THE FATE OF PUBLIC BROADCASTING IN THE FACE OF FEDERAL FUNDING CUTS

Patricia M. Chuh

The 104th Congress has vowed to cut government funding for the arts and humanities.1 The Corporation for Public Broadcasting ("CPB") which distributes federal funds to the Public Broadcasting Service, National Public Radio, and directly to local public broadcasting stations is a primary target.2 Public broadcasting's funds were first threatened when the new Republican House Speaker, Newt Gingrich, announced his intentions to abolish federal funding of public broadcasting.3

The decision whether Congress will discontinue financing the CPB was first played out in the House of Representatives where the House approved budget cuts for the CPB for 1996 and 1997.4 The Senate restored some of the House's proposed budget cuts.6

Even though cuts in appropriations were not as devastating as feared, the final decision to slash the CPB funding could effect as many as 110 million people who watch public television.6 Nearly three hundred million dollars for the CPB, which finances over one thousand public television and radio stations, are at stake.7

This Comment examines the Congressional debate over whether to continue government funding of public broadcasting in today's economic and technological climate. Part I discusses public broadcasting's purpose. Part II sets forth an historical background of public broadcasting. Part III examines the primary arguments for cutting federal funding of public broadcasting and the counter-arguments asserted by the supporters of continued government subsidies. Part IV analyzes the results of funding cuts on the CPB as well as the effects on the small public broadcasting stations it supports. Finally, this Comment concludes that federal funding for the Corporation for Public Broadcasting should be continued due to the need for the educational and the cultural programming provided by public broadcasting.

I. PURPOSE OF PUBLIC BROADCASTING

The Public Broadcasting Act of 19678 declares

---

3 Id.; Industry Reaction; Gingrich Announces Plan to Zero-Out CPB, COMM. DAILY, Dec. 9, 1994, at 3. Ironically, public broadcasting supports many mandates of the new Congress in the Republican Party's Contract With America. "Domino Effect" Feared, COMM. DAILY, Jan. 11, 1995, at 2. Public broadcasting furthers the strengthening of children's education, promotes anti-violence efforts, and encourages family values. Id.; See also Text of Republican Contract With America, U.S. NEWSWIRE, Nov. 30, 1994. For example, WGBY-TV in Springfield, Massachusetts broadcasts approximately forty-one hours per week of nonviolent preschool programming that prepares children for school. "Domino Effect" Feared, COMM. DAILY, Jan. 11, 1995, at 2. WGBY-TV's station manager said, "we'll be replacing Big Bird with The Power Rangers" if Congress succeeds in eradicating public television's endowment. Id. Representative Edward J. Markey (D-Ma.) says that the PBS is "the most family-oriented network on television, and there is no close second." De Witt, supra note 2, at A9.
6 Easton and Michaelson, supra note 4, at A10.
that the Corporation for Public Broadcasting was created to provide all citizens of the United States with access to noncommercial educational radio and television service.\textsuperscript{9} The public broadcasting services should be responsive to the interest of local communities and constitute an expression of diversity and excellence.\textsuperscript{10} The language in the 1967 Act states "that it is in the public interest to encourage the growth and development of noncommercial educational radio and television broadcasting, including the use of such media for instructional purposes."\textsuperscript{11} Beth Courtney, Executive Director of Louisiana Educational Television, summarizes the findings of the bipartisan Carnegie Commission as stating that the good of the public broadcasting system are to provide quality programming for children, to promote discourse about important current issues, and to provide lifelong learning.\textsuperscript{12} Therefore, the primary purpose of public broadcasting can be said to be the fulfillment of the void of cultural and educational programming left by commercial broadcasting.\textsuperscript{13} The CPB accomplishes these goals by distributing funds received from the federal government to the Public Broadcasting Service, National Public Radio, and local public broadcasting stations.\textsuperscript{14}

The Public Broadcasting Service ("PBS") was chartered by the CPB for television in 1969.\textsuperscript{15} The PBS is a membership organization that supplies national programming services to local public television stations by coordinating the planning, funding, scheduling, and distribution of national programming for public television.\textsuperscript{16} The PBS is owned and operated by its own member stations, or public television licensees.\textsuperscript{17} The PBS is prohibited by law from producing its own programs.\textsuperscript{18} The PBS does have a national schedule that is broadcast by member stations during prime and non-prime time.\textsuperscript{19}

The National Public Radio ("NPR") was chartered in 1970 as public radio's counterpart to the PBS.\textsuperscript{20} The NPR is also a membership organization that supplies national programming services to public radio stations.\textsuperscript{21} One fundamental difference between the PBS and the NPR is that NPR can produce its own programs.\textsuperscript{22}

II. HISTORICAL OVERVIEW

In order to analyze whether the federal government should continue the funding of public television with taxpayers' dollars, it is necessary to review the history and the organizational structure of public broadcasting.

A. Public Broadcasting: The Early Years

1. Educational Television

Government funded public broadcasting has its roots in providing the public with educational television.\textsuperscript{23} The need for a national system of noncommercial broadcasting was first noted by the federal government in the Communications Act of 1934.\textsuperscript{24} The Communications Act of 1934 gave licensing and regulatory powers to the Federal Communications Commission ("FCC"). In 1952, the FCC set aside 242 channels exclusively for noncommercial educational television,\textsuperscript{25} and promulgated rules and regulations to govern the licensing and operation of non-commercial radio and television broadcasting.\textsuperscript{26}

\textsuperscript{9} Stat. 365 (codified with revisions at 47 U.S.C. §390 et seq. (1988)).
\textsuperscript{11} 47 U.S.C. § 396(a)(4).
\textsuperscript{12} 47 U.S.C. § 396(a)(1).
\textsuperscript{13} Statement of Beth Courtney before the House Appropriations Subcommittee on Labor, Health and Human Services, and Education on January 19, 1995, at 1 (on file with CommLaw Conspectus).
\textsuperscript{15} De Witt, supra note 2, at A9; See infra Part II.D.
\textsuperscript{16} Marilyn Lashley, Public Television: Panacea, Pork Barrel, or Public Trust? 18, 31 (Greenwood Press 1992).
\textsuperscript{17} Id. at 36, 48.
\textsuperscript{18} Willard D. Rowland, Jr., Public Service Broadcasting in the United States: Its Mandate, Institutions, and Conflicts, in The Annenberg Washington Program, Communications Policy Studies Northwestern University. Public Ser-
\textsuperscript{19} Id.
\textsuperscript{20} Id.
\textsuperscript{21} Id.
\textsuperscript{22} Id.
\textsuperscript{23} Id.
\textsuperscript{24} Id.
\textsuperscript{25} Id.
\textsuperscript{26} Id.
commercial educational television stations.  

