

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL PUBLIC RADIO INC., et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

PUBLIC BROADCASTING SERVICE, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

Civil Case Nos. 1:25-cv-01674-RDM
& 1:25-cv-01722-RDM

**AMICUS CURIAE BRIEF OF
COLORADO, ARIZONA,
MINNESOTA, RHODE ISLAND,
CALIFORNIA, CONNECTICUT,
DELAWARE, DISTRICT OF
COLUMBIA, HAWAI‘I,
ILLINOIS, MAINE, MARYLAND,
MASSACHUSETTS, MICHIGAN,
NEVADA, NEW JERSEY, NEW
MEXICO, NEW YORK, NORTH
CAROLINA, OREGON,
VERMONT, WASHINGTON, AND
WISCONSIN IN SUPPORT OF
PLAINTIFFS’ MOTIONS FOR
SUMMARY JUDGMENT**

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INTRODUCTION & INTERESTS OF AMICI STATES

Public media is a public good. That good is even more valuable at the local level, where newsworthiness, reach, and financial incentives often do not align. Indeed, replete throughout the Public Broadcasting Act of 1967 (the PBA or the Act), 47 U.S.C. § 390, *et seq.*, is Congress’s special recognition of the unique interests of local communities in the continued vitality of public broadcasting. For this reason, as well as those that follow, Amici States have a strong interest in the outcome of these cases and support the relief requested by Plaintiffs.¹ Amici States file this brief to highlight the critical importance of public media that is “responsive to the interests of people both in particular localities and throughout the United States,” 47 U.S.C. § 396(a)(5), including in their local communities.

ARGUMENT

I. The Public Broadcasting Act of 1967 was carefully designed to promote and expand public media—especially at the local level—while avoiding government influence and intrusion.

In 1967, Congress enacted the PBA to expand the reach of public telecommunications services “to as many citizens of the United States as possible” and to “strengthen the capability of existing public television and radio stations to provide public telecommunications services to the public.” 47 U.S.C. § 390.

Congress recognized that providing federal funding in these arenas presented

¹ Amici States file this same brief pursuant to LCvR 7(o)(4) in both captioned actions.

unique First Amendment implications.² To address these concerns, Congress established the Corporation for Public Broadcasting (the Corporation or CPB). CPB’s express purpose was to maintain an independent public broadcasting system free from government control and influence. *See CPB v. Trump*, No. 25-cv-1305-RDM, 2025 WL 1617191, at *2 (D.D.C. June 8, 2025) (quoting 47 U.S.C. § 398(a)). Congress ensured the CPB’s independence by, *inter alia*, (a) establishing it as a private corporation, 47 U.S.C. § 396(b); (b) excluding its board members from being officers or employees of the United States; *id.* at § 396(d)(2); and (c) by making plain that no “department, agency, officer or employee of the United States” had authority to “exercise any direction, supervision, or control” over broadcasting or over the CPB. *Id.* at § 398(c). In addition, the Act repeatedly emphasized Congress’s desire to promote public media programming and infrastructure at a local level. *See, e.g.*, 47 U.S.C. §§ 392(f); 396(a)(4); (a)(5); and (a)(8) (references to local import).

The Executive Branch’s duty is to faithfully execute this law and carry out Congress’ appropriations. As fully explained in Plaintiffs’ briefs, the challenged Executive Order is *ultra vires* and violates the First Amendment. *See Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 585, 637–38 (1952) (J. Jackson, concurring); *In re Aiken Cnty.*, 725 F.3d 255, 260–61 n.1 (D.C. Cir. 2013); *Thornhill v. Alabama*, 310 U.S. 88, 101–02 (1940). Amici States have a strong interest in the safeguarding of

² *See, e.g.*, S. Rep. No. 90-222, at 11 (1967), *as reprinted in* 1967 U.S.C.C.A.N. 1772, 1782 (emphasis added) (“[I]n the *strongest terms possible*[,] that it is our intention that local stations be absolutely free to determine for themselves what they should or should not broadcast.”); *see also* S. Rep. No. 90-222, at 4 (1967) (recognizing federal funding “should in no way involve the Government in programming or program judgments”).

constitutional values,³ as well as in the preservation of their unique local media tapestries. At bottom, it is up to Congress, with its exclusive power of the purse, to decide whether and how to fund public media.⁴ If the Executive Branch disagrees, the lawful course is to ask Congress to rescind appropriations, as it has now belatedly asked.⁵ But the Executive Branch's actions challenged here, unilaterally terminating appropriations, are unlawful.

II. NPR and PBS local member stations provide invaluable services to local communities in the Amici States.

Thomas Jefferson once wrote, “[O]ur liberty depends on the freedom of the press, and that cannot be limited without being lost.”⁶ The same sentiment remains true today. *See, e.g., Citizens United v. FEC*, 558 U.S. 310, 339–40, 351 (2010). Much would be lost in the Amici States if the challenged actions stand.

A. Emergency and public announcements.

Local public broadcasters play a vital role in communicating both national and

³ Each of the Amici States has enshrined First Amendment protections in their State Constitutions. *See, e.g.,* Colo. Const. art. II, § 10; Ariz. Const. art. II, § 6; Minn. Const. art. I, § 3; R.I. Const. art. I, § 21; Cal. Const. art. I, § 2; Conn. Const. art. I, § 6; Del. Const. art. I, § 5; Haw. Const. art. I, § 4; Ill. Const. art. I, § 4; Me. Const. art. I, § 4; Md. Const. art. 40; Mass. Const. art. XVI; Mich. Const. art. I, § 5; Nev. Const. art. I, § 9; N.J. Const. art. I, § 6; N.M. Const. art. II, § 17; N.Y. Const. art. I, § 8; N.C. Const. art. I, § 14; Or. Const. art. I, § 8; Vt. Const. ch. 1, art. 13; Wash. Const. art. I, § 5; Wis. Const. art. I, § 3.

