



Written Testimony of

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House of Representatives
Committee on Energy and Commerce
Subcommittee on Oversight & Investigations

Regarding

“Examining Accusations of Ideological Bias at NPR, a Taxpayer Funded News Entity”

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Introduction

My name is Craig Aaron. I am the president and CEO of Free Press and Free Press Action (together, “Free Press”), nonprofit, nonpartisan, public-interest organizations focused on issues at the intersection of media, technology and democracy.¹ In addition to several other pillars of work, Free Press advocates to sustain and increase support for public media, with a focus on reaching diverse communities, building civic media that serve local needs, and investing in local journalism.²

Thank you to Subcommittee Chairman Griffith, Ranking Member Castor, Committee Chairwoman McMorris Rodgers and Ranking Member Pallone for inviting me to appear before the subcommittee today, and for seeking Free Press’s views on the state of public media. Thank you also to the subcommittee staff for their preparation and assistance in putting together this hearing.

I support public media because I believe it is an essential ingredient in a functioning and thriving democracy. I would like to make clear at the outset that I am not appearing here today as a representative of NPR, PBS or the Corporation for Public Broadcasting. Instead, I hope to provide a voice for NPR’s tens of millions of weekly listeners, who rely on the service for independent, fact-checked journalism, local viewpoints, and international coverage no longer provided by commercial media.

¹ See generally Free Press About Page, <https://www.freepress.net/about> (last visited May 5, 2024). Free Press is a 501(c)(3) organization, while Free Press Action is a separate, autonomous and interrelated 501(c)(4) advocacy organization. I will refer to the two collectively as Free Press for purposes of this testimony.

² See, e.g., Sanjay Jolly & S. Derek Turner, *How to Best Support Quality Local Journalism*, Free Press (Feb. 2022); Craig Aaron & S. Derek Turner, *How Congress Can Truly Help Local Journalism*, Free Press (Aug. 3, 2021); Craig Aaron & S. Derek Turner, *What a Journalism Recovery Package Should Look Like During the Covid-19 Crisis*, Free Press (May 2020); Craig Aaron, Candace Clement & Joshua Stearns, *Greater Than the Sum: Creating Collaborative and Connected Public Media in America*, Free Press (Aug. 2012); Josh Silver, Candace Clement, Craig Aaron & S. Derek Turner, *New Public Media: A Plan for Action*, Free Press (May 2010).

Given the impetus for this hearing, I also must clarify that my interrelated organizations Free Press and Free Press Action started in 2003 to advocate on media policy. Free Press should not be confused with *The Free Press*, a substack publication launched by journalist Bari Weiss after she departed the New York Times in 2020.³ While her endeavor has recently taken an interest in public media, our organizations and approaches are quite different.

In my work over the past 20 years, I have been both an advocate for and a critic of the public broadcasting system — which I believe can do much more to live up to its mandate and mission to serve broad and diverse audiences throughout the country. But this needed change won't be accomplished by tarnishing the reputation of NPR's accomplished journalists, tearing down the institution, or starving it of public funding. Threats of defunding don't just harm a small set of NPR executives — they endanger the work of more than a thousand local radio stations providing essential information to their communities, large and small.

A Flawed Essay

While I welcome congressional interest in public media, especially given the crisis in local journalism across the country, I am perplexed that an essay written for Bari Weiss's *The Free Press* by a single disgruntled senior editor at NPR, just one of hundreds of journalists employed by the organization, is cause for a congressional inquiry.⁴

³ See Edmund Lee, *Bari Weiss Resigns from New York Times Opinion Post*, New York Times (July 14, 2020).

⁴ Uri Berliner, *I've Been at NPR for 25 Years. Here's How We Lost America's Trust*, The Free Press (Apr. 9, 2024).

That essay by now former NPR employee Uri Berliner is riddled with fuzzy math and cherry-picked evidence. For example, Berliner inaccurately describes several topics as going uncovered on which NPR actually did extensive reporting or publicly interrogated its own editorial decision-making.⁵ Moreover, these same stories were widely covered by commercial outlets. NPR’s mandate is to find and report its own stories, not just be a softer-spoken echo chamber for either political party or the narratives blasted out by Fox News, Sinclair or MSNBC.

