

NPR Has No Right to Taxpayer Money and No Monopoly on Emergency Alerts

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KEY TAKEAWAYS

NPR is suing the Trump Administration, claiming that the President's executive order to end taxpayer funding of the broadcaster violates its free speech.

But the executive order clearly states that the broadcaster cannot publicize its political bias *while receiving taxpayer money*.

NPR is neither impartial nor indispensable—emergency warnings could be handled by the NOAA, and local journalism does not need federal subsidies.

National Public Radio (NPR) and three NPR member stations are suing¹ President Donald Trump and several members of his Administration. The plaintiffs claim that a May 1 executive order (EO)² instructing the Corporation for Public Broadcasting (CPB) to stop funding NPR and the Public Broadcasting Service (PBS) violates these organizations' First Amendment rights.

EO 14290, however, does not prohibit broadcasters from holding a leftist bias, which research abundantly demonstrates is prevalent and pronounced.³ The EO states that public broadcasters cannot publicize such bias while receiving taxpayer money, given that at least half of taxpayers demonstrate opposite views when they vote. Thus, the Administration is not restricting NPR's ability to speak freely. NPR and PBS can broadcast whichever

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views their editorial teams choose—and may continue to do so—if taxpayer funding is eliminated. Public broadcasters do not have a constitutional right to public funds.

The NPR suit claims that if taxpayer funding, which in the past three congressional appropriations has been \$535 million per year,⁴ is eliminated, the United States will be left without adequate national emergency-warning services. NPR is indeed, as its suit states, “the entity selected by the nation’s public radio stations to manage and operate the Public Radio Satellite System (PRSS)—the nation’s public radio interconnection system.”⁵ NPR and other independent public radio producers use the PRSS to distribute their programming via satellite across America. NPR says that in this role, it provides critical infrastructure services for a large group of radio stations, “ensuring that federal emergency alerts reach those residing in the most remote corners of the country.”⁶ The nation does not need NPR to play this role. The government can easily select another government agency to manage and operate the PRSS. A good alternative is the National Oceanic and Atmospheric Administration (NOAA), which has existing radio capacity.

Finally, NPR insists that local journalism depends on the broadcaster and presents itself as the only available business model for local coverage. “[P]ublic radio is very often the only news service in places where market economics does not support the expense of local news,” NPR President and CEO Katherine Maher told a House of Representatives hearing on March 26.⁷ This local coverage provides a plethora of external goods, according to NPR. “The presence of local journalism in a community correlates with higher rates of civic engagement, greater civic cohesion, and even economic advantages, including improved municipal bond ratings,” Maher told the subcommittee.⁸ NPR also makes the argument in the opposite direction: Because it is a membership organization spanning the country, NPR pools resources and provides reporting “on national, international, and other issues otherwise unavailable to a local newsroom.”⁹ NPR is not the essential actor it claims to be, and its argument that only government-funded media can provide the news coverage to hold the government accountable should alarm the journalistic profession.

NPR and PBS face a historic moment, as President Trump has threatened their taxpayer funding more aggressively than any other President. This likely fuels NPR’s narrative of indispensability and explains its reliance on flawed logic in its legal arguments. Since President Lyndon B. Johnson signed the Public Broadcasting Act of 1967, authorizing it to be established as the CPB, every Republican President has attempted to defund public

broadcasting or, failing that, reform it. These efforts stem from the persistent leftist bias at PBS and NPR, evident from their inceptions in 1969 and 1970, respectively.

But President Trump has been the most vocal of all Republicans in the past half century in describing the need to eliminate taxpayer funding for the public broadcasters. President Trump, moreover, has already shut down or reduced in size other agencies that were part of the Left's infrastructure, such as the U.S. Agency for International Development. NPR and PBS must demonstrate to elected representatives in Congress, who will decide the fate of taxpayer funding, and to the American people, that they are indispensable and that the Administration is violating its constitutional rights.

Decades ago, public broadcasting would emphasize that it was indispensable in early childhood education. However, NPR no longer has an educational capacity, and PBS's educational role has been diminished. *Sesame Street* has, meanwhile, been licensed off to the private sector.¹⁰ Now, the broadcasters make two arguments about the indispensability of public broadcasting—for emergency warning systems and for the survivability of local journalism.

