and categories of information.

(3)(A) The Corporation shall incorporate into each grant agreement or contract with any recipient entered into on or after the effective date of the rules and regulations prescribed by the Secretary pursuant to paragraph (2)(A), a statement indicating that, as a material part of the terms and conditions of the grant agreement or contract, the recipient will comply with the provisions of paragraph (1) and the rules and regulations prescribed pursuant to paragraph (2)(A). Any person which desires to be a recipient (within the meaning of paragraph (1)) of funds under subpart C shall, before receiving any such funds, provide to the Corporation any information which the Corporation may require to satisfy itself that such person is affording equal opportunity in employment in accordance with the requirements of this subsection. Determinations made by the Corporation in accordance with the preceding sentence shall be based upon guidelines relating to equal opportunity in employment which shall be established by rule by the Secretary.

(B) If the Corporation is not satisfied that any such person is affording equal opportunity in employment in accordance with the requirements of this subsection, the Corporation shall notify the Secretary, and the Secretary shall review the matter and make a final determination regarding whether such person is affording equal opportunity in employment. In any case in which the Secretary conducts a review under the preceding sentence, the Corporation shall make funds available to the person involved pursuant to the grant application of such person (if the Corporation would have approved such application but for the finding of the Corporation under this paragraph) pending a final determination of the Secretary upon completion of such review. The Corporation shall monitor the equal employment opportunity practices of each recipient throughout the duration of the grant or contract.

(C) The provisions of subparagraph (A) and subparagraph (B) shall take effect on the effective date of the rules and regulations prescribed by the Secretary pursuant to paragraph (2)(A).

(4) Based upon its responsibilities under paragraph (3), the Corporation shall provide an annual report for the preceding fiscal year ending September 30 to the Secretary on or before the 15th day of February of each year. The report shall contain information in the form required by the Secretary. The Corporation shall submit a summary of such report to the President and the Congress as part of the report required in section 396(i) of this title. The Corporation shall provide other information in the form which the Secretary may require in order to carry out the functions of the Secretary under this subsection.

(5) Whenever the Secretary makes a final determination, pursuant to the rules and regulations which the Secretary shall prescribe, that a recipient is not in compliance with paragraph (1), the Secretary shall, within 10 days after such determination, notify the recipient in writing of such determination and request the recipient to secure compliance. Unless the recipient within 120 days after receipt of such written notice--

(A) demonstrates to the Secretary that the violation has been corrected; or

(B) enters into a compliance agreement approved by the Secretary;

the Secretary shall direct the Corporation to reduce or suspend any further payments of funds under this part to the recipient and the Corporation shall comply with such directive. Resumption of payments shall take place only when the Secretary certifies to the Corporation that the recipient has entered into a compliance agreement approved by

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the Secretary. A recipient whose funds have been reduced or suspended under this paragraph may apply at any time to the Secretary for such certification.

(c) Control over content or distribution of programs

Nothing in this section shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the content or distribution of public telecommunications programs and services, or over the curriculum or program of instruction of any educational institution or school system.

Sec. 399. [47 U.S.C. 399] Support of political candidates prohibited

No noncommercial educational broadcasting station may support or oppose any candidate for political office.

Sec. 399a. [47 U.S.C 399a] Use of business or institutional logograms

(a) "Business or institutional logogram" defined

For purposes of this section, the term "business or institutional logogram" means any aural or visual letters or words, or any symbol or sign, which is used for the exclusive purpose of identifying any corporation, company, or other organization, and which is not used for the purpose of promoting the products, services, or facilities of such corporation, company, or other organization.

(b) Permitted uses

Each public television station and each public radio station shall be authorized to broadcast announcements which include the use of any business or institutional logogram and which include a reference to the location of the corporation, company, or other organization involved, except that such announcements may not interrupt regular programming.

(c) Authority of Commission not limited

The provisions of this section shall not be construed to limit the authority of the Commission to prescribe regulations relating to the manner in which logograms may be used to identify corporations, companies, or other organizations.

Sec. 399b. [47 U.S.C. 399b] Offering of certain services, facilities, or products by public broadcast station

(a) "Advertisement" defined

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For purposes of this section, the term "advertisement" means any message or other programming material which is broadcast or otherwise transmitted in exchange for any remuneration, and which is intended--

(1) to promote any service, facility, or product offered by any person who is engaged in such offering for profit;

(2) to express the views of any person with respect to any matter of public importance or interest; or

(3) to support or oppose any candidate for political office.

(b) Offering of services, facilities, or products permitted; advertisements prohibited

(1) Except as provided in paragraph (2), each public broadcast station shall be authorized to engage in the offering of services, facilities, or products in exchange for remuneration.

(2) No public broadcast station may make its facilities available to any person for the broadcasting of any advertisement.

(c) Use of funds from offering services, etc.

Any public broadcast station which engages in any offering specified in subsection (b)(1) of this section may not use any funds distributed by the Corporation under section 396(k) of this title to defray any costs associated with such offering. Any such offering by a public broadcast station shall not interfere with the provision of public telecommunications services by such station.

(d) Development of accounting system

Each public broadcast station which engages in the activity specified in subsection (b)(1) of this section shall, in consultation with the Corporation, develop an accounting system which is designed to identify any amounts received as remuneration for, or costs related to, such activities under this section, and to account for such amounts separately from any other amounts received by such station from any source.