The purpose of public media is to tell the stories that won’t be told by commercial media and to serve audiences that aren’t represented elsewhere. NPR may not always live up to that goal. The reality is that both political and corporate pressures — in the form of sponsorships — have squeezed the institution. Inquiries like this one will likely make NPR leadership more timid, and I imagine that’s the point.

Mr. Berliner laments NPR’s increased focus on racial diversity since 2020. But his complaints don’t hold water. Asking individuals what terms they use or prefer when describing themselves is just common courtesy and common sense. Keeping a tally of the people who reporters interview is a simple way to improve actual “viewpoint diversity” among sources. If you are still debating whether systemic racism exists in 2024, you should probably spend more time listening to the experiences of your colleagues from differing backgrounds.

If Mr. Berliner had done so, he would have found many people of color inside and outside of NPR and PBS who consistently and repeatedly criticized public media’s failures to reach and serve new and diverse audiences. Numerous NPR and PBS employees and associates also raised

⁵ See, e.g., Erik Wemple, *Here’s why Uri Berliner couldn’t stay at NPR*, Washington Post (Apr. 18, 2024); Dan Kennedy, *Fish in a barrel: Berliner’s case against NPR is based on false and out-of-context facts*, Media Nation (Apr. 11, 2024); Noel King & David Folkenflik, *Why Much of the Media Dismissed Theories That Covid Leaked From Lab*, NPR’s Morning Edition (June 3, 2021); Kelly McBride, *The Relentless Focus on Gaza*, NPR Public Editor (Apr. 17, 2024); David Folkenflik, *Fox news pulls down series as Hunter Biden threatens lawsuit*, NPR (Apr. 30, 2024).

concerns about the workplace environment for people of color at NPR and PBS, editorial decision-making, and budgeting and funding priorities when it comes to media makers from marginalized backgrounds.⁶

As I was taught in journalism school and on my first days in a newsroom, the job of a journalist is to engage with those who have different viewpoints — something this essay clearly failed to do.

Tuning Out the News

Mr. Berliner shares internal NPR data on a diminished and increasingly divided audience. This is reason for concern, though not exactly for the reasons he suggests. We should all be worried about a polarized media system relying on ideologically driven arguments over shared sets of verifiable facts. But Berliner leaves out important context: Audiences for news are disappearing across the board, not just decreasing at NPR.

As WNYC's *On the Media* program recently reported, CNN and *The New York Times* experienced similar drops in audience in recent years when compared to NPR. At the same time, audiences for Fox News, *The Blaze* and Breitbart dropped even more dramatically.⁷ Perhaps most disconcerting, according to the Pew Research Center, 51 percent of U.S. adults said they followed the news all or most of the time in 2016. But that share fell to 38 percent in Pew's most recent survey in 2022.⁸

⁶ See Alicia Montgomery, *The Real Story Behind NPR's Problems*, Slate (Apr. 16, 2024); Caroline Lester, *A Confrontation in Public Media*, Columbia Journalism Review (Nov. 9, 2020); Letter from Beyond Inclusion to Paula Kerger, President, PBS, and Michael Getler, Ombudsman, PBS (Mar. 29, 2021), <https://www.bipocmakers.com>; Grace Lee, *Creative Futures: Grace Lee on more than one lens*, Ford Foundation (2020); Akintunde Ahmed, *The long road to diversifying PBS*, Columbia Journalism Review (Jan. 5, 2022).

⁷ See *On the Media, How Not to Cover the Trump Trials. Plus, the Latest Push to Defund NPR*, WNYC Studios (Apr. 26, 2024).

⁸ See Naomi Forman-Katz, *Americans are following the news less closely than they used to*, Pew Research Center (Oct. 24, 2023).

This is something that Congress should be concerned about: When it comes to journalism and politics, the American people are tuning out. We need to better understand why the news isn't serving them or speaking to their needs.

First Amendment Concerns

Even the supposed bombshell from Berliner that D.C. residents in the NPR newsroom are all registered Democrats — in a city where just 5 percent of voters are registered as Republicans⁹ — doesn't withstand closer scrutiny. As respected NPR journalist Steve Inskeep points out in his own substack, NPR has 662 people in its newsroom around the world, including far more than 87 in Washington.¹⁰ Berliner's numbers just don't add up. Inskeep also notes that there is no source or methodology provided for this assertion, and NPR does not ask about its employees' political affiliations.

