

From Networks to Netflix

A Guide to Changing Channels

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Alabama Public Television Network

Local Stations and Struggles
Over Collective Identity

Allison Perlman

In the summer of 2012, controversy befell the public television system in Alabama as the Alabama Public Television Network's (APTN) executive director was fired by the Alabama Educational Television Commission (AETC). Created in the 1950s by the Alabama state legislature to develop noncommercial television in the state, the AETC had been the entity licensed to operate public television stations in Alabama. In 2012, members of the AETC wanted the network to telecast a series that argued that the US had been, since its founding, a Christian nation, as well as other programming that discussed creationism. When Allan Pizzato, the executive director, refused, he and his deputy Pauline Howard lost their jobs. In response, over 100,000 people signed two petitions protesting the firings and the ombudsman for the Corporation for Public Broadcasting (CPB) published a detailed report of the incident, describing the actions of the Commission as "improper, unethical, and outrageous" (Sefton 2012a; Fry 2012; "Alabama" 2012; Seitz-Wald 2012).

This scandal was one more chapter of a longer story in which the decisions of the AETC became a site of public contention. By analyzing three controversies to beset public television in Alabama, this chapter examines how Alabama public television long has been a political battleground, one in which contesting views of the political function of public television, the composition of the civic body to be served by it, and the respective rights of broadcasters and their audiences have been fought. If commercial network television, especially in the classical network era, was imagined to be the locus of a national culture—its inclusions and exclusions constituting the parameters of national belonging—then, as Alabama's history illuminates, local public television channels frequently have been seen as spaces in which definitions of the local—of its citizens and its values—have taken shape. As a result, fights over local public television channels have been, and continue to be, battles over competing understandings of local identity.

Such fights have taken on special significance in places like Alabama, where public television channels are controlled by a government agency. Since it was created by the Alabama legislature in 1953, the AETC was charged with creating the first statewide educational television network: a group of interconnected broadcast stations that would serve the entire state of Alabama. With Alabama's structure as their model, a number of other states formed similar statewide educational television networks, likewise run by state commissions appointed by state governors. While, as this chapter discusses, this arrangement has raised critical legal questions about the speech rights of public telecasters, it also has intensified the tendency to see local public television channels as synecdoches of the states themselves, their programming decisions reflective of the states' social and political culture.

To examine the APTN is additionally to see how the public broadcasting sector has been, and continues to be, composed of local channels whose programming priorities, and whose vision of what public media should be, have diverged from one another and importantly from the national organizations that serve them. Since the passage of the 1967 Public Broadcasting Act, which allocated federal tax dollars to support public television, by design and by law public television in the US was to avoid the affiliate-network structure that governed commercial broadcasting and instead operate as a constellation of local channels with whom lay the authority over programming priorities, both local and national. In contrast to the British Broadcasting Corporation (BBC), US public television was not envisioned as a technology of nation building, but rather was to be a profoundly decentralized system of local channels that tended to local needs. As Michele Hilmes so well documents in this volume, local public television stations operate as presenting stations (stations that produce programming that circulates nationally), producers of local content, and schedulers who determine which and when the majority of programming reaches local audiences. Yet the public television sector also has been served by national organizations that have faced the difficult task of providing programming and support (financial and technical) to a diverse range of local channels. The story of Alabama public television thus also illuminates this tension between the local and the national, a tension that frequently has spoken to internal fights within Alabama over its own collective identity.

THE DEVELOPMENT OF PUBLIC TELEVISION IN ALABAMA

From the very beginning, the US noncommercial television sector was heterogeneous. In the late 1940s and early 1950s, many people fought for a space in the US television sector for educational channels. Building on the uneven history of educational radio stations, which for decades had committed to using the airwaves to provide educational and cultural programs, advocates of educational TV saw television as a technology that could democratize access to both educational materials and ennobling forms of culture. When in 1952 the Federal Communications Commission (FCC) reserved 242 channels for noncommercial educational television stations, it provided a tremendous opportunity to make good on these visions of the sociopolitical potential of the new medium (Perlman 2016, 18–32).

In the following decade, a range of experiments with educational television took hold in communities across the country. They differed with respect to their communities of service (local, statewide, regional) and locus of control (statewide commissions, universities, school boards of education, nonprofit organizations). Importantly, the mission of the stations also varied. Some, especially coastal stations like KQED (San Francisco) and WGBH (Boston) sought to provide cultural and public affairs programming; others, notably a number of Midwestern stations, emphasized adult education and programming that addressed the local concerns; still others, in a number of regions but especially in the South, utilized television as an instructional technology—in both classrooms and at home—that was to ameliorate the uneven distribution of resources across educational institutions in their communities. It was this latter use of educational television that inspired political leaders in Alabama to start a statewide educational television network.