Later, under the Johnson Administration, Congress commissioned a task force on educational television, the Carnegie Commission on Educational Television ("Carnegie-I"). The Carnegie-I report recommended the establishment of a "well-financed and well-directed educational television system, substantially larger and far more pervasive and effective than that which now exists in the United States." The 1960's brought about a change in policy which included more general programming. The Carnegie Commission also adopted the term "public television" to replace "educational television." Congress and the President responded by enacting the Public Broadcasting Act of 1967.

2. The Public Broadcasting Act

The Public Broadcasting Act of 1967 ("1967 Act") created the Corporation for Public Broadcasting ("CPB") to develop and support noncommercial television and radio as a public service. CPB is a government sponsored enterprise. The CPB distributes federal funding and furnishes assistance to noncommercial telecommunications entities throughout the United States.

Under the 1967 Act, the CPB makes its budgetary requests directly to Congress, since it is not a separate agency with a separate treasury account. Funds are disbursed by the Department of Health, Education and Welfare's Office of Education (HEW-OE). The CPB distributes monies to public television stations, PBS, NPR, and independent producers. In addition, public television stations receive funding from the National Telecommunications and Information Administration ("NTIA"), another government agency. Congress authorized the CPB to institute two entities to distribute programs and provide other services to enhance programming. Acting within that authority, the CPB created the PBS in 1969 and the NPR in 1970. The 1967 Act also created a Board of Directors with fifteen members who were appointed by the president, with Senate confirmation, to govern the administration of a national public broadcasting system.

B. Restructuring of Public Broadcasting: A Partnership Agreement Between the CPB and the PBS

Restructuring of public broadcasting occurred in the early 1970's under the Nixon administration when the CPB and the PBS entered into a partnership agreement in order to secure long-term fund
ing. The partnership agreement overhauled programming operations in the areas of interconnection, discretion, and distribution. The partnership agreement gave more power to local public television stations and increased funding for public television. Public television stations would receive financing for programming, promotion, public information, research, and representation from the PBS, while the CPB would finance technical operations through a contract with the PBS.

C. Further Changes

Public broadcasting experienced further changes during President Carter's Administration. The Administration transferred the CPB appropriation from the Department of Health, Education and Welfare's Office of Education to the House Committee on Communications Subcommittee on Telecommunications, Consumer Protection, and Finance. In addition, the Administration established a trust fund with the United States Treasury, allowing monies to be advanced directly from the Treasury to the CPB. The CPB's autonomy was thereby increased as a result. The NTIA and the CPB disbursed even more funds directly to local stations, and the CPB continued dispensing monies to the PBS for interconnection and program distribution.

When President Reagan replaced Carter in the White House, the Reagan Administration implemented substantial changes to the CPB's Board of Directors. The Reagan Administration reduced membership on the CPB board from fifteen members to ten, with a maximum of six members to be appointed by the President from the President's own political party. In addition, local stations were represented for the first time on the Board, one member for television and one for radio.

D. Current Distribution of Funds by the CPB

The distribution of the CPB funds to public broadcasting entities are governed by statute. The CPB can (1) make grants or contract with public broadcasting companies for the acquisition or production of programs for use by the public broadcasting stations, (2) make payments to public broadcasting companies to finance the production or acquisition of public telecommunications services, and (3) arrange for interconnection facilities for distribution and transmission of public broadcasting. Federal money is distributed by the CPB to approximately one thousand public television and radio stations and groups including the PBS and the NPR. The CPB money is used by broadcasters to buy equipment, to attract corporate financing for new programs, and to provide educational and training courses for local communities. On average, public television stations receive from four percent to forty percent of their financing from the CPB. An additional $1.5 billion is raised by stations from corpora
tions, individuals, foundations, universities, and some legislatures. For example, public television stations

---

43 LASHLEY, supra note 15, at 35.
44 Broadcasting, Aug. 13, 1973, at 23. The bill was signed on Aug. 6, 1973. Id.
45 LASHLEY, supra note 15, at 35. The partnership agreement increased the CPB's community service grants to local public broadcasting stations. Id. This reduced the CPB's discretion over programming. Id.
46 Id.
47 LASHLEY, supra note 15, at 37-38.
48 Id. at 38.
49 Id.
50 Id. at 40.
51 Interconnection is any system of relays which link broadcast stations with each other and with central broadcast distribution centers by electronic means for simultaneous broadcasting. CARNEGIE, supra note 29, at 26, 53. The 1967 Act defines the term interconnection as "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." 47 U.S.C. § 397(3).
52 Id.
54 Id. at 40.
56 Id.
58 De Witt, supra note 2, at A9.
59 Id. WTTW in Chicago receives a community service grant from CPB of six percent, San Francisco's KQED and KERA of Dallas receive seven percent, while WCTF in Waco, Texas gets fifty-four percent and KEET in Eureka, California thirty-eight percent. See infra note 230. See also, Statement of Jane Krutz on behalf of the Association of America's Public Television Stations before the House Appropriations Subcommittee on Labor, Health and Human Service, and Education on Jan. 19, 1995, at 3 (on file with CommLaw Conspectus).
60 Easton and Michaelson, supra note 4, at A1. Since the
engage in ambitious fund-raising drives. Viewers become members of the public broadcasting station by pledging monetary support for the station.

E. National Public Television Programming

From 1974 to 1990, the Station Program Cooperative ("SPC") primarily supplied the national public television broadcast schedules. The SPC was administered by the PBS. The SPC provided a system which allowed public television stations to cooperatively choose and fund national programming which was distributed by the PBS. The pooling of resources funded almost half of the National Program Service ("NPS"), the most visible public broadcasting service of that time.

In 1990, the financing and management of national programming was restructured by the PBS and the NPS completely replaced the SPC. As a result, programming decisions are now made by a Chief Programming Executive of the NPS, with the advice of the PBS National Program Service Advisory Committee, which is comprised of public television programming professionals and independent producers. Almost half of the funding for the NPS is provided by the CPB, with public broadcasting stations contributing the rest. In addition, two thirds of local station's money from Community Service Grants ("CSG") is returned to national programming through the NPS. Programs funded and distributed by SPC/NPS include Sesame Street, Nova, American Playhouse, Nature, The MacNeil/Lehrer Newshour, and Great Performances.

The national schedule is comprised of programs originating from a variety of production arrangements. These include commercial, local production, major public television production, foreign production, international co-production, and consortium production arrangements. Commercial arrangements consist of syndicated reruns. When stations broadcast programs produced in their own facilities, the programs are described as local productions. Major public television productions are programs produced by major public television stations such as Boston's WGBH and New York City's WNET. Shows produced abroad are foreign productions, and international co-production are shows produced by a public television station and a foreign producer. Consortium production includes multiple sponsors for a single production team or program.