First Amendment Claims

NPR and the three other plaintiffs in the lawsuit against President Trump, all from Colorado—Roaring Fork Public Radio (which does business as Aspen Public Radio), Colorado Public Radio, and KUTE Inc. (which does business as KSUT Public Radio)—claim in their suit that they “bring this action to challenge an Executive Order that violates the expressed will of Congress and the First Amendment’s bedrock guarantees of freedom of speech, freedom of the press, and freedom of association.”¹¹

The defendants they name are President Trump, Director of the Office of Management and Budget (OMB) Russell Vought, Secretary of the Treasury Scott Bessent, Chair of the National Endowment for the Arts (NEA) Maria Rosario Jackson, the OMB, the Treasury Department, the NEA, and the CPB. The CPB, a nonprofit corporation, is named in the suit “solely for the purpose of obtaining complete relief.”¹²

The President’s EO instructs the CPB to “cease direct funding to NPR and PBS, consistent with my Administration’s policy to ensure that Federal funding does not support biased and partisan news coverage.” It also orders the CPB to ensure that “licensees and permittees of public radio and television stations, as well as any other recipients of CPB funds, do not use Federal funds for NPR and PBS.”¹³ Last, the President orders other agencies, such as the NEA, to stop funding the public broadcasters.

In the attempt to demonstrate suppression of freedom of speech, the suit cites several Supreme Court cases, including *West Va. State Bd. of Educ. v. Barnette* (1943) and *Moody v. Net Choice, LLC* (2024). “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in matters of politics or opinion,” the suit quoted from *Barnette*. In *Moody*, the Court states that “it is no job for government to decide what counts as the right balance of private expression—to ‘un-bias’ what it thinks biased, rather than to leave such judgments to speakers and their audiences.”¹⁴

The suit claims that EO 14290 “violates the First Amendment’s guarantees of freedom of speech and of the press.” The suit adds:

The Order’s objectives could not be clearer: the Order aims to punish NPR for the content of news and other programming the President dislikes and chill the free exercise of First Amendment rights by NPR and individual public radio stations across the country. The Order is textbook retaliation and viewpoint-based discrimination in violation of the First Amendment.¹⁵

The Public Broadcasting Act, says the suit, denies authorization to “any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over public telecommunications.”¹⁶ The one exception is for the enforcement of antidiscrimination laws.

The NPR suit, in keeping with past statements on President Trump’s actions, makes it personal: “Since his first term in office, President Trump has repeatedly expressed his disagreement with the editorial decisions reflected in the speech and viewpoints of programming offered by NPR and PBS.” On January 26, 2020, President Trump “promoted a social-media post claiming that NPR was a ‘big-government, Democrat Party propaganda operation,’ and questioning ‘Why does NPR still exist?’”¹⁷ The suit then quotes several of President Trump’s postings on his social media platform Truth Social that describe his desire to defund NPR and PBS.

The suit makes a heroic assumption, stating that there is a hidden quid pro quo:

By basing its directives on the content and perceived viewpoints expressed in NPR’s programming, the Order puts NPR on notice that, if it is ever to receive federal funding again, it must adapt its journalistic and editorial choices to suit the government’s preferences.¹⁸

But President Trump, unlike several of his predecessors, has given no indication that he believes that NPR can be reformed at this point.

Finally, the suit spells out the conditions that a suit of this kind must meet, by quoting a 2016 case of the DC Circuit Court, *Aref v. Lynch* (2016):

To demonstrate that unlawful retaliation has occurred, a plaintiff must show that “(1) [it] engaged in conduct protected under the First Amendment; (2) the defendant took some retaliatory action sufficient to deter a person of ordinary firmness in plaintiff’s position from speaking again; and (3) a causal link between the exercise of a constitutional right and the adverse action taken against him.”¹⁹

The suit goes on to make an even larger claim, stating that “NPR did not have adequate notice that its journalistic activities would subject it to such punishment.”²⁰

However, EO 14290 is clear from the outset on why it seeks to stop funding NPR and PBS:

