



Written by [Ty Bodden](#) on February 25, 2026

Public Media and the Constitution: Government Broadcasting Beyond Its Proper Role

For nearly a century, the federal and state governments have [inserted themselves](#) into broadcasting under the banners of “public service,” “education,” and “local news.” From public radio to taxpayer-funded television networks and “misinformation” safeguards, lawmakers continue expanding government’s role in media. Yet the [U.S. Constitution](#) does not authorize government to fund, operate, regulate, or subsidize mass-media enterprises. Broadcasting — whether radio, television, or digital — belongs in the free market, not underwritten by compulsory [taxation](#) or supervised by bureaucrats.



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Recent legislation in Arkansas and Illinois illustrates how public media remains an ongoing expansion of government power over information, culture, and commerce.

The History of Public Broadcasting

[Prior to 1967](#), most broadcasting in the United States developed through private enterprise operating under federal spectrum licensing, with educational programming often produced by universities, local stations, and nonprofit associations without direct federal ownership or centralized control. While limited federal support mechanisms emerged in the 1950s and early 1960s, there was no permanent national corporation dedicated to taxpayer-funded broadcasting. The [dominant model](#) remained commercial, local, and privately financed — consistent with America’s tradition of a press independent from direct government management.

Federal [involvement](#) in broadcasting expanded significantly with the [Public Broadcasting Act of 1967](#), which created the Corporation for Public Broadcasting (CPB) and laid the groundwork for the Public Broadcasting Service (PBS) and [National Public Radio \(NPR\)](#). [Proponents](#) claimed public broadcasting would be insulated from political pressure and would serve educational and cultural needs allegedly unmet by commercial networks.

Inviting Political Influence

In practice, however, federal funding inevitably invites political influence, oversight hearings, content controversies, and appropriations battles. Debates over ideological bias, editorial judgment, and taxpayer subsidies for programming that competes directly with private-sector content have persisted for decades. Government-subsidized media does not merely exist alongside private outlets — it competes against them with guaranteed taxpayer backing, distorting the free marketplace of ideas.

Many [states supplement](#) federal dollars with their own appropriations, embedding public broadcasting within their respective departments of education or cultural agencies. Though often marketed as benign



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educational services, these systems rely on government appropriations, state employees, and bureaucratic administration — reinforcing structural dependence on political power.

Ideological Imbalance

Even some voices traditionally aligned with the political Left have begun [questioning](#) the legitimacy of taxpayer-funded media. During recent congressional scrutiny of public broadcasting, commentator [Bill Maher](#) criticized former NPR executive Katherine Maher's claim that the outlet is "completely unbiased," responding bluntly, "Give me a break." He argued that in today's deeply polarized political climate, the premise of a government-subsidized media institution serving all Americans equally is no longer credible. When criticism of NPR comes not from conservatives, but from a prominent left-wing commentator, it highlights a broader issue: The concern extends beyond partisan disagreement to the erosion of public trust.

Bill Maher cited NPR's coverage of comedian [Dave Chappelle's](#) controversial special as an example of ideological imbalance. While audience ratings were overwhelmingly positive, NPR amplified sharply critical commentary, including an assertion that Chappelle was using "white privilege" to excuse alleged transphobia — a claim Maher openly mocked as illogical. The episode underscores a deeper constitutional concern. When media organizations receiving taxpayer funding adopt overtly ideological frameworks, they reinforce the perception that government-backed outlets are not neutral arbiters, but participants in cultural and political disputes. In a free republic, the press must remain independent of government funding precisely to avoid such structural entanglement.

Funding Government Television in Arkansas

[Arkansas' SB64](#) (2025) funded Arkansas PBS through the state Department of Education's Educational Television Division for fiscal year 2025-26. The act authorized up to 93 regular employees, along with additional extra-help positions, and appropriated \$7.02 million from the Educational Television Fund plus \$11.1 million in cash-fund authority for salaries, operations, grants, promotional materials, and capital outlay. Similarly, [Arkansas' HB1008](#) (2024) appropriated \$6.24 million to the Arkansas Public Broadcasting Service for "Educational Television."

Public broadcasting remains tied to the federal CPB, which, as mentioned above, was established under the Public Broadcasting Act of 1967 — legislation itself not authorized under [Article I, Section 8](#) of the U.S. Constitution. More broadly, taxpayer-funded broadcasting lies outside the proper role of government; it is not a legitimate function of state government under a [republican form of government](#). However beneficial some may consider such programming, it is properly left to private enterprise, voluntary association, and independent producers — not financed through coercive taxation.

The [Founders](#) intended the press to function as a [check](#) on government power, not as an institution subsidized by it. When [government funds media](#) — even indirectly — it creates structural entanglement and an inherent [conflict](#) of interest. The American people are to be the [censors of their government](#), not the other way around. A government that [finances media](#) programming risks becoming both actor and narrator in the same production, blurring the line between independent journalism and state-sponsored messaging.