⁴ This is not the first time federal funding for public media has been a point of debate. In 1969, Fred Rogers famously testified before a Senate subcommittee. Mr. Rogers' heartfelt and impactful speech was instrumental in convincing the Senate to continue federal financial support for public media. *See* <https://www.c-span.org/clip/national-press-club/on-may-1-1969-fred-rogers-mr-rogers-appeared-before-senate-commerce-committee-to-support-public-tv/4663883>.

⁵ *See* Recissions Proposals Pursuant to the Congressional Budget and Impoundment Control Act of 1974, 90 Fed. Reg. 24298 (June 3, 2025).

⁶ Extract from Letter of Thomas Jefferson to James Currie (Jan. 28, 1786), <https://tjrs.monticello.org/letter/2141>.

local emergency alerts, particularly in areas where public broadcasters provide one of the few, if only, means of communicating to the public. This makes their efforts critical to the Amici States. *Maryland v. Corp. for Nat'l & Cmty. Serv.*, No. 25-cv-01363-DLB, 2025 WL 1585051, at *19 (D. Md. June 5, 2025) (recognizing that disaster relief efforts are not discretionary to state governance).

1. FEMA's IPAWS

State and local authorities use FEMA's Integrated Public Alert & Warning System (IPAWS) to provide emergency and life-saving information to the public. IPAWS contains two alert pathways pertinent here: the Emergency Alert System (EAS), which delivers alert messages via radio and television, and Wireless Emergency Alerts (WEAs), which deliver emergency alert messages to mobile devices.⁷

EAS emergency alerts that states or local authorities can activate include AMBER alerts; severe weather alerts; radiological or toxic spill warnings; gas leak emergency warnings; and shelter in place warnings.⁸ The National Weather Service generates ninety percent of EAS alerts.⁹ Public broadcasters play a particularly important role in transmitting emergency alerts to areas with little or no reliable

⁷ Fed. Emergency Mgmt. Agency, *IPAWS 101* (Jan. 2024), https://www.fema.gov/sites/default/files/documents/fema_ipaws_101-slicksheet_042024.pdf.

⁸ See 47 C.F.R. § 11.31(d) (2025) (list of authorized EAS codes); Colo. Broad. Ass'n, *Emergency Alert System*, <https://www.coloradobroadcasters.org/eas/> (last visited June 16, 2025).

⁹ Nat'l Weather Serv., *Emergency Alert System*, https://www.weather.gov/nwr/eas_description (last visited June 16, 2025); Nat'l Weather Serv., *NOAA's National Weather Service (NWS) and the Emergency Alert System* (Mar. 2025) https://www.weather.gov/media/nwr/EAS_factsheet_2025.pdf.

Internet or cellular service or when Internet or cellular service is disrupted.¹⁰

To operate the EAS, an authorized alert originator inputs an alert into IPAWS directed to a designated primary entry point, state primary, or local primary station.¹¹ These stations broadcast the alert, and other participating broadcasters, which monitor the local primary stations, re-broadcast the alert.¹² This daisy-chain mechanism allows the EAS alert to reach a wide audience in a short amount of time.¹³ Because radio is not dependent on electricity, it is a particularly reliable and essential method of communicating information during an emergency. NPR Mot. Ex. 5 ¶ 37; NPR Mot. Ex. 6 ¶ 30; NPR Mot. Ex. 7 ¶ 33.

To illustrate, in southwestern Arizona, KAWC Colorado River Public Media is the Local Primary (LP)-1 station for the region. Every radio, television and cable user in KAWC's reach relies on the station to trigger emergency alerts, such as flash flood warnings. KAWC also collaborates with regional government agencies, such the Yuma County Emergency Communications Department, to update the county's emergency alert plan and coordinates with first responders to ensure accurate emergency communications. In Northern Arizona, KNAU Arizona Public Radio's newsroom

¹⁰ FCC, *FCC National Broadband Map*, <https://broadbandmap.fcc.gov/home?version=dec2024> (last visited June 16, 2025); Colo. Broad. Ass'n, *Emergency Alert System (EAS)*.

¹¹ See 47 C.F.R. §§ 11.18, 11.31–11.33 (2025); see also, e.g., Colo. Broad. Ass'n, *Colorado State Emergency Alert Plan* (rev. 1997), <https://www.coloradobroadcasters.org/eas/state-plan/the-plan/>.

¹² See, e.g., Colo. Broad. Ass'n, *Colorado State Emergency Alert Plan*.

¹³ Fed. Emergency Mgmt. Agency, "Common Alert Protocol," *Emergency Alert System Participants*, <https://www.fema.gov/emergency-managers/practitioners/integrated-public-alert-warning-system/broadcasters-wireless/emergency-alert-system-participants> (last updated July 28, 2021).

continuously communicates with the U.S. Forest Service, National Park Service, Bureau of Land Management, and other federal agencies to broadcast accurate and timely information about disasters.

Minnesota's Emergency Alert Plan specifically envisions reliance on Minnesota Public Radio and Twin Cities PBS infrastructure for all state and federal emergency alerts.¹⁴ The broadcast infrastructure of Vermont's NPR and PBS member station, Vermont Public, serves as the backbone of Vermont's EAS, and its stations are classified by the FCC and Vermont Emergency Management as "State Relay (SR)," meaning that every TV and radio broadcaster in Vermont monitors at least one of Vermont Public's radio stations to have access to national and severe weather emergency alerts. And in Colorado, at least twenty-two NPR member stations (including Colorado Public Radio, KSUT Public Radio, and Aspen Public Radio), as well as three Rocky Mountain PBS television stations, participate in Colorado's EAS.¹⁵ Three of these Colorado public broadcasters act as either LP-1 or LP-2 stations in their designated local area.¹⁶

Importantly, in 2022, Congress created the Next Generation Warning System Grant Program (NGWSP) to support investments improving the resilience and security of public broadcasting networks and systems. This program enables public media entities to replace aging infrastructure to promote public media's "role in civil defense

¹⁴ FCC, *Minnesota's Statewide EAS Plan*, <https://s3.us-east-2.amazonaws.com/assets.dps.mn.gov/s3fs-public/IPAWS-Minnesota%202024%20EAS%20approved%20plan-pdf-2024-09-01.pdf> (last visited June 17, 2025).