Americans have the right to expect that if their tax dollars fund public broadcasting at all, they fund only fair, accurate, unbiased, and nonpartisan news coverage. No media outlet has a constitutional right to taxpayer subsidies, and the Government is entitled to determine which categories of activities to subsidize.²¹

The EO then quotes directly from the CPB’s own governing statute, which states that “[t]he Corporation may not contribute to or otherwise support any political party.”²²

The White House “Fact Sheet” that accompanied the EO quoted several reports compiled by the Media Research Center (MRC). The public broadcasters have a record of putting their thumb on the political scale. For example, MRC research shows that “congressional Republicans faced 85% negative coverage, compared to 54% positive coverage of congressional Democrats.” On PBS’s flagship news program, the *News Hour*, coverage of the 2024 Republican National Convention was 72 percent negative, while its coverage of the 2024 Democratic National Convention was 88 percent positive.²³ Additionally, as NPR veteran Uri Berliner made clear in an essay he wrote for *The Free Press* in April 2024, cited in the Fact Sheet, “registered Democrats outnumbered Republicans 87 to zero in the newsroom’s editorial positions.”

As the Fact Sheet said, “it’s highly inappropriate for taxpayers to be forced to subsidize biased, partisan content.” That federal contribution is only a

part of NPR's and PBS's revenues, however. As NPR's own suit says, "NPR receives approximately \$100 million, or approximately 31 percent of its annual operating revenue through membership fees and the licensing of content to its 246 Member stations and other public radio stations."²⁴ Of that, NPR received \$11.2 million in operating revenue from the CPB last year. The rest NPR and PBS receive through corporate sponsorships and donations from individuals, including wealthy ones, such as McKenzie Scott and George Soros, and private entities. As Maher reminded the subcommittee in her testimony, "As a private non-profit, the majority of NPR's funding comes from donations and sponsorships."²⁵

Additionally, the membership model seems to be working for PBS and NPR, and the taxpayer may be finally off the hook, as private donations have already increased by more than 5 percent in the first five months of 2025. As Current reports, "the threats to federal funding for public media appear to be lifting audience responses during pledge, especially for organizations that are addressing the situation directly."²⁶

The Public Radio Satellite System

Congress appropriates funds for the Satellite Interconnection Fund, which the CPB distributes to public telecommunications entities participating in the public radio satellite interconnection system "or the national entity they designate for satellite interconnection purposes," as the NPR's lawsuit quotes from the Public Broadcasting Act.²⁷ The PRSS, public radio's interconnection system, is managed by NPR and distributes emergency warnings. The CPB uses the PRSS to deliver emergency alerts and national programming across the country.

NPR and public broadcasting lobbyists have touted the critical role that the PRSS plays in the case of emergencies, and have found a receptive audience in some congressional offices.²⁸ According to the lawsuit:

The PRSS plays a vital role in ensuring that essential information reaches all Americans during times of emergency. It serves 379 public radio stations, including NPR's 246 Member stations, and more than 1,200 radio signals, enabling essential information to reach approximately 99 percent of Americans over the airwaves, including those living in rural or remote communities.²⁹

Maher waxed poetic about the PRSS infrastructure in her testimony to Congress, claiming that it enables

public radio and emergency alerting to reach every corner of America, from the high deserts of the Southwest to Downeast Maine, from West Texas to the Upper Peninsula of Michigan, even when electricity, cell phones and broadband go down. This system safeguards our national security, civil defense, and disaster response.³⁰

The NPR suit adds:

In the event of a nationwide crisis, the PRSS receives Presidential alerts from the Federal Emergency Management Agency (FEMA), which it transmits to public radio stations throughout the country. The PRSS has been named as a resource in at least 20 states' emergency plans, and public radio stations are included in more than 35 states' emergency plans.³¹

All this may be true, but NPR need not be the manager and operator of the PRSS. The government could easily assign these tasks to NOAA, especially as FEMA may itself be drastically reformed. Congress would need to authorize NOAA to manage the PRSS. This transfer of agency responsibility poses some hurdles, as NOAA would adapt to new technologies and duties. However, NOAA already generates and sends out weather alerts through NOAA Weather Radio (NWR). Taking over what PBS and NPR do means that NOAA would directly deliver alerts to the public without public media stations serving as intermediaries.