Public television stations obtain programming by several means. Stations may purchase programs from the NPS, which are simultaneously broadcast throughout the public television system by the PBS. Stations also obtain programming by purchasing broadcast programs procured from other producers or film houses, air reruns syndicated by commercial networks, or programming produced by another station, consortium of stations, or a station in cooperation with independent or foreign producers. The children's segment, Saturday's "How To" segment, and the fringe time feed of PBS.

House Appropriations Subcommittee approved cuts in the CPB's budget, there has been some concern over whether the various states who contribute money to public broadcasting stations will follow the federal government's lead. Not as Bad as Feared, supra note 4, 225, at 2. For example, Louisiana's six educational public television stations receive forty-eight percent of their financing from the state. The executive director and general manager of Louisiana Educational TV has been reassured that Louisiana would not target public broadcasting. Id. The SPC was administrated by the PBS.

"Domino Effect" Feared, supra note 3, at 3. Public broadcasting stations pay a fee to the NPS to air programs that are simultaneously transmitted throughout the public broadcasting system by PBS. LASHLEY, supra note 15, at 91. Kathy Coe, Congress is Looking at a Dietary Change for Public Broadcasting Consumers, NEWS & RECORD (Greensboro, NC), Jan. 13, 1995, at A8.

LASHLEY, supra note 15, at 89-91; CARNEGIE COMM'N ON THE FUTURE OF PUBLIC BROADCASTING, A PUBLIC TRUST, 323 (1979) [hereinafter CARNEGIE-II].

LASHLEY, supra note 15, at 89.

Id.

Id. at 89, n.10. The NPS consisted of the prime time schedule, the children's segment, Saturday's "How To" segment, and the fringe time feed of PBS. Id.

32 Id. at 90. NPS is an effort to combine funding, lower costs, and avoid duplication of programming for the national schedule. Id.

66 Id.

67 "Domino Effect" Feared, supra note 3, at 3. Public broadcasting stations pay a fee to the NPS to air programs that are simultaneously transmitted throughout the public broadcasting system by PBS. LASHLEY, supra note 15, at 91.

70 Kathy Coe, Congress is Looking at a Dietary Change for Public Broadcasting Consumers, NEWS & RECORD (Greensboro, NC), Jan. 13, 1995, at A8.

71 LASHLEY, supra note 15, at 89.

72 Id. at 90.

73 Id.

74 Id.

75 Id. at 110, n. 11. Programs produced by all other public television stations were re-classified as local productions in 1986.
III. 104TH CONGRESS' PLAN TO ELIMINATE FEDERAL FUNDING

Federal funding of public television has enjoyed bipartisan support in the past in spite of the appropriations process, which makes the CPB vulnerable to executive and congressional pressure. Congressional leaders in the Republican dominated 104th Congress have framed an attack on government subsides for public broadcasting in terms of financial constraints, citing efforts to balance the federal budget as a justification for the funding cuts. On December 6, 1994, House Speaker Newt Gingrich (R-Ga.) said that Congress should “zero-out” funding for the CPB in an effort to cut government spending. Gingrich further stated that federal funding of the CPB has resulted in the public paying taxes “involuntarily” for biased television.

The debate over public broadcasting funds began on Capital Hill on January 19, 1995, when the House Appropriations Subcommittee on Labor, Health and Human Services, and Education heard testimony on whether federal funding for the CPB should continue.

On January 27, 1995, Senator Larry Pressler (R-S.D.), Chairman of the Senate Commerce, Science and Transportation Committee, sent a letter to CPB Chairman Henry Cauthen requesting him to create a privatization plan for public broadcasting. Pressler stated that “[i]n today’s budget climate, [the CPB’s] $300 million annual subsidy simply cannot be justified. CPB officials must face this reality and reinvent their system.” Pressler attached a detailed list of questions to the letter to further request information about public broadcasting’s financial structure, ideological balance of programming content, lobbying budget, and other issues. The inquiry contained over 200 questions. Pressler also wrote separately to President Clinton, praising the administration’s proposals for the privatization of various government agencies. Pressler indicated in his letter that he would like to work with the Clinton Administration in a bipartisan fashion to privatize the CPB.

On February 10, 1995, the CPB responded to Pressler’s questions, submitting charts, graphs, documents, and other data meant to clear up misconceptions about public television, but failing to answer many of the inquiries. PBS President Ervin Duggan told Pressler that the CPB’s answers were...
meant to clear up any misconceptions about public television, some of which were reflected in Pressler’s questions.\footnote{Edwards, supra note 92, at B2.} For example, Duggan cited the misconceived idea that PBS is thought of as a network like ABC, NBC, and CBS, as giving rise to Pressler’s request for a comparison of programming and operational costs of the PBS and the NPR to commercial networks.\footnote{Id.} Duggan said it would be impossible to compare the costs since the PBS and the NPR are fundamentally different than commercial networks.\footnote{Id.}

On February 23, 1995, the House Appropriations Subcommittee recommended cutting the CPB funding for fiscal years 1996 and 1997 as part of a $6 billion rescission package.\footnote{Not as Bad as Feared, supra note 4, 225, at 2. The Republican package was authored by John Edward Porter of Illinois, who is the chairman of the House Appropriations Subcommittee on Labor, Health and Human Services, and Education. Representative Nita M. Lowey’s (D-NY) proposed amendment to Porter’s plan that would have voided the CPB cuts was defeated by the subcommittee on a party-line vote of 9 to 5. Ruth Larson, \textit{Public TV, Radio Hit Hard in GOP Plan; Democrats Fail in Bid to Stop Cuts}, \textit{WASH. TIMES}, Feb. 23, 1995, at A1.} The funding cut did not effect the $285.6 million already allotted to the CPB for this fiscal year.\footnote{Larson, supra note 96, at A1.} The reductions would decrease the CPB’s funding from $305 million to $258 million for fiscal year 1996—a fifteen percent cut that is equal to a savings of $47 million.\footnote{Id.} The $94 million cut from the CPB’s budget for fiscal year 1997 would reduce the CPB’s budget from $315 million to $221, a thirty percent decrease.\footnote{Id.} On March 2, 1995, the full House Appropriations Committee approved the Subcommittee’s figures.\footnote{Id.} The House of Representatives voted on March 16, 1995 to approve the cuts as part of a $17 billion rescission package.\footnote{Id.}