¹⁵ Colo. Broad. Ass'n, *Colorado State Emergency Alert Plan*.

¹⁶ *Id.*

and public safety missions.”¹⁷ “Congress intended that FEMA work with the [CPB] to implement the NGWSP for public broadcasting entities[,]” and the CPB is “the only entity eligible to submit an application to DHS/FEMA for [such] funding.”¹⁸

2. The PRSS System

NPR operates the Public Radio Satellite System (PRSS) at its Network Operations Center in Washington, D.C. NPR Mot. Ex. 4 ¶¶ 5–6. The PRSS serves 379 public radio stations, including NPR’s 246 member stations, and more than 1,200 radio signals, which enables it to reach approximately ninety-nine percent of Americans. *Id.* at ¶ 8. A backup Network Operations Center for the PRSS is located in St. Paul, Minnesota. *Id.* at ¶ 6. In the event of a nationwide crisis, the PRSS transmits presidential EAS alerts to public radio stations throughout the country. *Id.* at ¶ 8; NPR Mot. Ex. 7 ¶¶ 30–31; NPR Mot. Ex. 5 at ¶ 37. The PRSS is also a named resource in at least twenty states’ emergency plans, and public radio stations are included in more than thirty-five state emergency plans. NPR Mot. Ex. 4 ¶ 8.

NPR’s PRSS also equips some local stations with technology for local and regional text alerts, allowing those stations to provide updates related to severe weather events.

¹⁷ Brian E. Humphreys, Cong. Rsch. Serv., R48545, Public Broadcasting: Background Information and Current Issues for Congress 7 (2025), <https://www.congress.gov/crs-product/R48545> (quoting U.S. Congress, House Appropriations Committee, Department of Homeland Security Subcommittee, Department of Homeland Security Appropriations Bill, 2023, 117th Cong., 2nd sess., July 1, 2022, H. Rept. 117-396, p. 70, <https://www.congress.gov/congressional-report/117th-congress/housereport/396/1?s=1&r=15>).

¹⁸ Fed. Emergency Mgmt. Agency, *The Department of Homeland Security Notice of Funding Opportunity Next Generation Warning System Grant*, https://www.fema.gov/sites/default/files/documents/fema_fy22-ngws-nofo.pdf (last visited June 17, 2025).

Id. at ¶ 19; *accord* NPR Mot. Ex. 5 ¶ 37; NPR Mot. Ex. 6 at ¶ 29. These stations rely on PRRS’s maintenance of this technology. NPR Mot. Ex. 4 at ¶ 19; NPR Mot. Ex. 5 at ¶ 37; NPR Mot. Ex. 6 ¶ 28; NPR Mot. Ex. 7 ¶ 30.

3. The PBS WARN System

PBS operates a program called “PBS WARN,” which creates a decentralized backup system for delivering WEAs by utilizing its nationwide, hardened transmission facilities (meaning facilities that have back-up generators and redundant systems for receiving programming) that remain functional during disasters.¹⁹ If a cybersecurity incident or Internet disruption breaks down a wireless carrier’s primary connection to FEMA, PBS WARN provides an immediate alternate source for inbound WEAs. *Id.* PBS WARN also maintains a website that displays every WEA issued in the United States and its territories in real time.²⁰

4. Examples of uses of these emergency alert systems in the Amici States

Amici States use public broadcasters to communicate vital emergency alerts relating to weather, public safety, and transportation. Local public media outlets play a central role in communicating these alerts in rural and remote areas where Internet or cellular service is unavailable or unreliable or the public broadcaster is one of the only or few media outlets in the area. And in disaster prone areas like Northern California, public media has acted proactively, including with emergency preparedness

¹⁹ Pub. Broad. Serv., *PBS Public Safety: Keeping Communities Safe*, <https://www.pbs.org/about/about-pbs/contact-information/warn/> (last visited June 16, 2025).

²⁰ Pub. Broad. Serv., *WARN Map*, <https://warn.pbs.org/> (last visited June 19, 2025).

programming.²¹

Wildfire, flooding, earthquake, and severe thunderstorm are just a few frequently issued emergency alerts issued by Amici States. Examples of severe weather events public broadcasters in Amici States have covered include the 2002 Missionary Ridge Fire in southwest Colorado, *see* NPR Mot. Ex. 5 ¶ 9, Tropical Storm Lee in 2011 that caused flooding in New York,²² and a 2023 derecho (a wide-spread, long-lasting, straight-line windstorm) affecting the Springfield, Illinois area.²³ One California public radio station has also studied ways to improve emergency communication by interviewing residents who have survived recent deadly wildfires about how they experienced emergency communication in order to find gaps and lapses.²⁴ And in addition to broadcasting the initial emergency alerts, public broadcasters frequently provide extensive, ongoing

²¹ *See, e.g.*, NorCal Pub. Media, *Don't Wait Evacuate*, <https://norcalpublicmedia.org/video/dont-wait-evacuate> (last visited June 19, 2025) (wildfire safety); NorCal Pub. Media, *Drought is Here*, <https://norcalpublicmedia.org/tv/bay-area-issues/environmentvideo/drought-is-here> (last visited June 19, 2025) (drought preparation); NorCal Pub. Media, *Living on the Edge*, <https://norcalpublicmedia.org/tv/bay-area-issues/homepagevideo/living-on-the-edge> (last visited June 19, 2025) (housing issues).

²² *See* Patrick Holmes, *WSKG Archive: 2011 On-Air Flood Relief Telethon*, <https://www.wskg.org/flood-2011/2021-09-02/wskg-archive-2011-on-air-flood-relief-telethon> (Sept. 2, 2021).