I worry that these rickety claims have sent this subcommittee down a precarious path. I am deeply concerned about the request sent to Katherine Maher, NPR's newly hired CEO, asking her to track and report to Congress on the political affiliations of NPR's newsroom employees.¹¹ This dangerous overreach raises serious First Amendment concerns and smacks of imposing a political loyalty test. While Congress has a role to play in overseeing the operations and financial management of NPR, it is highly inappropriate for Congress to attempt to interfere with content decisions or to shape the network's journalism.

I will note the past outrage from many Republicans in Congress when the Obama-era Federal Communications Commission asked academics to simply study the output of local TV

⁹ See *Voter registration figures by partisan affiliation, as of October 2022*, Ballotpedia, https://ballotpedia.org/Partisan_affiliations_of_registered_voters (last visited May 5, 2024).

¹⁰ See Steve Inskeep, *How my NPR colleague failed at 'viewpoint diversity'*, *Differ We Must* (Apr. 16, 2024).

¹¹ Letter from House Committee on Energy and Commerce, to Katherine Maher, CEO, NPR (Apr. 30, 2024).

news stations — which of course also use public resources and broadcast over the public airwaves, with the vast majority of commercial broadcasters receiving their spectrum licenses for free.¹² Congress’s actions today set precedent for what may be acceptable tomorrow. It is just as inappropriate to request the political affiliations of NPR employees as it would be for a future Congress to ask the employees of Fox, Sinclair and Nexstar to disclose how they voted as private citizens.

Of course, it’s also crucial for there to be a firewall between NPR executives and the newsroom. NPR’s CEO may have once volunteered to knock on doors for President Biden.¹³ And the head of the CPB used to be the co-chair of the Republican National Committee.¹⁴ Neither is nor should be involved in editorial decisions. The best way to reduce bias is to be transparent about who is writing and editing stories and to let journalists and editors ask hard questions, follow leads, and do their jobs without fear of corporate or partisan interference.

Freedom of the press is a bedrock First Amendment liberty. While the government does have more latitude where public funding is involved,¹⁵ editorial discretion in journalism — particularly over political content — is virtually sacrosanct because it lies at the core of the First Amendment.¹⁶ Threats to defund NPR, based on any perceived failure to cover certain topics or imbalance of political representation in the newsroom, strike at the heart of that journalistic freedom.¹⁷

¹² See Paul Farhi, *Proposed FCC study of news organizations sparks conservative outcry*, Washington Post (Feb. 20, 2014).

¹³ See @krmaher, Twitter (Nov. 1, 2020, 9:47 PM), <https://twitter.com/krmaher/status/1323094291732815872> (tweeting as a private citizen).

¹⁴ See David Gelles, *Corner Office: Patricia de Stacy Harrison, of the Corporation for Public Broadcasting, on YouTube and Trump*, New York Times (June 30, 2019).

¹⁵ See, e.g., *Rust v. Sullivan*, 500 U.S. 173 (1991); *National Endowment of the Arts v. Finley*, 524 U.S. 569 (1998).

¹⁶ See, e.g., *New York Times Co. v. United States*, 403 U.S. 703 (1971).

¹⁷ Delving into the Public Broadcasting Act’s legislative history confirms Congress’s intent to keep editorial choices separate from government influence, even where federal funds are involved. See S. Rep. No. 222, at 4 (1967) (“It is also recognized that this [financial] assistance should in no way involve the Government in programing or program judgments.”); *id.* at 11 (“Your committee has heard considerable discussion about the fear of Government control or

Free Press has called in the past for an FCC inquiry into serious lapses by stewards of the public airwaves, such as the broadcast of misinformation and medical hoaxes during a pandemic that killed more than a million Americans.¹⁸ We asked the FCC to consider the possible application of its rule against knowingly broadcasting false information about a catastrophe when that false information causes “substantial public harm.”¹⁹ The FCC, under the prior presidential administration, refused to consider our request — arguing that broadcasters rather than the federal government must decide what to air, and that there are some First Amendment protections even for false information.²⁰

Courts also may take action against defamation — as in the case of Fox News, which was forced to pay more than \$780 million to settle a lawsuit over its false claims about voting machines.²¹ And Congress should be concerned about companies violating broadcast ownership limits by misleading federal regulators in merger proceedings, as Sinclair did to the Republican leadership of the FCC in 2020.²²

The government may have reason to investigate such fraud, hoaxes, and misrepresentation in licensing proceedings and other narrow contexts. But the First Amendment requires it should never try to dictate content or police newsroom decisions, even for journalistic outlets that receive

interference in programing if S. 1160 is enacted. We wish to state in the strongest terms possible that it is our intention that local stations be absolutely free to determine what they should or should not broadcast.”); *id.* (quoting President Johnson) (“Noncommercial television and radio in America, even though supported by Federal funds, must be absolutely free from any Federal Government interference over programing.”).