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CPB Appropriation History

Figures shown are representative of millions of dollars.
ie. $5.0 = $5,000,000.00

Fiscal Year	Administration Request	House Allowance	Senate Allowance	Appropriation
1969	$9.0	(b)	$6.0	$5.0
1970	15.0	(b)	15.0	15.0
1971	22.0	(b)	27.0	23.0
1972	35.0	35.0	35.0	35.0
1973	45.0	45.0	45.0	35.0
1974	45.0	(b)	55.0	50.0
1975	60.0	60.0	65.0	62.0
1976	70.0	78.5	78.5	78.5
TQ (a)	17.0	17.5	17.5	17.5
1977	70.0	96.7	103.0	103.0
1978	80.0	107.1	121.1	119.2
1979	90.0	120.2	140.0	120.2
1980	120.0	145.0	172.0	152.0
1981	162.0	162.0	162.0	162.0
1982	172.0	172.0	172.0	172.0
1983	172.0	172.0	172.0	137.0
1984	110.0	110.0	130.0	137.5
1985	85.0	130.0	130.0	150.5
1986	75.0	130.0	130.0	159.5
1987	186.0	(b)	238.0	200.0
1988	214.0	(b)	214.0	214.0
1989	214.0	214.0	238.0	228.0
1990	214.0	238.0	248.0	229.4 (c)
1991	214.0	(b)	302.5 (d)	298.9 (d)
1992	242.1	314.1 (d)	340.5 (d)	327.3 (d)
1993	306.5 (d)	306.5 (d)	341.9	318.6 (d)
1994	260.0	253.3	284.0	275.0
1995	275.0	271.6	310.0	285.6 (e)
1996	292.6	292.6	320.0	275.0 (f)
1997	292.6	(b)	330.0	260.0 (f)
1998	296.4	240.0	260.0	250.0
1999	275.0	250.0	250.0	250.0
2000	325.0	300.0	300.0	300.0
2001	340.0	340.0	340.0	340.0
2002	350.0	340.0	350.0	350.0
2003	365.0	365.0	365.0	362.8 (g)
2004	(h)	365.0	395.0	380.0
2005	(h)	380.0	395.0	390.0

2005	(h)	380.0	395.0	390.0
2006	(h)			

Footnotes:

(a) Transition Quarter

(b) Allowance not included in House Bill because of lack of authorizing legislation. Senate allowance considered by House Conferees at conference on appropriation bill(s).

(c) Reduced FY1990 Sequestration.

(d) Includes funds appropriated for the Satellite Replacement Fund.

(e) Reduced from $292.6 million in PL 103-333.

(f) FY1996 funding reduced from $312.0 million and FY1997 funding reduced from $315.0 million in PL 104-19.

(g) FY2003 funding reduced from $365 million in H.Rpt.108-10.

(h) The Administration declined to request advance funding for CPB.

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Historical Timeline of Public Broadcasting

1917	Radio station 9XM, forerunner of today's WHA(AM), broadcasts from University of Wisconsin
1921	Latter Day Saints University, Salt Lake City, becomes first school licensed to broadcast
1930-1931	Depression hits hard, forcing many educational stations off air
1938	FCC establishes new type of high-frequency broadcast station for noncommercial radio
1945	FCC reserves 20 channels (88-92 MHz) exclusively for noncommercial FM radio broadcasting
1949	Pacifica Foundation starts KPFA, Berkeley, CA, first station run by nonprofit community group
1952	FCC reserves educational channels throughout nation in first allocation of television channels
1953	KUHT-TV activates in Houston, first noncommercial television station
1962	Federal government first funds public broadcasting through Education Television Facilities Act
1965	Carnegie Commission on Educational Television begins landmark study of public broadcasting
1967	Public Broadcasting Laboratory airs over National Educational Television stations; Public Broadcasting Act of 1967 becomes law
1968	CPB is formed; *Mister Rogers' Neighborhood* debuts
1969	Regular national TV program distribution begins, five nights a week; *Sesame Street* goes on air on public TV; CPB forms PBS
1970	CPB forms NPR
1971	*The Great American Dream Machine* debuts; NPR's *All Things Considered* premieres
1975	*The Robert MacNeil Report* (forerunner of *MacNeil/Lehrer NewsHour*) debuts
1978	Satellite program distribution for TV begins
1979	NPR's *Morning Edition* premieres

1979 NPR's *Morning Edition* premieres

1980 *A Prairie Home Companion* debuts; nationwide satellite distribution begins for radio

1981 Ambassador Walter H. Annenberg creates the Annenberg/CPB Project with funding of $10 million per year

1983 *Reading Rainbow* premieres

1987 *Eyes on The Prize* premieres

1989 PBS chooses replacement satellite system for 1990s

1990 *The Civil War* captures the nation's attention; NPR chooses satellite system for the 1990s

1991 Ambassador Walter H. Annenberg creates the Annenberg/CPB Math and Science Project with funding of $5 million per year

1994 PTV: The Ready To Learn Service on PBS begins

1995 CPB creates the Future Funds

1996 The Annenberg/CPB Channel begins broadcasting with free professional development programming.

1998 Seven public television stations begin broadcasting a digital signal.

2000 Annenberg/CPB Channel expands to 24 hours a day, 7 days a week.

2002 CPB launches "Where Fun and Learning Click," five Web sites for"tweens"; CPB awards first funds to support public television's digital transition.

Selected Provisions from the Public Telecommunications Act of 1992 (Pub. L. 102-356)