²³ Maureen Foertsch McKinney & Sean Crawford, *Derecho leaves area with damage, power outages*, NPR Illinois (June 29, 2023), <https://www.nprillinois.org/arts-life/2023-06-29/major-storm-downs-traffic-lights-damages-businesses-and-homes-throughout-sangamon-county>.

²⁴ America Amplified, *North State Public Radio is meeting information needs in wildfire country*, <https://americaamplified.org/2022/11/16/north-state-public-radio-is-meeting-information-needs-wildfire-country/> (last visited June 17, 2025).

coverage of closures and recovery efforts that continue to affect communities.²⁵

Public radio and television stations also often have hardened and resilient infrastructure that allows them to continue broadcasting during emergency situations that may knock out power or other communications resources. For example, Illinois NPR Member Station WSIU's radio tower is a self-supporting, free-standing tower (one of the few in Southern Illinois's seismic zone) that is more likely to remain operational in the event of an earthquake. Maryland Public Television (MPT) has six hardened transmission towers equipped with backup generators and redundant systems as well as permanent connectivity with the Maryland State House, which enables it to put the Governor on air, state-wide, with little notice. And the broadcast towers of Arizona's two public television stations—Arizona PBS and Arizona Public Media (AZPM)—are particularly important in a state where fires are a major concern, because broadcast towers are more resilient to disruption by fires and other catastrophes than cell towers.

Beyond weather, the EAS system also communicates public safety alerts. Law enforcement agencies use the EAS and WEA systems for AMBER Alerts (abducted children),²⁶ Blue Alerts (at-large suspects who killed or seriously injured a peace

²⁵ NPR Mot. Ex. 5 ¶ 9; Sean Crawford, *Springfield moves forward on push for disaster aid following derecho*, NPR Illinois (Aug. 1, 2023), <https://www.nprillinois.org/government-politics/2023-08-01/springfield-moves-forward-on-push-for-disaster-aid-following-derecho>.

²⁶ *E.g.*, Colo. Bureau of Investigation, *AMBER Alert*, <https://cbi.colorado.gov/amber-alert> (last visited June 16, 2025); Minnesota Dept. of Pub. Safety Bureau of Criminal Apprehension, *AMBER Alert*, <https://dps.mn.gov/divisions/bca/bca-divisions/investigative-services/additional-investigative-services/alerts-issued-bca/amber-alert> (last visited June 16, 2025).

officer),²⁷ Silver Alerts (missing elderly or developmentally disabled individuals),²⁸ and Missing Indigenous Person Alerts (critical especially to Tribal areas).²⁹ These alerts provide significant assistance to law enforcement; for example, Colorado has issued 123 Missing Indigenous Person Alerts and located 117 indigenous people since December 30, 2022.³⁰ Public broadcasters also provide extensive coverage of major public safety incidents both during and after the incident, such as the shooting incident on the Illinois State University campus³¹ and the 2022 mass shooting at the Tops supermarket in

²⁷ *E.g.*, Ariz. Dept. of Pub. Safety, *Blue Alerts*, <https://www.azdps.gov/content/azdps-basic-page/178> (last visited June 16, 2025); Colo. Bureau of Investigation, *BLUE Alert*, <https://cbi.colorado.gov/blue-alert> (last visited June 16, 2025); Minnesota Dept. of Pub. Safety Bureau of Criminal Apprehension, *Blue Alert*, <https://dps.mn.gov/divisions/bca/bca-divisions/investigative-services/additional-investigative-services/alerts-issued-bca/blue-alert> (last visited June 16, 2025).

²⁸ *E.g.*, Ariz. Dept. of Pub. Safety, *Silver Alerts*, <https://www.azdps.gov/content/azdps-basic-page/177> (last visited June 16, 2025).

²⁹ *E.g.*, Colo. Bureau of Investigation, *Missing Indigenous Person Alert*, <https://cbi.colorado.gov/missing-indigenous-person-alert> (last visited June 13, 2025); Matt Bloom, *Colorado's new alert system is helping to locate missing Indigenous people*, NPR (July 3, 2023), <https://www.npr.org/2023/07/03/1185864048/colorados-new-alert-system-is-helping-to-locate-missing-indigenous-people>; Montoya Bryan, *Arizona governor signs 'Emily's Law' to alert when Native Americans go missing*, NBC NEWS (May 14, 2025), <https://www.nbcnews.com/news/us-news/arizona-governor-signs-emilys-law-alert-native-americans-go-missing-rcna206692>.

³⁰ Colo. Dep't of Public Safety, Div. of Crim. Justice, *OMMIR Informational Dashboard*, <https://dcj.colorado.gov/ommir-dashboard> (last visited June 16, 2025); *see also* Jonathan Franklin, *FCC adopts an alert system for missing Indigenous people*, NPR (Aug. 15, 2024), <https://www.npr.org/2024/08/15/nx-s1-5075158/fcc-alert-system-missing-indigenous-persons>.

³¹ Ryan Denham, et al., *One person shot, injured during student group's event at ISU's Bone Student Center*, WGLT (Apr. 27, 2025), <https://www.wglt.org/local-news/2025-04-27/isu-issues-emergency-alert-after-report-of-shots-fired-at-bone-student-center>.

Buffalo, New York.³²

Public radio and television broadcasters also contribute to the emergency alert systems by reaching remote and rural areas that other outlets or media cannot access. In Arizona, Maryland, Massachusetts, Minnesota, New Jersey, and New York, for example, public radio or television broadcasters cover 95 percent or more of the state. In rural and remote regions where Internet or cellular coverage is unavailable or unreliable, public radio or television often is the only means government authorities have for immediately communicating emergency information.³³ Public stations in Minnesota and Maryland, for instance, have also provided emergency alerts in multiple languages, ensuring emergency communications reach communities that might not otherwise be reached due to language barriers.³⁴

Finally, public broadcasters also communicate important real-time updates related to road conditions and traffic hazards. For example, in Colorado's Western Slope and its mountainous regions, regional NPR member stations provide consistent and extensive coverage of road closures in remote areas that often involve detour routes requiring dozens to hundreds of miles of additional travel, information that is vital to

³² See, e.g., Mike Desmond, *Traumatized Tops shooting survivors say they should be a priority for compensation fund*, Buffalo Toronto Public Media (July 21, 2022), <https://www.btpm.org/local/2022-07-21/traumatized-tops-shooting-survivors-say-they-should-be-a-priority-for-compensation-fund>.