¹⁸ See Free Press Emergency Petition for Inquiry into Broadcast of False Information on COVID-19 (filed Mar. 26, 2020).

¹⁹ 47 U.S.C. § 73.1217.

²⁰ See Letter to Jessica J. González and Gaurav Laroia, Free Press, from Michelle M. Carey, Chief, Media Bureau, and Thomas M. Johnson, Jr., General Counsel, Federal Communications Commission, DA 20-385 (Apr. 6, 2020).

²¹ See David Folkenflik and Mary Yang, *Fox News settles blockbuster defamation lawsuit with Dominion Voting Systems*, NPR (Apr. 18, 2023).

²² See David Folkenflik, *FCC Fines Sinclair Record \$48 million for Deceptive Bid for Tribune Stations*, NPR (May 7, 2020).

some public funding or support but conduct a wide range of editorial activities not dependent on that funding.

Defunding Harms Democracy

Whatever his intent — and Mr. Berliner insists he does not want NPR to be defunded — his complaints have been seized upon by those who do seek to defang or destroy public media.²³ This unfortunately is not a new occurrence, just the latest chapter in a long history of partisan actors attacking NPR personnel on Trumped-up charges of bias.

Instead, this subcommittee should be worried about the negative impact of such partisan stunts on the more than a thousand local radio stations that rely on federal support to serve the essential needs of their local communities. As Paul Haaga, the Republican former chairman of NPR’s board of directors wrote on May 3 in *The Washington Post*, these federal funds supply 25 percent of the revenue for rural stations and 50 percent of the revenue for stations on Tribal lands.²⁴ Many of these stations are the only source where they operate for coverage of local civic affairs. Cutting off funding would put thousands of local jobs at risk and hit rural states the hardest.²⁵

Congress should not defund this essential service. Already, the United States spends a pittance per capita on public media when compared to other healthy democracies, just \$3.16 per capita a year in public funding compared to \$75–\$100 per capita or more annually in countries like Germany, Norway, England and France. That’s literally pocket change: “Ten quarters, four dimes, five nickels, and a penny.”²⁶

²³ See, e.g., Christopher F. Rufo, *Quotations from Chairman Maher*, City Journal, (Apr. 17, 2024).

²⁴ See Paul Haaga, *Defund NPR? As a Listener, a Supporter and a Republican, I Say No*, Washington Post (May 3, 2024).

²⁵ See Michael Soha, *Who Loses If Trump Cuts Public Media Funding? His Supporters*, The American Prospect (Mar. 22, 2017).

²⁶ Joshua Benton, *Do countries with better-funded public media also have healthier democracies? Of course, they do*, Nieman Lab (Jan. 24, 2022).

A 2021 study by scholars at the University of Pennsylvania of 33 democracies in Europe, Africa, Asia, North America, the Middle East, Latin America, and South America found that “high levels of secure funding for public media systems and strong structural protections for the political and economic independence of those systems are consistently and positively correlated with healthy democracies.”²⁷

Instead of considering cutting back even further, Congress should be increasing funds for public media and moving them to local communities.²⁸ This should not be a partisan debate about right versus left, but rather one about returning the public airwaves to local hands, lifting up local viewpoints, amplifying local accents, and playing local music over the airwaves.

Partisan bias is not a major problem at NPR. If anything, the network is too timid, too cautious, too worried about offending corporate underwriters and government overseers. And the point of these spurious attacks is to make those at the network even more fearful: to work the refs, to box in NPR, and to make journalists and managers think twice about challenging the status quo. That’s what the attack on Ms. Maher, an accomplished leader who has barely started her new job, is all about: notching another point on the partisan scoreboard, not meeting the needs of the American public.