Early in 1953, Alabama Governor Gordon Persons investigated the feasibility of educational television in his state. The state of education in Alabama in the early 1950s was dire. Alabama public schools had a dearth of qualified teachers, its teachers were paid substantially less than their counterparts in other states, and its facilities were subpar (Permaloff and Grafton 1995, 28–9). A statewide television network could allow a singular expert teacher to provide instructional lessons to thousands of students and thus was imagined to be an economical and efficient way to address the state’s education crisis; in this, television in the 1950s was imagined in similar terms to online education in the twenty-first century: as a technological fix to address deficiencies in underresourced educational systems. In addition, educational television would have the additional benefit of forestalling school integration. In the years leading up to and following the 1954 *Brown v. Board of Education* ruling, which ruled segregated schools unconstitutional, Alabama and other southern states looked to ways to “equalize” educational resources across white and black schools. Educational television would allow both white and black students to receive identical instructional materials without requiring them to sit in the same physical space (Perlman 2016, 39–40).

The state legislature created the Alabama Educational Television Commission (AETC), a five-person body appointed by the governor, and confirmed by the state legislature, to be the licensee for and oversee the operation of the network. The Alabama network’s educational mission was multifaceted. Its programming was to instruct school children and to bring cultural works (ballet, opera, theater) to the homes of people who otherwise would be deprived of these experiences. The network telecast lectures, allowing it to become a “space age Chautauqua” for “the discriminating viewer” (Perlman 2016, 40). The Alabama Educational Television Network (AETN) also prioritized materials of civic import, from the governor’s inaugural address to tax advice. The AETC contracted with three universities in Alabama, which would produce local programming for the network.

The AETN was a state-run network designed to address state needs, defined in accord with the political views of state officials. In its formative years, the AETC and the network it ran were therefore deeply intertwined with the system of racial supremacy in its state. In its first 15 years of operation, it not only sought to maintain school

segregation, but omitted the state's substantial African American population from its leadership, its programming, and its perception of its public. The AETC's desire to cor-
don off Alabama from the social and political transformations that engulfed the nation
in the 1960s, especially surrounding African American civil rights, led to the first major
controversy to beset the local television network.

CONTROVERSY 1: STATES' RIGHTS, PUBLIC TELEVISION, AND RACIAL DISCRIMINATION

Throughout the 1960s, states like Alabama imagined educational television as a tech-
nology to ameliorate social inequalities while simultaneously shoring up existing power
relations in the state; it could at once equalize access to educational and cultural pro-
gramming without requiring the redistribution of resources, both material and politi-
cal. By contrast, National Educational Television (NET), a Ford Foundation–supported
organization that produced and distributed programming across educational televi-
sion stations nationally, pursued educational television as a tool to disrupt, rather than
affirm, the status quo. Throughout the 1960s, NET circulated a wide range of public
affairs and cultural affairs programs, addressing hot-button topics like African Ameri-
can civil rights (Brooks 1994).

The AETC, like many other educational telecasters, refused to air much of this con-
troversial programming. Throughout the 1960s, virtually none of the national program-
ming circulated by NET on racial inequality was aired on the Alabama state network.
The network, furthermore, did not replace national programs on civil rights with other
programs that addressed this exigent topic from a local perspective. Thus, in a state in
which a third of its citizens were African American, it became increasingly untenable
to many of its residents that virtually no African Americans worked for its state-run
television network, served on the commission that controlled its licenses, or appeared
within its programming. In 1969, residents of Alabama filed a petition to deny the
AETC's licenses on racial discrimination grounds (Perlman 2016, 57).

All broadcast stations, both commercial and noncommercial, at this time were
granted broadcast licenses for three years, after which they had to submit applica-
tions for renewal with the Federal Communications Commission (FCC), who was to
determine if renewal was in the public interest. At the heart of the challenge to the
AETC's licenses were two intertwined questions over the definition of the Alabama
“public” and over what it meant to serve it. The petitioners asserted that to whitewash
the network's programming, and to refuse to air any shows addressing—or even mean-
ingfully featuring—African Americans, not only denied audiences access to important
perspectives, but transformed Alabama educational television into “media for White
Supremacy” (Richey 1970). The AETC, in turn, refused to concede that diverse publics
required a diversity of programming, insisting that to presume that all publics could
not be served by high quality programming *itself* constituted racism; in this, the AETC
charged that recognition of racial difference as meaningful was itself a form of racial
discrimination. In addition, the Commission stated that its refusal to air the NET shows
was an exercise in taste and judgment, not racial animus, and that its decisions were

within its editorial discretion. In 1974, the FCC ultimately sided with the petitioners, citing the AETC's racially discriminatory practices as in violation of its public interest obligations (Perlman 2016, 59–60). All eight of the public television stations in the state simultaneously had their licenses revoked.