³³ NPR Mot. Ex. 5 ¶¶ 9, 38; NPR Mot. Ex. 6 ¶ 31.

³⁴ E.g., Twin Cities PBS, *TPT Now Fills Multilingual Health & Safety Information Gaps*, <https://www.tpt.org/tptnow/about-tpt-now/> (last visited June 17, 2025).

major economic sectors in those regions like tourism and agriculture.³⁵

5. Defunding NPR and PBS would be detrimental to public safety in the Amici States

Public radio and television stations' alerts and reporting on emergency situations are often a lifeline for audiences in Amici States. As these examples poignantly show, harm to NPR and PBS would cascade to state and local authorities in the Amici States. Their authorities would lose access to significant infrastructure they rely on to communicate immediate and life-saving emergency alerts to the public. Because this infrastructure cannot be quickly, easily, or inexpensively replaced, Americans throughout the country, and particularly those in rural and remote areas, would experience real harm.

B. Support for the PBA's educational mandate.

In his 1967 State of the Union address, President Lyndon B. Johnson called for the development of "educational television into a vital public resource to enrich our homes, educate our families, and to provide assistance in our classrooms."³⁶ The PBA was enacted shortly thereafter with the idea that public media would be used "for instructional, educational, and cultural purposes." 47 U.S.C. § 396(a)(1).

Plaintiffs' member stations have responded to that call to service. America's

³⁵ *E.g.*, Tom Hesse, *CDOT advances bridge repair strategy as local detour opens for critical traffic around Blue Mesa*, Colo. Pub. Radio News (Apr. 22, 2024), <https://www.cpr.org/2024/04/22/cdot-advances-us-50-bridge-repair-strategy-opens-local-detour-for-traffic-around-blue-mesa/>; Tom Hesse, *Blue Mesa bridge to open to all vehicles as repair work enters new stage*, Colo. Pub. Radio News (Oct. 14, 2024), <https://www.cpr.org/2024/10/14/blue-mesa-bridge-reopen-to-all/>.

³⁶ *See* Pres. L.B. Johnson, *Annual Message to the Congress on the State of the Union*, Jan. 10, 1967, <https://www.presidency.ucsb.edu/documents/annual-message-the-congress-the-state-the-union-28>.

children have grown up on PBS KIDS' proven educational programs,³⁷ with an average of 13 million video users and over 364 million monthly streams across digital video platforms *each month*. See PBS Mot. Ex. A ¶ 9. Additionally, PBS KIDS is the leading station in reaching children in low-income homes across the country where paid media sources may be cost-prohibitive and broadband is often less reliable.³⁸

Rocky Mountain Public Media (RMPM) research shows that its PBS Kids content plays a vital supplement to early childhood education, receiving 4 to 5 million impressions by its streaming app per month. Likewise, MPT provides digital learning content through ThinkPort.org, including student instructional resources, online courses for professional learning, and early childhood content for families. In New Jersey, 577,500 residents accessed free classroom resources on PBS's LearningMedia website.³⁹ NJ PBS also airs a significant amount of children's programming, including *Cyberchase*, the award-winning and longest running animated math series in the United States.⁴⁰ In Minnesota, Twin Cities PBS (TBT) produces the show, *Skillsville*, an animated series child development for those aged four to eight. Since its launch in 2025, *Skillsville* has been viewed 43 million times on streaming services and on the PBS KIDS app.

During the COVID-19 pandemic, public media emerged as a critical gap-filler for

³⁷ Some NPR local affiliates also provide children's programming.

³⁸ PBS Kids for Parents, *About PBS Kids*, <https://www.pbs.org/parents/about> (last visited June 19, 2025).

³⁹ See also N.J. PBS, *2024 Local Content Report*, https://www.nj.gov/treasury/njpba/assets/files/pdf/2025/CPB_LocalContentReport2024.pdf (last visited June 17, 2025).

⁴⁰ NJ PBS is part of the WNET group and is operated by Public Media NJ, Inc. See <https://www.njpbs.org/about/>.

some of the most vulnerable and impacted children in the Amici States. Together with the Colorado Department of Education, RMPM stood up an innovative program called *Colorado Classroom* to host on-air teacher-hosted lessons for over 250,000 children. *Colorado Classroom* proved to be an important educational alternative especially in the state's rural regions, where many students lack reliable high-speed Internet access (estimated to be as much as 20% of the state). In New York, WCNY partnered with the Syracuse City School District and produced close to 800 half-hour lessons with New York State certified teachers. WNET also partnered with the NYC Department of Education and created a new show, *LetsLearn.org*, addressing learning loss for children between ages three and eight who struggled most with remote learning setups. *Lets Learn* ultimately produced 140 one-hour segmented episodes. Arizona PBS and AZPM also stepped in during that period, deploying Home Learning multimedia educational assets, including television broadcast and online services. In California, PBS SoCal, KCET, and KQED partnered with the Los Angeles Unified School District to create at-home learning curriculum during COVID-19 school closures to ensure equitable learning opportunities.⁴¹

That commitment, though born from unique crisis, was consistent with these stations' long-time commitment to the children of Amici States. PBS LearningMedia, a partnership of PBS and WGBH Educational Foundation (a Massachusetts PBS member station), has for years offered free web-based access to thousands of educational

⁴¹ NorCal Pub. Media, *California Public Television*, <https://norcalpublicmedia.org/television/california-public-television> (last visited June 19, 2025).

resources from PBS stations and partners that are designed to complement and to integrate with classroom instruction. It is available free to all educators from pre-K through 12th grade and is aligned with state and national standards. PBS LearningMedia is used in every state across the country, with its highest usership in low-income and rural communities. Additionally, it provides interactive lessons accessible to students with disabilities using assistive technologies.