Finding Common Ground

If you actually watch *all* of Ms. Maher’s supposedly controversial TED Talk briefly excerpted in the subcommittee’s letter announcing this hearing, it raises interesting questions about

²⁷ Timothy Neff & Victor Pickard, *Funding Democracy: Public Media and Democracy in 33 Countries*, International Journal of Press/Politics, Dec. 2021, at 1.

²⁸ See Hillary Ross, *Expanding the Corporation for Public Broadcasting to Fund Local News*, Federation of American Scientists (June 31, 2021).

what possibilities emerge when you set aside ideology and seek common ground.²⁹ Imagine if instead of prying into U.S. citizens' voter registrations, we decided to use this hearing to talk about how to build and expand the public media system to meet the needs of local communities for reliable civic information.

We already have common ground on which to start. For instance, I agree with my fellow witness today, Howard Husock of the American Enterprise Institute, when he says that we should be spending more resources in support of local journalism and to replant news deserts.³⁰ "Public broadcasting was originally conceived to fill a gap in broadcasting, but because of the seismic shifts in the media landscape, new and different gaps have emerged," he wrote in 2015. "To stay relevant and continue to promote the public good, public broadcasting should shift its focus."³¹

There is support from within the public system, too, for such a shift. As one station leader recently told researchers at the University of Pennsylvania: "Local news is the place where there is the most need, certainly in this community, and this environment, but nationally as well, in my opinion. And so that's where we need to focus our resources."³²

Another station leader added: "More and more public radio stations are becoming the primary source of local news and information ... with nine or 10 full time daily beat reporters, we're the biggest newsroom in the state. We have the only investigative unit that I'm aware of."³³

Yet too many stations still lack the necessary resources for maintaining local reporters and consistently producing high-quality news and information. This is especially true for rural areas

²⁹ Katherine Maher, *What Wikipedia teaches us about balancing truth and beliefs*, TED (Aug. 2021).

³⁰ See Howard Husock, *A New Role for Public Broadcasting?* Manhattan Institute (Mar. 23, 2015); Jan Shaeffer, *Should We Disrupt Public Media to Create More Local News?*, Corp. for Public Broadcasting, Nov. 20, 2019.

³¹ *Id.*

³² Louisa Lincoln & Victor Pickard, *Reimagining American public media: a key infrastructure for local journalism*, *Journalism*, Apr. 2024, at 9.

³³ *Id.* at 10.

and smaller towns that cannot depend on big foundations or lower-income listeners to reliably fund original newsgathering in their communities.³⁴

Common ground can exist in Congress, too. As Mr. Husock has written: “The original Public Broadcasting Act of 1967 helped strengthen and integrate the national networks of educational stations by providing federal funding and a central body for dispensing the funds. The act was popular enough to have passed the Senate by voice vote and to have passed the House by a vote of 277 to 102.”³⁵

I imagine many members of this subcommittee remember a time when there were multiple outlets covering your campaigns and accomplishments — and actually telling people back home what you do in Washington. You can recall a time when there was coverage of local issues in your districts during election season, beyond what appears in political attack ads. The last thing we should do is diminish the few outlets still around that can do this kind of work.

Conclusion

If we are stuck in 2024 talking about disgruntled employees and mean tweets, we aren’t addressing the public’s needs. Those needs are for more information on how to improve their lives in the places where they live, more accountability for the public officials who are supposed to serve them, and more opportunities to hear their own voices and the voices of their communities online and over the public airwaves.

A renewed and vibrant public media system, one squarely focused on meeting the civic needs of local communities, is still possible. It will require carefully crafted and sensible reforms to increase support for public media, shift money toward meeting local needs, and expand

³⁴ *See id.* at 2-3.

³⁵ Husock, *supra* note 30.

eligibility of nonprofit journalism institutions working outside the bounds of traditional broadcasting.

It will also require a different kind of conversation and investigation, one that builds on public media's founding purpose. Now is a moment to turn away from partisan squabbling and toward investing in a public media system that reports "on the whole fascinating range of human activity," to quote President Johnson at public media's founding in 1967, and uses the public airwaves — "which belong to all the people ... for the enlightenment of all the people."³⁶

Thank you. I look forward to answering your questions.

³⁶ Lyndon B. Johnson, President of the United States, Remarks Upon Signing the Public Broadcasting Act of 1967 (Nov. 7, 1967).