On March 24, 1995, the Senate modified some of the cuts made in the house.\footnote{Edwards, supra note 4, at A7. Six Republican voted against the bill and six democrats voted for the rescission package. Id. The House also overwhelming defeated, by a vote of 72 to 350, an amendment proposed by Phil Crane (R-III.) which would further cut government funding for the CPB by one-third in 1996, two-thirds in 1997, and eliminate all support in 1998. Barney, \textit{Sesame Street Survive Doubled Cut Attempt}, \textit{REUTERS}, Mar. 15, 1995; Michaelson, supra note 4, at F1.} By a vote of twenty-seven to one, the Senate Appropriations Committee approved a $13.2 billion package of spending cuts,\footnote{Sands, supra note 5, at A4; Morgan, supra note 5, at A1.} resulting in a freeze in funding for the CPB at 1995 levels.\footnote{Michael Ross, \textit{Senate Offers its Version of Spending Cuts}, \textit{L.A. TIMES}, Mar. 25, 1995, at A19.} The $13.2 billion package was significantly less than the $17.1 billion approved by the House.\footnote{Sands, supra note 5, at A4; Morgan, supra note 5, at A1.} These spending cuts continued when the $141 million cut by the House for the CPB’s proposed budgets for 1996 and 1997 was reduced to $55 million.\footnote{Ross, supra note 103, at A19.}

Although the cutbacks have not “zeroed-out” funding altogether, the topic of whether to continue federal financing of public broadcasting has become a hot partisan issue, symbolizing the Republican party’s approach to balancing the budget by reducing government spending.\footnote{Sands, supra note 5, at A4; Morgan, supra note 5, at A1.} John Porter (R-Ill.), the Chairman of the House Appropriations Subcommittee on Labor, Health and Human Services, and Education, said he “would like to see [the public broadcasting] industry eventually weaned from dependence on [government] money.”\footnote{Id. See generally, \textit{Political Overtones Seen}, supra note 82, at 2 (recapping January 19, 1995 hearing regarding cessation of CPB funding).} In addition, many Republicans argue that public broadcasting continues to ask Congress for money, while producers of programs like \textit{Barney and Friends} and \textit{Sesame Street} are getting rich off merchandise bearing the likeness of a purple dinosaur and a big yellow bird.\footnote{Id.}

On the other hand, Democratic party members generally support government funding for the CPB.\footnote{Larson, supra note 96, at A1.} For example, Representative David R. Easton and Michaelson, supra note 4, at A1.

See Michaelson, supra note 4, at F1; Edwards, supra
Obey (D-Wis.) proposed an amendment to restore ninety percent of the cuts for the CPB.\textsuperscript{111} Further, on March 3, 1995, Vice President Al Gore warned that if Republicans tried to decrease funding for public broadcasting, the White House would fight every step of the way.\textsuperscript{112} Essential to much of this support is the view that the attack on public broadcasting is a political strategy employed by the Republican party to ease the distaste for future Republican budget cuts.\textsuperscript{113} Furthermore, some Democratic strategists predict that the Republicans will point to the CPB as an example of a program for the rich that was cut, proving that programs for the poor were not the only programs hit in trimming the budget.\textsuperscript{114}

A. The Clash Between Advocates of Federal Funding Cuts and Opponents of Budget Cuts

Advocates of federal funding cuts assert that there is no longer a need for public broadcasting and that public broadcasting is biased and elitist. Those who advocate federal funding cuts argue that public broadcasting should be privatized. On the other hand, opponents of budget cuts argue that there is still a need for public television. Those opposing budget cuts assert that public television is cost effective, and that federal funds are needed as necessary seed money. There are valid arguments on both sides of the debate.

1. Privatization of the CPB

House Speaker Gingrich and Senator Pressler are the primary leaders in the move to privatize public broadcasting. The Republican leaders have strong allies in members of the cable industry, who would benefit from the discontinuation of government subsidies for public broadcasting.\textsuperscript{115} However, any attempt to eliminate funding and privatize the CPB will meet opposition from those in the public broadcasting industry as well as the general public.

a. Arguments in Support of Privatization

Supporters of privatization of the CPB argue that privatization will save tax dollars and improve public broadcasting.\textsuperscript{116} The main thrust of the argument is that the public broadcasting industry could support itself on merchandising revenues from popular shows such as *Barney and Friends* and *Sesame Street*.\textsuperscript{117} House Speaker Gingrich said that if the CPB were “simply run as a commercially rational enterprise,” the CPB could be a self-sufficient institution.\textsuperscript{118} Gingrich pointed out that *Sesame Street* grosses $1 billion per year and *Barney and Friends* grosses $800 million per year.\textsuperscript{119} Gingrich went on to say that the PBS channels, which are similar to cable channels such as Arts & Entertainment, CSPAN, ESPN, and History Channel, would remain viable even without government funding.\textsuperscript{120}

In addition, a Senate Commerce Committee analysis shows that government financing of public broadcasting far exceeds the appropriated amount to total gross sales figures for goods and services related to public broadcasting in the inquiry submitted to CPB by Senator Pressler, CPB responded that such a figure “is not — and cannot be — known to CPB because its components are not known to any public broadcasting entity from which the information could be collected.” Edwards, supra note 92, at B2.

\textsuperscript{111} Michaelson, supra note 4, at F1.

\textsuperscript{112} Id.; Edwards, supra note 4, at B1.

\textsuperscript{113} Id.; see also, Political Overtones Seen, supra note 82, at 2.

\textsuperscript{114} Easton and Michaelson, supra note 4.

\textsuperscript{115} See generally, George Archibald, Public broadcasters object to cuts in money already granted; House panel meets tomorrow to discuss $315.4 million appropriated for 97, WASH. TIMES, Feb. 21, 1995, at A10 (Burton Yale Pines, Vice-Chairman and Chief Operating Officer of National Empowerment Television, a private public affairs network that broadcasts to eleven million to eighteen million homes by cable and satellite, urged the House Appropriations Subcommittee to consider cuts for fiscal year 1997. Pines compared public broadcasting to "a longtime alcoholic," who is addicted to public subsidies. The only solution, Pines insisted, was for PBS to recognize its addiction and refuse future federal funding.)