Colorado Classroom materials, to take another example, have remained available since the pandemic and are popular with the state's homeschool community.⁴² RMPM was also an important partner to the State as it launched its recent universal pre-k initiative. RMRPM continues to host "Kids Fests" around the state, which are typically held in underserved communities.⁴³ Arizona PBS orchestrates summer kindergarten readiness camps to help prepare children for elementary school education. In Arizona's FY24, it concluded a three-year, evidence-based evaluation study of eleven camps across five sites, which showed that children who participated in the camps increased reading and comprehension skills by 49%, letter sounds by 77%, and decoding skills by 57%. Arizona PBS also provides scholarships to strengthen the early childhood education workforce. It serves as the administrative home for the "First Things First" early childhood college scholarship program, which offers scholarships to aspiring early childhood educators. As part of this program, Arizona PBS works with twenty-two tribes and over twenty-seven higher education institutions throughout the state. In FY24,

⁴² The Colo. Classroom, <https://thecoloradoclassroom.com/> (last visited June 19, 2025).

⁴³ See, e.g., RMPBS, *PBS Kids Fest Metro Denver*, <https://events.rmpbs.org/event/rocky-mountain-pbs-kids-fest-metro-denver/e685832> (last visited June 19, 2025).

1,243 teachers received a total of \$1,724,356 in scholarships to complete associate and bachelor's degrees. In FY25, 678 teachers received \$1,335,325.

These laudable efforts are especially impactful in Tribal communities and with children where English is not the first language spoken at home. Arizona PBS, for example, has six regionally embedded education staff members who serve their local communities in Apache Junction, Flagstaff, Lake Havasu, Pinetop-Lakeside, Tucson, and Yuma. In 2023, its Educational Outreach team reached over 80,000 students, families, and educators across the state and traveled more than 55,000 miles to support local rural towns, urban centers, and tribal communities. That team traveled the same miles in the state's FY24 and over 38,000 miles in FY25 to help meet Arizona's educational needs in a culturally responsive manner that honors Indigenous heritage. PBS also ensures representation of Indigenous peoples in its programming, including with the popular children's animated show *Molly of Denali*, the first series to feature an Indigenous and Alaskan character as its lead.⁴⁴

Plaintiffs' educational commitment extends to higher education and lifelong learners. Several of the Amici States host television and radio partnerships with high schools, colleges, and universities. *See, e.g.*, NPR Mot. Ex. 5 at (Plaintiff KSUT hosted at

⁴⁴ *Molly in Denali* is a winner of the George Foster Peabody award and an Emmy award. Two randomized controlled trials showed positive problem-solving outcomes for children exposed to its video, digital, and activity content. *See* https://static.pbslearningmedia.org/media/media_files/d3ea4e3b-7107-4aaf-9e2b-f8dd56b77fd0/339bd0f1-f1ad-45d6-aea9-e1f0fa8721fb.pdf, citing <https://journals.sagepub.com/doi/full/10.3102/00028312221113326>, https://static.pbslearningmedia.org/media/media_files/d3ea4e3b-7107-4aaf-9e2b-f8dd56b77fd0/53df8d1f-d0dd-41109a315b026fdd3d61.pdf.

Fort Lewis College); WERS (Emerson College, Mass); WUMB (Univ. of Mass.); WEAA and WFWM (Morgan State and Frostburg State, Md.); Delmarva Public Media WSCL, WSDL, and WESM (Salisbury University and the University of Maryland Eastern Shore); WKHS (Kent County High School, Md.); KHSU (Cal Poly Humboldt University) (and also broadcasting into southwest Oregon);⁴⁵ KCLU (California Lutheran University); and KUSC (University of Southern California, the largest and most listened to public radio and non-profit classical music station in the U.S.).⁴⁶ Likewise, affiliates across the Amici States report high viewership of NPR and PBS's flagship programs and especially their documentary, educational, and news content. *See, e.g.*, NPR Mot. at 8; PBS Mot. at 10–12. That includes content produced by these affiliates at the local level with assistance from CPB funds. To take one example, earlier this year RMPM, in collaboration with the State, spotlighted a positive program in Colorado's Department of Corrections where female inmates train both privately owned and up-for-adoption dogs.⁴⁷ In California, NorCal Public Media's YouTube channel runs a variety of content of local interest, including on environmental issues; arts and culture; and *Bay Area Bountiful*, a series on stories unique to the region.⁴⁸

Finally, Plaintiffs serve an important role in distributing information regarding state and local politics and voting rights. Broad access to information and diverse

⁴⁵ KHSU, *About KHSU*, <https://www.khsu.org/about-khsu> (last visited June 19, 2025).

⁴⁶ KUSC, *The Story of Classical KUSC*, <https://www.kusc.org/our-story> (last visited June 19, 2025).

⁴⁷ PBS, *Nothing Safer* (Apr. 8, 2025), <https://www.pbs.org/video/nothing-safer-rmcmcq>.

⁴⁸ NorCal Pub. Media (@NothernCaliforniaPublicMedia), YouTube, <https://www.youtube.com/@NothernCaliforniaPublicMedia> (last visited June 19, 2025).

opinions is nowhere more critical than in the electoral context. *See CBS, Inc., v. F.C.C.*, 629 F.2d 1, 24 (D.C. Cir. 1980), *aff'd*, 453 U.S. 367 (1981). But independent reporting on state and local politics has been on decline for years.⁴⁹ Public broadcasting, however, continues to fill this need by showcasing state and local politics in all Amici States. *Id.* This includes some of the only content informing voters on the actions taken by their elected officials. *See id.* at 3. And in 80% of states, NPR provides voter guides to assist voters in understanding the issues they consider in the voting booth. *See id.* at 8. In Colorado, CPR similarly employs multiple reporters dedicated full-time to the capitol beat, as well as the only national politics reporter that is located full-time in Washington, D.C. CPR also hosts regular interviews with Colorado's Governor. Likewise, KSUT is an important amplifier of state and local politics covering Colorado's federally recognized tribes.⁵⁰ This past year, Rhode Island's PBS and NPR member stations (which recently merged into Ocean State Media (OSM)) won two Edward R. Murrow awards, including one pertaining to the coverage of Rhode Island elections. In California, NorCal Public Media stood up a series called *Trust & Democracy* to inform its voters.⁵¹