NOAA would need to expand NWR's reach by increasing NWR's accessibility, integrating NWR signals into standard AM/FM bands or digital platforms. By upgrading NWR to broadcast on standard radio bands or television frequencies, making alerts accessible without specialized receivers, NOAA could directly reach the broad audiences currently served by PBS and NPR stations. The Federal Communications Commission would need to grant approval to NOAA.

NOAA could take over the infrastructure of the Emergency Alert System (EAS), which is designed to function during power outages or natural disasters. It would thereby manage all alert dissemination currently handled by PBS and NPR. It could also create a NOAA-managed mobile app or streaming service to deliver real-time weather alerts, and push notifications for severe weather and other EAS messages, integrating NWS data and replacing the role played by PBS and NPR in broadcasting alerts to their audiences. These actions would allow precise, location-based alerts without relying on broadcasters.

Government Funding as Local News: The Remaining Business Model

Members of the journalistic profession should shudder at the argument that NPR and PBS are trotting out about public funding as the only remaining business model for local news. Maher’s testimony was replete with references to the vital role played by her organization in sustaining local news:

Our national network serves more American communities than any other news organization and is the nation’s only network with nearly 3,000 local journalists, covering community activities that matter to you—your crop prices, your cookoff, your local sports teams—alongside the news of the nation and the world, from the halls of Congress to coverage of our troops deployed overseas,

she said, sounding both folksy and patriotic.³²

CPB funding, she said, helps to “reverse the decline of local journalism across the nation by supporting our growing network of regional journalism collaborations.”³³

There is no doubt that federal largesse has meant that public radio stations are able to hire an army of personnel that private stations can only envy—one need only ask a journalist at a radio station that does not benefit from taxpayer funding. But conversations with executives and local politicians make it repeatedly clear that NPR’s claim to be the last best hope for local news is baseless.

As Mike Gonzalez, one of the authors of this *Issue Brief*, told the same hearing at which Maher testified on March 26:

As for the claim that the taxpayer is the last available business model for local news coverage, this is also fatuous. Executives at Current Publishing, which owns a chain of local newspapers, told me last week that they are very profitable and had a healthy business model. It was based, said one, “on not taking a political side, and not taking government money.” Hoffman Publishing Group in Pennsylvania is another example. To believe that the only way to keep a local watchdog on government is for government to subsidize it with the money of taxpayers beggars belief. If anything, public broadcasting’s intrusion in the market crowds out more market supply for whatever demand there is for local news coverage.³⁴

A study conducted by Northwestern University’s Medill School of Journalism discovered that only “about 7 percent of the nation’s counties... have no local newspaper.”³⁵ And, as the study concedes, at least some of

the communities where physical newspapers have shut down have a digital replacement. Newspapers have indeed been shutting down, but that is because of the blistering growth of online informational activity. And, of course, anyone with a smartphone, computer, TV, or radio can instantly access national and international news.

Conclusion

Since President Trump began his efforts to remove taxpayer funding for NPR and PBS, NPR has been telling anyone who will listen that they are an essential part of life in America, the *sine qua non* of public life. Maher told the subcommittee that

RAND defines “civic infrastructure” as places, policies, programs, and practices that improve civic literacy, civic identity, and civic engagement. I am certain that each of us believes in the value of civic infrastructure to strengthen our communities and our nation. Public media is a form of civic infrastructure, strengthening the fabric of our nation through information, culture, and connection among citizens.³⁶

NPR also believes itself to be, in the words of Maher, “scrupulously impartial in our news coverage, and adhere to the highest of journalistic standards. We must closely reflect the news needs and cultural interests of the American people.”³⁷ This lobbying effort may convince some Members of Congress that NPR is indispensable in these key areas of life, and that it has attained, or is straining to attain, the impartiality with which it claims to pursue its mission.

The evidence does not support NPR’s claims. NPR is not needed for warnings about weather or national emergencies, it is not—and cannot be—the savior of local news coverage, and, no, the Trump Administration is not violating NPR’s constitutional rights. NPR is the government-funded entity that has breached the public’s trust.

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Endnotes

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11. Complaint for Declaratory and Injunctive Relief, p. 1.
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31. Complaint for Declaratory and Injunctive Relief, p. 14.
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