\textsuperscript{117} Id.; De Witt, supra note 2, at A9. When asked to provide...
the CPB.\textsuperscript{121} Public television and radio stations receive a monopoly of broadcast licenses worth approximately $5 billion,\textsuperscript{122} studio and broadcast equipment grants worth hundreds of millions of dollars,\textsuperscript{123} and additional funding from the National Endowment for the Arts and the National Endowment for the Humanities.\textsuperscript{124} Further, public broadcasting’s nonprofit tax exempt status is the catalyst for billions of dollars in donations.\textsuperscript{125} Therefore, the advocates for the discontinuation of government financing claim that privatization of the public broadcasting industry will result in the saving of several hundreds of million dollars for the federal government.

b. Arguments Against Privatization

Public television cannot serve the gods of education, culture and citizenship and also serve the god of commerce at the same time.\textsuperscript{126}

Public broadcasting supporters argue that privatization is against the public interest. Ervin Duggan, the president of the PBS, says that the Republican party’s plan to privatize the CPB is similar to “assisted suicide,” not reform.\textsuperscript{127} Duggan further stated that “[t]o remove 14 percent [of federal funding] is to remove the public from television.”\textsuperscript{128} The end of federal support would force public broadcasting stations to fund programming solely by other resources, including advertising revenues.\textsuperscript{129} The result would be another commercial channel.\textsuperscript{130} Commercialization of public broadcasting is against the public’s interest because commercial television focuses most of its efforts on advertising and entertainment, specializing in professional sports and sensationalism.\textsuperscript{131} Public broadcasting would be forced to offer programming to appeal to the lowest common denominator in order to achieve the broadest appeal.\textsuperscript{132} Beth Courtney, Executive Director of Louisiana Educational Television, compares the differences between public television and commercial television to the differences between a public library and a bookstore.\textsuperscript{133} While commercial broadcasting is driven by ratings and profits, public broadcasting aims to inform and educate its audience.\textsuperscript{134} The PBS is a better alternative because, as PBS President Ervin Duggan points out, commercial television is “increasingly violent and exploitative.”\textsuperscript{135}

Opponents of budget cuts for public broadcasting insist that contributions from business and industry, foundations, subscribers, public auctions, and state and local governments, will not be able to make up the financial gap left by Congress if federal support is discontinued.\textsuperscript{136} For example, philanthropic and private sector contributions did not meet the expectations of Congress and the President during the Rea-
gan Administration, contrary to expectations.\footnote{137} Financial support from foundations and local and state governments also decreased in response to the decreased federal role in public broadcasting.\footnote{138}

Furthermore, the public broadcasting industry could not support itself on revenues from popular shows.\footnote{139} As PBS President Duggan says, “the numbers just don’t add up.”\footnote{140} Even if the CPB obtained a portion of popular shows’ revenues, the CPB’s share would be meager since its contribution to the overall costs of the popular programs is typically small.\footnote{141} Michael J. Schoenfeld, the CPB spokesman, argues that it would be unfair for the CPB to demand a portion of profits from a show that is greater than the CPB’s initial investment in the show, since it is “[t]he people who produce these programs [who] take the risk.”\footnote{142} The money collected from popular shows would never equal the government’s contribution.\footnote{143}

2. Public Broadcasting’s Purpose

a. No Longer a Need for Public Television

Those who favor funding cuts for public broadcasting argue that there is no longer a need for public broadcasting in today’s marketplace\footnote{144} because advances in technology have made public broadcasting obsolete.\footnote{145} These advocates of government funding cuts say cable television is the answer to the new PBS slogan “[i]f we don’t do it, who will?”\footnote{146} Cable access makes available over 120 channels, soon to be 500 channels, of educational and cultural programming.\footnote{147} Jeff Jarvis, a critic for TV Guide says that “the cable channels now do what PBS has traditionally done.”\footnote{148} Cable channels such as Arts & Entertainment, the Discovery Channel, the Learning Channel, and Bravo provide viewers with a significant amount of documentaries, news analyses, and other educational and cultural programming.\footnote{149} For example, Jones Education Networks, a subsidiary of Jones International cable company, uses satellite, and the broadcast and cable infrastructure to provide access to formal education for individuals in remote geographic areas and under-served urban areas, disabled individuals, and individuals whose life styles are such that conventional education is not an option.\footnote{150} This service is called “distance learning.”\footnote{151}

b. Still a Need for Public Broadcasting

Opponents of budget cuts for public broadcasting argue that since cable television charges fees for access, cable is still inaccessible to many viewers, particularly low-income Americans.\footnote{152} For instance, forty percent of American homes either do not receive multichannel service or cannot afford cable.\footnote{153} The CPB supplies certain segments of the population, especially rural areas, with irreplaceable services\footnote{154} through programming that would otherwise


Berger, supra note 81, at B1.

“Domino Effect” Feared, supra note 3, at 2.

Id.; Haithman, supra note 144, at 93.

Berger, supra note 81 at 27.

Id.; “Domino Effect” Feared, supra note 3, at 2; Haithman supra note 144, at 93. But cf. Not as Bad as Feared, supra note 4, 225, at 2. CPB Chairman Henry Cauthen agreed with CPB President Richard Carlson that educational services would be the “first and hardest” hit. Id.

Statement of Dr. Bernard Luskin, President of Jones Education Networks, before the Labor, Health and Human Services & Education Subcommittee of the House Appropriations Committee on January 19, 1995, at 3-4 (on file with CommLaw Conspectus). In partnership with more than 100 Colleges and Universities, Jones Education Network carries courses for credit and degree programs. Id. at 4-5.

Id. at 3.


“Domino Effect” Feared, supra note 3, at 3.

\footnote{137} Id. at 81. In the past, funding from nonfederal sources generally increased when federal funding decreased. Id.

\footnote{138} Id.

\footnote{139} Mendoza, supra note 132, at 4.

\footnote{140} “Assisted Suicide,” Not Reform, supra, note 116, at 2.

\footnote{141} Easton and Michaelson, supra note 4, at A1. Although Sesame Street products generate approximately $750 million per year, the nonprofit producers of Sesame Street, Children’s Television Workshop, return the $20 million profit back into the show. Public Radio Bracing for Cuts; But NPR Chief Plans to Make Case for Subsidy, WASH. POST, Jan. 28, 1995, at D1. Noting that Sesame Street itself does not receive federal funds, the proceeds from Sesame Street products could not aid in supporting the public broadcast industry. Id. This is even more clear for public radio. Id. As NPR President Delano Lewis points out, public radio does not have programs such as “Barney” or “Sesame Street,” which could subsidize less popular radio programs. Id.

\footnote{142} Id.

\footnote{143} Mendoza, supra note 132 at EN4. In addition, PBS is currently sharing in the proceeds made from Barney & Friends merchandise sales. Id. By the terms of their agreement with PBS, the creators of Barney & Friends are obligated to fully reimburse PBS for its outlay. Easton and Michaelson, supra note 4, at A10.