In New Jersey, NJ PBS broadcast programming includes programs such as *Chat Box with David Cruz*, a half-hour weekly program featuring one-on-one interviews with New Jersey newsmakers and lawmakers, and *Governors' Perspectives with Kent*

⁴⁹ Corp. for Pub. Broad. & Edison Research, *State Government Coverage in Public Media: Edison Media Research Survey 1* (2021), https://cpb.org/sites/default/files/CPB_SCCS_2021_FINAL.pdf.

⁵⁰ *See* Colo. Comm'n of Indian Affairs, *Community News Sources*, <https://ccia.colorado.gov/media/community-news-sources> (last visited June 19, 2025).

⁵¹ NorCal Pub. Media, *Trust & Democracy: A Community Series* <https://norcalpublicmedia.org/trust-democracy-a-community-series> (last visited June 19, 2025).

Manahan, which features former New Jersey governors sharing their insights on headlining issues. In June 2024, NJ PBS produced the *NJ Spotlight News with Briana Vannozzi Special Report: NJ Decides 2025 Gubernatorial Candidate Chat*, which moderated an issues-driven discussion with four gubernatorial candidates.

In Maryland, MPT has partnered with the Department of Legislative Services to provide livestream video coverage of House floor sessions since 2020. In 2022, services were expanded to include streaming of both the House and Senate chambers for the entire session. MPT has also broadcast productions such as *Baltimore City Mayoral Debate 2024*, *State of the State 2025*, and *U.S. Senate Debate 2025*.

C. Rural and tribal reach.

Public media is particularly critical in rural and Tribal areas where news, educational programming, and emergency alerts are significantly more limited. Given public media stations' particular importance to such areas, stations serving rural and Tribal communities also stand to be the most affected by the Order in terms of the ratio of their budgets that depend upon federal funding.⁵² According to the 2020 Census, over 66 million people living within the United States reside in rural areas.⁵³ By way of several

⁵² Alliance of Rural Public Media, *Connecting America: The Essential Service of Rural Public Radio* 11 (Oct. 2022), <https://ruralpublic.org/policy-and-research/report/>.

⁵³ U.S. Census Bureau, *Facts*, <https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural/2020-ua-facts.html> (June 2023). U.S. Census Bureau, *Maps*, https://www2.census.gov/geo/maps/DC2020/UA20/UA_2020_WallMap.pdf (last visited June, 19 2025); *see also* U.S. Census Bureau, https://www2.census.gov/geo/docs/reference/ua/State_Urban_Rural_Pop_2020_2010.xlsx (last visited June 19, 2025) (“State-level Urban and Rural Information for the 2020 Census and 2010 Census”). For purposes of this brief, the Amici States adopt the Census’ definition of “rural” as applying to any area which does not meet the Census’ criteria for “urban.”

examples: 12% of Colorado's population reside in rural areas accounting for a majority of the state's land area. There are two federally recognized Tribes with jurisdiction in Colorado, as well as a large American Indian and Alaska Native community presence, representing over 200 Tribes. In Minnesota, 27% of the population reside in rural areas,⁵⁴ accounting for a majority of the state's land area. Minnesota is also home to 11 Tribal Nations.⁵⁵ In Arizona, 10.7% of the population resides in rural areas accounting for a majority of the state's land area. Arizona is also home to 22 Tribal Nations. In New Jersey, 10% of the state's population resides in rural areas, and the New Jersey Public Broadcasting Authority is the only station that provides a televised newscast that covers the entire state. In Rhode Island, where the state's PBS and NPR member stations recently merged (into OSM), OSM is one of the only sources of news accessible without a paywall or other payment restriction, especially in underserved areas like Block Island, Pawtucket, and Tiverton. For California's part, the approximately 5.8% of California's population that resides in rural areas represents over 2 million people.⁵⁶

Rural communities are not a monolith, but many share common challenges that make local public media particularly critical:

- Rural areas are more vulnerable to the catastrophic effects of weather disasters

⁵⁴ Minn. State Demographic Ctr., *Greater MN: Refined and Revisited* (Jan. 2017), <https://mn.gov/admin/demography/reports-resources/greater-mn-refined-and-revisited.jsp>.

⁵⁵ Minn. Dept. of Transp., *Tribal nations within Minnesota*, <https://www.dot.state.mn.us/tribaltraining/nations.html> (last visited June 18, 2025).

⁵⁶ Pub. Pol'y Institute of Cal., *Rural California: Fact Sheet March 2024*, <https://www.ppic.org/publication/rural-california/> (last visited June 19, 2025).

than their urban counterparts,⁵⁷ underscoring the importance of emergency alerts to those regions in particular;

- While the rise of “news deserts” impacts both urban and rural communities, rural areas are particularly at risk of having either no local newspaper whatsoever, or a significantly diminished source of local news,⁵⁸ with rural counties representing the majority of counties in the United States that have no dedicated newspapers of their own;
- Rural families have fewer options for close, affordable pre-kindergarten school preparedness programming,⁵⁹ heightening the importance of free educational programming produced and distributed by public television broadcasters;
- Rural areas do not have the same access to reliable, high-speed Internet.⁶⁰ Those

⁵⁷ Naim Kapucu & Fernando I. Rivera, *Rural Resilience* (Dec. 15, 2020), <https://hazards.colorado.edu/news/research-counts/rural-resilience-disaster-preparedness-for-communities-off-the-beaten-path>.