Regulating the Press in Illinois

Government overreach in media is not limited to funding. [Illinois' SB3592](#) (2024) mandates that a "local



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news organization” may not be sold without first providing 120 days’ written notice to the state Department of Commerce and Economic Opportunity, the relevant county government, and certain in-state nonprofit entities.

The bill violates the freedoms of speech, the press, association, and [contract](#). By inserting government into the private transfer of news organizations, the state effectively asserts supervisory authority over who may own and operate media outlets. Though framed as an effort to combat “[misinformation](#),” such pre-clearance requirements amount to government oversight of the press — precisely what the First Amendment was designed to prevent.

The Founders understood that liberty depends upon a press free from state interference. Thomas Jefferson [wrote](#) that “Almighty God hath created the mind free” [and that](#) “the legitimate powers of government reach actions only, and not opinions.” The Bill of Rights protects the right to publish and disseminate information without government intrusion. A blanket law conditioning the sale of news organizations on state notification and review does not meet any legitimate constitutional standard. It entangles political power with press ownership, and undermines the independence essential to a free republic.

Emergency-alerts Argument

Defenders of public broadcasting often argue that government media infrastructure is necessary to support emergency-alert systems and disaster communications to “[save lives](#).” Yet emergency alerts in the United States already [operate through partnerships](#) among private broadcasters, wireless carriers, and federal coordination systems such as the Emergency Alert System and Wireless Emergency Alerts.

There is no constitutional authorization for government to own or subsidize media outlets to disseminate [emergency information](#). The private sector has repeatedly demonstrated the ability to deliver alerts rapidly and broadly. The claim that public safety necessitates taxpayer-funded broadcasting conflates coordination with ownership — and uses emergency preparedness as a justification for government expansion into the media marketplace.

The Constitutional Issue

At its core, taxpayer-funded broadcasting raises a fundamental constitutional problem. [Article I, Section 8](#) of the U.S. Constitution enumerates specific, limited powers delegated to Congress. Funding radio networks, television programming, cultural documentaries, or “educational television” is not among them.

The [10th Amendment](#) reserves undelegated powers to the states and the people, but it does not excuse states from violating the core principle of free speech or using taxation to support ideological enterprises.

The [First Amendment](#) prohibits government abridgment of the freedoms of speech and the press. The Founders envisioned a free press independent of state control — not subsidized by it. Government-funded media, even when labeled “independent,” creates structural entanglement between political power and information dissemination.

Moreover, compulsory taxation to support broadcasting forces citizens to finance speech with which they may disagree. That compulsion undermines both [property rights](#) and freedom of conscience. Compelling citizens to finance media enterprises through taxation forces them to subsidize speech and



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viewpoints they may reject, raising serious concerns not only under the First Amendment, but under the fundamental principles of property rights and freedom of conscience.

Expanding the Model Nationally

Beyond Arkansas and Illinois, multiple states continue appropriating funds for public radio and television networks. Federally, the CPB continues receiving [hundreds of millions of dollars](#) annually in taxpayer support. Proposals periodically arise to expand subsidies under the guise of supporting “local journalism” or combating “misinformation.”

Public radio infrastructure already exists in [all 50 states](#), with signals reaching nearly the entire U.S. population through a network of affiliates and translators. Yet direct state appropriations are far from universal — demonstrating that public broadcasting can and does operate in many states [without dedicated state subsidies](#).

Some policymakers have floated ideas to create taxpayer-funded journalism [grants](#) or [tax credits](#) for newsroom operations, effectively extending the public-broadcasting model into digital media. These proposals raise the same constitutional concerns: Government should not finance, regulate, or condition the press — and government money always comes with strings attached. If public broadcasting truly reflects the values and interests of its audience, it should be able to sustain itself voluntarily — without compulsory taxation.

In an era dominated by digital platforms such as X, Facebook, YouTube, podcasts, and independent streaming services, Americans have unprecedented access to news, commentary, and educational content without government mediation. Taxpayer-funded broadcasting is not only constitutionally suspect, but functionally obsolete and an unnecessary burden on the public treasury.

Real Solutions: Restore a Free Press

If lawmakers genuinely value a free and vibrant media landscape, they should:

- End taxpayer-funded broadcasting at both the federal and state levels;
- Privatize state-run media operations;
- Remove regulatory barriers that inhibit independent startups;
- Reject laws that condition the sale or ownership of media outlets on government approval; and
- Allow the private sector to manage emergency-alert coordination through voluntary cooperation rather than public ownership.

A truly free press does not depend on government funding. It depends on independence from government power.

Public-media advocates claim they “defend democracy.” But the American Republic was built on limited government, enumerated powers, and a press free from state entanglement. Broadcasting may be educational, informative, or culturally enriching to some, but importance does not equal constitutional authority.

To learn more about how your state and federal legislators vote on issues of constitutional importance, visit The New American’s [Freedom Index](#) and state [Legislative Scorecards](#). You can also stay informed about what is happening in your state legislature and in Congress by signing up for legislative alerts [here](#).



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