\footnote{144} “Domino Effect” Feared, supra note 3, at 2; Diane Jarvis, a critic for TV Guide says that “the cable channels now do what PBS has traditionally done.” Cable channels such as Arts & Entertainment, the Discovery Channel, the Learning Channel, and Bravo provide viewers with a significant amount of documentaries, news analyses, and other educational and cultural programming. For example, Jones Education Networks, a subsidiary of Jones International cable company, uses satellite, and the broadcast and cable infrastructure to provide access to formal education for individuals in remote geographic areas and under-served urban areas, disabled individuals, and individuals whose life styles are such that conventional education is not an option. This service is called “distance learning.”

\footnote{145} “Domino Effect” Feared, supra note 3, at 2; Diane Jarvis, a critic for TV Guide says that “the cable channels now do what PBS has traditionally done.” Cable channels such as Arts & Entertainment, the Discovery Channel, the Learning Channel, and Bravo provide viewers with a significant amount of documentaries, news analyses, and other educational and cultural programming. For example, Jones Education Networks, a subsidiary of Jones International cable company, uses satellite, and the broadcast and cable infrastructure to provide access to formal education for individuals in remote geographic areas and under-served urban areas, disabled individuals, and individuals whose life styles are such that conventional education is not an option. This service is called “distance learning.”
be unavailable. For instance, in Louisiana, where one third of the children live in poverty, public television supplies students with satellite-based distance learning and interactive classrooms. The PBS covers almost 100% of the country, while cable reaches only sixty-six percent of America’s homes.

Further, there remains a need for public broadcasting that is free from marketplace pressures and ratings. Over 180 million people are served by public broadcasting each month. Without assistance from the CPB, programming for minority audiences, which can not be easily found on commercial networks, will be lost. For example, if KSJV-FM of Fresno, California lost its $917,000 funding from the CPB (which is fifty-three percent of its annual budget), two million Spanish speaking listeners would lose a major source of news and public affairs.

The true value of public broadcasting is its willingness to create programs on the basis of educational value, not just for their popularity or salability. Commercial networks have turned away from documentaries and other in-depth programming, leaving public broadcasting to become the principal source of humanities and science programming. Altogether, commercial television has proved less willing than the CPB to take risks in developing ambitious programs because of its reliance on ratings.

Public broadcasting is the major producer of programming for children. Supporters of public television contend that only public stations have the latitude to run as many as three or four hours of Sesame Street each day, uninterrupted by commercials. Opponents respond that public television stations broadcast several hours of Sesame Street because they have no other programming of interest to viewers.

Public broadcasting also provides a source of educational resources. More that one million children in the state of Georgia as well as millions of other children across rural America attend school via public television. In addition to offering educational shows like Sesame Street and Reading Rainbow for children, the PBS also televises college level courses for adults. For example, Coastline Community College in Orange County, California, telecasts documentary-style classes on KOCE-TV, which serves about four thousand students. The PBS also provides access to satellite-based distance learning and interactive classrooms.

3. A Neutral Voice

a. Allegations of Bias

Conservatives have repeatedly accused public broadcasting of supporting a liberal agenda. In
support of these allegation, advocates of federal funding cuts refer mainly to alleged biased news reporting. In one instance, NPR correspondent Nina Totenberg interjected her own liberal opinions during her coverage of the televised Clarence Thomas hearings on WFDD.\(^\text{178}\) Another example of public broadcasting’s biased news reporting is the on-air cheering of President Clinton’s victory during Boston’s WGBH’s coverage of election night.\(^\text{174}\) Other types of programming are also under attack. Armistead Maupin’s Tales of the City has been reproached by conservative groups and lawmakers because it focused on life among a group of people living in an apartment house in the 1970’s, including homosexual characters.\(^\text{176}\)

In his inquiry addressed to the CPB, Pressler specifically questioned Frontline, The American Experience, and American Playhouse, which have often been criticized as being biased.\(^\text{176}\) Furthermore, the Center for Media and Public Affairs conducted a study in 1992, reporting that PBS documentaries lack “diversity and balance” and consistently favor liberal positions.\(^\text{177}\)

Public broadcasting is criticized for not following programming guidelines, established in 1946 by the Federal Communications Commission, which require balanced programming.\(^\text{178}\) In addition, the Public Broadcasting Act mandates “strict adherence to objectivity and balance” in all programs or series of programs of a controversial nature.\(^\text{179}\)

b. Counter Arguments to Charges of Bias

Advocates of full federal funding of public television maintain that the cessation of financing to the CPB would not address the problem of bias in public broadcasting.\(^\text{180}\) Under today’s system, Public broadcast stations are accountable to public authorities because they receive public money.\(^\text{181}\) Ceasing the allocation of federal funds will remove officials’ capacity to influence the system.\(^\text{188}\) As one reporter writes: “[i]f Congress gets out of the business of supporting public broadcasting, that sword of Damocles [the congressional appropriations process] is gone, and there is little to prevent public television and radio from becoming a genuinely liberal alternative to the conservative ideology now spreading through the commercial airwaves.”\(^\text{183}\)

Criticisms of bias in public television have only been directed at a handful of shows, and not the bulk of public broadcast programming.\(^\text{184}\) In the CPB’s response to Pressler, PBS President Duggan said that only ten to twelve hours, the “tiniest fraction,” of the total 3500 hours of public television’s programming could be considered controversial.\(^\text{185}\) The CPB President Richard Carlson points out that Congress should not “throw out the baby with the bath water.”\(^\text{186}\)

4. Public Broadcasting Ideologically Based

a. Broadcasting for the Elite

PBS has also been denounced as elitist, catering to a highly educated audience.\(^\text{187}\) House Speaker Gingrich calls public television a toy for “rich, upper-class people.”\(^\text{188}\) Public broadcast programming of classical music and British comedies and dramas are charged as catering exclusively to a highly educated, discriminating audience.\(^\text{189}\) Republican consultant Steve Hofman says the move to cut public broadcasting’s government funding originates from the belief that if Republicans do not deal with elite federal subsidies, then other spending cuts from the federal budget will not seem politically legitimate.\(^\text{190}\)

---

\(^{175}\) Coe, supra note 70, at A8.  
\(^{174}\) Drehed, supra note 86, at A1, A6.  
\(^{175}\) De Witt, supra note 2, at A9.  
\(^{176}\) Drehed, supra note 86, at A6.  
\(^{177}\) Roth, supra note 152, at A8.  
\(^{178}\) The FCC, in its publication Public Service Responsibility of Broadcast Licensees, made licensing contingent upon compliance with the “Fairness Doctrine,” which required broadcastes to provide balanced programming. LASHLEY, supra note 15, at 18.  
\(^{179}\) 47 U.S.C. §396(g)(1)(A). But see Accuracy in Media, Inc. v. FCC, 521 F.2d 288, 297 (D.C. Cir. 1975) (holding that the Public Broadcasting Act provision mandating objectivity and balance was not a substantive standard).  
\(^{180}\) Garment, supra note 164, at A27.  
\(^{181}\) Id.  
\(^{182}\) Id.  
\(^{184}\) Roth, supra note 152, at A1.  
\(^{185}\) Duggan cites "misconceptions", supra, note 89, at 3.  
\(^{187}\) Coe, supra note 70, at A8; Feran, supra note 126, at E1; Serving Elite Folks, supra note 162, at B6.  
\(^{188}\) Serving Elite Folks, supra note 162, at B6.  
\(^{189}\) Coe, Supra note 70, at A8.  
\(^{190}\) Mann, supra note 183, at E3.
b. Defenders of Public Broadcasting Deny Charges of Elitism