⁵⁸ See Zach Metzger, *The State of Local News: The 2024 Report* (Oct. 23, 2024), <https://localnewsinitiative.northwestern.edu/projects/state-of-local-news/2024/report/>. For example, NorCal Public Radio is the last major local news organization that is locally owned and operated in Sonoma County, Colorado. On the other side of the country, New Jersey Public Broadcasting (NJPBA) reports that the state has one of the highest losses of newspaper journalists per capita since 2005.

⁵⁹ Taryn W. Morrissey et al., *Access to Early Care and Education in Rural Communities: Implications for Children’s School Readiness*, <https://pmc.ncbi.nlm.nih.gov/articles/PMC10575474/> (last visited June 17, 2025).

⁶⁰ By the federal government’s own estimates, 22.3 % of Americans residing in rural areas, and 27.7% Americans living in Tribal lands, lack reliable and affordable high-speed Broadband Internet. See <https://www.usda.gov/sustainability/infrastructure/broadband> (listing 22.3% figure for rural areas and 27.7 figure related to Tribal lands); see also <https://www.pewresearch.org/internet/fact-sheet/internet-broadband/> (indicating that in 2024, only 73% of rural communities had broadband at home.) Others estimate even lower connectivity rates on Tribal lands. See <https://www.alexjnewman.com/radio-on-the-reservation>.

who do have reliable and affordable high-speed broadband Internet are still subject to outages and interruptions, which is why FEMA and the FCC still expressly recommend that households keep hand-cranked or battery-powered radios and portable televisions available in order to retain access to broadcasts and safety information during emergencies.⁶¹

Against this backdrop, public media stations have demonstrated both an ability, and a commitment, to providing rural, remote, and Tribal regions with locally relevant programming as well as timely news and emergency notifications.

In terms of geographic reach and emergency alerts, public radio provides a lifeline to areas not served by commercial broadcasters. By way of example: one Northern Minnesota public radio station has repeatedly used its airwaves to step in when the surrounding county's 911 services have had complete outages, while another radio station serving parts of Minnesota with no other available signals has provided critical public safety information during tornadoes, floods, emergency road conditions, and most recently, wildfires. In Northern Arizona, public radio stations also provide critical emergency notification services on Indigenous lands reaching Tribal Nations, such as the Navajo, Hopi, and Hualapai nations. For example, KUYI Hopi Public Radio provides "the only source for community-wide alerts, news, weather updates, road safety, and emergency announcements."⁶² Other Amici States also have regions where public media

⁶¹ FCC, *Emergency Communications Tips*, <https://www.fcc.gov/emergency> (Apr. 17, 2025).

⁶² Adrian Skabelund, *Hopi Radio at risk of Trump admin funding cuts*, KNAU (June 12, 2025), <https://www.knau.org/knau-and-arizona-news/2025-06-12/hopi-radio-at-risk-of-trump-admin-funding-cuts>.

broadcasts are one of the only, if not the only, sources of news, educational programming, or centralized alert infrastructure.

Public media stations do not only provide geographic reach, they also provide locally relevant content to rural and Tribal audiences. Public broadcasters are often the only centralized source for regionally specific election information; school or road closures; spotlighting of rural school athletics; and regional specific ecological updates. Farming communities benefit from agriculturally-specific weather, political, and economic updates aimed at their needs.⁶³ Additionally, Native American and Indigenous communities benefit from programs which reflect and preserve their language and culture (including, for example: California's FNX network (entirely Native American and World Indigenous content);⁶⁴ Colorado's KSUT Tribal Radio (including the *Native Braids* interview project that connects Indigenous youth with impactful elders);⁶⁵ New York's on-demand classroom content through its Native Americans in Upstate New York initiative;⁶⁶ Arizona's array of stations including KUYI, KTNN ("The Voice of the Navajo Nation");⁶⁷ and KOHN (operated by the Tonoho O'odham Nation);⁶⁸ and Minnesota Public Radio's Native News Project.⁶⁹

In short: rural areas and Tribal communities in the Amici States stand to suffer

⁶³ See, e.g., Harvest Pub. Media, <https://www.tspr.org/harvest-public-media>.

⁶⁴ First Nations Experience, <https://fnx.org/about/> (last visited June 18, 2025).

⁶⁵ Native Braids, <https://www.nativebraids.org/about-the-project/> (last visited June 18, 2025).

⁶⁶ WMHT, <https://www.wmht.org/nativeamerica/> (last visited June 18, 2025).

⁶⁷ KTNN, <https://www.ktnnonline.com/> (last visited June 18, 2025).

⁶⁸ KOHN, https://www.tonation-nsn.gov/administrative-offices/hewel_niok/ (last visited June 18, 2025).

⁶⁹ MPR, <https://www.mprnews.org/native-news> (last visited June 18, 2025).

particular harms in the event public radio and television broadcasters discontinue or reduce the services they provide to those areas.

III. Public media is an important public good, one that has grown more precious and is deserving of more support, not less.

Public media connects millions of Americans. It touches life's ordinary and extraordinary moments, from school lessons in the living room to life-saving emergency alerts in the midst of a storm. It links remote communities to the happenings of the country and world at the same time that it carries those communities' vibrant perspectives to a wider audience. These services, and more, combined with the public funding structure, foster an increasingly rare asset for American institutions: public trust.⁷⁰ Losing public media would erode that trust and leave many American communities in the dark.

CONCLUSION

For these reasons, the Amici States respectfully urge this Court to grant Plaintiffs' requested relief.

⁷⁰ See, e.g., Press Release, PBS, *Nationwide Survey Confirms That PBS and Member Stations Are America's Most Trusted Institution for the 14th Consecutive Year* (Feb. 23, 2017), <https://www.pbs.org/about/about-pbs/blogs/news/nationwide-survey-confirms-that-pbs-and-member-stations-are-americas-most-trusted-institution-for-the-14th-consecutive-year/>.

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I certify that I served the foregoing Amicus Brief upon all parties herein by e-filing with the CM/ECF system maintained by the Court, this 20th day of June, 2025 addressed as follows:

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