To counter charges of elitism, advocates of public broadcasting point to Nielson studies that show that PBS's audience reflects the American population.\(^1\) Public television brings cultural events such as the ballet and opera to many people who otherwise could not afford them.\(^2\) Jane Krutz, representing the Association of America's Public Television Stations, stated before the January 19, 1995 House Appropriations Subcommittee hearing that the fact that over four thousand adults are enrolled in the GED program in Arkansas alone, and that over 1.5 million adults obtained their high school diplomas through programs on public television, disposes of the idea that public broadcasting's viewership is composed of only the elite.\(^3\) The Nielsen study also shows that the majority of PBS viewers (sixty percent), earn less than $40,000 a year.\(^4\) Further, sixty-three percent of the approximately 100 million PBS viewers have less than a college degree.\(^5\)

Some defenders of public broadcasting, such as Julia Child, who has been hosting a cooking show on PBS for 25 years, rebuts charges of elitism by commenting that it is "a very elitist remark to think that only rich, wealthy people can enjoy the opera, plays and culture."\(^6\) Judy Mann, a writer for the Washington Post, asks if the millions of children who watch Sesame Street could be considered elitist.\(^7\)

Federal funding provides necessary seed money.\(^8\) The local stations and independent producers who generate new programs for public broadcasting rely on federal seed money to attract other investors.\(^9\) Each dollar from the federal government is used to leverage additional dollars in public support.\(^10\) A new children's program called Kratt's Creatures illustrates public broadcasting's use of federal funds as seed money.\(^11\) The show is being developed by MPT, the fourth largest producer of programming for PBS.\(^12\) MPT received $1.5 million from the government for the initial episodes.\(^13\) The $1.5 million was used as leverage to raise another $5 million from other sources to finance the show that cost $6.5 million to make.\(^14\) Sesame Street is another public television program that started with seed money from the CPB.\(^15\) Once a fledgling show dependent on government financing, Sesame Street has turned into a $1 billion a year success and is now completely self-sufficient.\(^16\)

Public Broadcasting is also cost effective.\(^17\) Taxpayer contributions equal only about one dollar per person per year.\(^18\) As PBS personality Bill Moyers explains "[c]ompare that to the $300 to $500 that cable costs."\(^19\) In 1993, the $253 million that the CPB received from the Federal Government generated more that $1.5 billion in investment from membership contributions, matching grants and program support.

\(^1\) Feran, supra note 126, at 1E.

\(^2\) Mann, supra note 183, at E3.

\(^3\) Statement of Jane Krutz, on behalf of the Association of America's Public Television Stations before the House Appropriations Subcommittee on Labor, Health and Human Services, and Education hearing on January 19, 1995, at 2 (on file with Comm.Law Conspectus).

\(^4\) Bash, supra note 130, at D1; Easton and Michaelson, supra note 4, at A1; Hodges, supra note 157, at 3. Compare, Molly Ivins, Privatizing PBS is about money - for investors, Houston Post, Feb. 8, 1995, at A19 (citing 56% as the percentage of PBS viewers who make less than $40,000 per year).

\(^5\) Ivins, supra note 194, at A19.

\(^6\) Feran, supra note 126, at 1E.

\(^7\) Mann, supra note 183, at E3.

\(^8\) De Witt, supra note 2, at A9. PBS President Duggan has likened the 14% federal subsidy of public broadcasting to "money that a farmer spends on his seed. If you destroy the seed, the rest of the planting can't be done." Easton and Michaelson, supra note 4, at A1.


\(^10\) Id.

\(^11\) Id.

\(^12\) Id.

\(^13\) Id.

\(^14\) De Witt, supra note 2, at A9.

\(^15\) Sesame Street no longer receives any federal funding. Easton and Michaelson, supra note 4, at A10.

\(^16\) Hodges, supra note 157, at 3; De Witt, supra note 2, at 9. But see, Berger, supra note 81, at B1 (noting that even defenders of public broadcasting acknowledge the existence of shortcomings of the present system). Robert MacNeil of the MacNeil-Lehrer Newshour, believes that too little money has been spent on national programming and too much money spent on the operation of the 350 PBS stations, which overlap because one geographic area is served by more than one public broadcasting station. Id. For example, the New York market is served by six public stations. Id.

\(^17\) De Witt, supra note 2, at A9.

\(^18\) Hodges, supra note 157, at 3.
Further, public broadcasting enjoys widespread public support. Polls conducted by Opinion Research Corporation for PBS and a CNN/USA Today poll indicate that a majority of those surveyed support the continued federal funding of public television. The PBS poll shows that 80% of Republicans, 86% of independents, and 90% of Democrats endorse continued federal subsidies of public broadcasting.

**IV. THE RESULTS OF CONGRESS’ THREAT TO SHUT-OUT FEDERAL FUNDING OF PUBLIC BROADCASTING**

A. The Projected Budget Cuts of the CPB May Be a Mere Political Strategy

The federal subsidy of the CPB comprises of a minuscule portion of the federal budget. Federal funds apportioned for the CPB amounted to 0.0003% of the 1996 federal budget. The debate over the CPB funding may be an attempt by the Republicans to counter future criticism that the Republican Congress only cut programs for the poor in its effort to balance the federal budget. The elimination or reduction of federal monies for the CPB could be hailed as an example of a program for the rich which was also cut.

The battle over whether to continue federal funding for the CPB simply may also be a way for the new congressional leaders to attract publicity. America’s Public Television Stations, (APTS), an organization which lobbies for PBS, received thirty telephone calls from reporters in a two-day period since the CPB funding became an issue. In fact, APTS President David Bruger has appeared on four television news programs when normal press inquiries total only two or three per year, all as a result of the debate over continuation of government subsidies for public broadcasting.

It is also very interesting that House Speaker Gingrich chose his weekly television program on the National Empowerment Network, a conservative cable channel, to announce his intentions to “zero-out” government funding for the CPB. This may be interpreted as evidence of his partnership with the cable industry to wipe out public broadcasting. In addition, as Bill Moyers, a producer and commentator for PBS, told television critics, it is also “intriguing that his [Gingrich’s] second big attack on public broadcasting came in an interview with C-Span . . . which is a creature of the cable industry and is run by friends of the new speaker of the House.”

B. Negative Effects of Reduced or “Zero-ed Out” Federal Funding

More than one thousand public radio and television stations are in jeopardy if the reduction in federal funding of public broadcasting is ultimately approved in Congress. Top officials of public broadcasting forecast that one station in ten could be forced to cease operations. Smaller, rural stations would be affected most, since rural stations do not have the community resources at their disposal enjoyed by larger urban station, and depend heavily on federal stipends.

Of the eighty-seven stations that receive twenty to
fifty percent of their annual budgets from the CPB, about half of the stations could go off the air immediately.227 This would create a “domino effect.”228 The shutdown of the eighty-seven stations would result in higher national programming fees for the remaining stations, since the smaller stations would not be in existence to pay their portion of the NPS fees.229

For example, experts speculate that KCTF of Waco, Texas, which receives thirty-nine percent of its total operating budget from the CPB, would be one of the first public television stations to go off the air.230 Due to the loss of fees from stations such as KCTF, mid-range stations like WSBE-TV in Providence, Rhode Island, which gets ten percent of its budget from the CPB, would be in the next round of shut-downs because it would not be able to afford the rising national programming fees.231

In addition, the end of federal funding would also create a Catch-22 situation.232 The larger stations that produce programs would halt production in order to afford the rising NPS programming fees.233 But, a Catch-22 situation arises because the result would be no NPS programming, since the larger stations that produce programs had to halt production so that they could afford the rising NPS programming fees.234

Twenty-four national educational organizations that support government financing of public broadcasting advised that several educational programs would go off the air without federal monies.235 These programs include courses offered via distance learning for college or high school credit, teaching services for thirty million students, noncommercial programming for off-air taping and classroom use, training and development programs for teachers, computer linked on-line educational networks, and courses to prepare for high school equivalency examinations.236 For example, Coastline Community College, (CCC), which broadcasts college courses on KOCE-TV, serving Orange County, California, may have to reduce class offerings if federal cuts reduce KOCE-TV's funding.237 CCC's President Leslie Purdy, who has made Coastline one of the nation's leading telecourse institutions, said that a decrease in government funding would be like "someone taking away a classroom site."238

C. A Reduction in Federal Funding Now May Be an Indicator of Total Elimination of Federal Funding for the CPB in the Future

Although the recent approval of decreases in appropriations for public broadcasting by the House Appropriations Subcommittee on Labor, Health and Human Services, and Education was only the first step of many in a lengthy process, the subcommittee's action indicates general support for House Speaker Gingrich's plan to end federal subsidies for public broadcasting.240 Federal funding of public educational services would be destroyed first, with the rippling effect that would eventually wipe out PBS's National Programming Service, on which the public television system depends on for most of its programming. Id. 239

Id. 240

COMM DAILY, February 23, 1995, at 9. A letter signed by 24 educational organizations supporting continued federal funding for CPB was distributed to members of Congress on February 22, 1995. Id. The American Federation of School Administrators, Center for Media Education, National Association of Elementary School Principals, National Association of School Psychologists, National Black Child Development Institute, National Education Association, and the National School Boards Association were among the signatories of the letter. Id. 237

Id. 241

Nguyen, supra note 169, at B1. Carolann Young, a 36-year old mother and homemaker, would be unable to finish her pursuit of a teaching certificate because telecourses are the only way Young can earn her degree. Id. Telecourses are a trend among adults who cannot afford to be on college campuses. Id. 238

Id. 242

Larson, supra note 96, at A1. But see, Not as Bad as Feared, supra note 4, 225, at 2. The fact that the plan approved by the House Appropriations Subcommittee on Labor, Health and Human Services, and Education did not eliminate federal funding for CPB gives hope for the 1998 budget. Id.
broadcasting will be difficult to justify in today's economic climate. There will be no exception for public broadcasting when Congress is also considering budget cuts for programs to combat homelessness, prevent drug and alcohol abuse, and programs for senior citizens.241

D. The Bottom Line

Although the issue is an explosive one, there are persuasive arguments on both sides of the debate on whether federal funding for the CPB should be reduced, 'zero-ed out,' or left alone. Today, there is access to over 500 cable channels in addition to on-line computer networks of information, as well as other advances in technology that many argue have reduced the need for public broadcasting. Many of the services traditionally provided by public television are now also provided by commercial sources. Cultural and educational cable channels such as Arts & Entertainment, the Discovery Channel, the Learning Channel, and Bravo give viewers more documentaries, news analyses, and other educational and cultural programming. Private entities such as the Jones Education Networks, a subsidiary of a cable company, provides educational programming via distance learning. Further, and perhaps most influential, is the fact that the federal government faces a huge budget deficit. Politicians are struggling to find ways to cut the deficit, and to balance the federal budget.

On the other hand, there is still a void left by the commercial stations and the cable industry. Commercial stations and cable channels, for all of their programming variety, lack quality educational and cultural programming. Left only to market forces, the choice for children's programming is between public broadcasting's Sesame Street versus the commercial alternative, the Power Rangers. Therefore, a shut down of public broadcasting will mean a great decline in educational programming. In addition, more than one million children in Georgia, as well as the millions of others across rural America, will no longer be able to attend school via public television.242

Further, public television still serves a vital public service by providing quality programming to the most remote areas of the United States. While PBS covers almost one hundred percent of the country, cable reaches only about sixty-six percent of households.243 Thus, a fair conclusion is that there is still a need for public broadcasting in the areas of educational programming and providing access to remote areas.

V. CONCLUSION

The examination of the debate between the advocates of federal funding cuts and those opposed to budget cuts, demonstrates that federal funding for the Corporation for Public Broadcasting is still needed to guarantee continued funding for educational public broadcast programming and to provide broadcast service to remote areas. The logical source for public broadcast funding is the federal government since public broadcasting's original purpose was to provide noncommercial educational, radio and television services to all citizens of the United States. Therefore, until the void left by the commercial stations and the cable industry with respect to providing quality educational programming and providing broadcast service to the most remote areas have been filled, the federal government should continue funding the Corporation for Public Broadcasting.

241 Frederic M. Biddle, WGBH; Public TV says federal budget ax imperils popular shows, BOSTON GLOBE, Dec. 21, 1994, at 89.
242 Spare Public Broadcasting, supra note 163, at 8.
243 Hodges, supra note 157, at 3.