Though an historical anomaly—only one other television station (the commercial station WLBT in Jackson, Mississippi) had lost a license on racial discrimination grounds, and the AETC the following year successfully filed for and was awarded the licenses for Alabama's public television stations—the revocation of the AETC's licenses was a big deal at the time. The fight over public television in Alabama exposed the deep cleavages between the imagined national public sought by NET, the limiting parameters of the Alabama public as constituted by the AETC, and the inclusive local public fought for by the petitioners. It illuminated the fissures between the national and the local as well as within the local itself, exposed disparate understandings of the mission of public television, and revealed the power dynamics between national institutions and local channels. If NET and local Alabamians saw the AETC's decisions to omit national civil rights programming as expression of state-sanctioned racism, the AETC viewed NET as recklessly and insultingly dismissive of the mores and concerns of local channels in its programming priorities.

The license challenge, which took over six years to resolve, coincided with substantial changes in the noncommercial television sector. The 1967 Public Broadcasting Act, which redubbed *educational* television as *public* television, had created the Corporation for Public Broadcasting (CPB) to disburse federal monies and further develop the public television sector. The CPB, in 1969, decided to create a new organization, the Public Broadcasting System, to be the primary distributor of national programming to local public television stations, displacing NET in that role. NET merged with WNBT, the New York public television station, to form WNET, which would be one of the primary presenting stations for PBS. The balance of power of the public television sector was to shift with the creation of PBS, which by design was to be far more deferential to local stations than NET had been. The apotheosis of this emphasis was the 1974 formation of the Station Program Cooperative (SPC), which put the decision-making power for nationally distributed programs in the hands of local public television stations (Avery and Pepper 1980, 131). These changes resulted in part to ameliorate the tensions between local stations and the national organizations that served them. And yet, as the next major controversy to surround the AETC indicates, these changes did not end the frictions between the local and the national nor the very live debates within Alabama over the role of its public television channels.

CONTROVERSY 2: SPEECH RIGHTS AND STATE-RUN PUBLIC TELEVISION

The next big controversy for Alabama public television originated in the AETC's decision not to air a docudrama, *Death of a Princess*, in 1980.¹ The film told the story of the execution of a Saudi princess and her commoner lover. Based on interviews conducted by journalist Antony Thomas, the film at once uncovered what had happened

to Princess Misha'al and exposed the religious and cultural mores of elite Saudi society. *Death of a Princess* had been co-produced by Boston station WGBH and Britain's Associated Television Corporation, was scheduled as part of WGBH's *World* series, and had been funded partially through the SPC members, including the AETC (Hershey 1980; Keneas 1980).

The firestorm in the US in the weeks leading up to the scheduled May 12 broadcast of *Princess* was intense. The film's airing in Britain in April 1980 had outraged the Saudi government, which objected to its representation of Saudi royal women as "repressed, uneducated, wallowing in luxurious boredom and generally adulterous" (Keneas 1980). Saudi Arabia retaliated by removing its ambassador from London and ousting the British ambassador from Jeddah (Ibrahim 1980). The Saudis also pressured US officials to block PBS from distributing the program. Acting Secretary of State Warren Christopher sent a letter to PBS President Lawrence Grossman asking PBS to give consideration to Saudi concerns over the film. Two members of Congress urged that the show be shelved, and Mobil Oil ran an ad in newspapers in major cities that suggested that the film "raises some very serious issues" ("State" 1980; Singleton 1980). To advocates of the film, its opponents seemed willing to sacrifice freedom of expression in order to placate a foreign government and secure the economic interests of major oil companies in the Middle East; to its detractors, *Princess's* telecast would unnecessarily anger an American ally in the Middle East. PBS was steadfast in its decision to air the film, but added to the telecast a panel discussion of differing views on the film's legitimacy and accuracy (Nash and Matthews 1981).

Even so, a number of local stations decided not to air it. The South Carolina Educational Television Network, out of loyalty to the state's former governor and current ambassador to Saudi Arabia, John West, did not telecast the program across its five stations. KLCS-TV in Los Angeles and KUHT-TV in Houston deemed the film not in the national interest. And the Alabama Public Television Network, for ostensible fear the telecast would endanger the lives of Alabamians working in the Middle East, two days before the film's scheduled broadcast decided not to air it (Kelly 1980; Mitchell 1980). In advance of the scheduled telecast, business leaders with contracts in the Middle East contacted the AETC to express concern over the film (Muir 1982, 1054). In response, Alabama residents filed a lawsuit against the AETC, seeking to compel the film's telecast and desiring a permanent injunction against the Commission from making "political" decisions with regard to programming. A similar lawsuit was filed in Houston against KUHT (Muir 1982). In addition, the petitioners argued that the AETC's decision not to air the film violated their First and Fourteenth Amendment rights (Muir 1981).

The legal question considered by the courts was whether stations licensed to state agencies were afforded the same First Amendment protections as privately controlled stations. For the petitioners, the AETC had engaged as a government agency in an unconstitutional act of censorship by refusing to air the film; for the AETC, this decision was part and parcel of the editorial discretion the courts had historically afforded broadcasters. The Fifth Circuit Court of Appeals determined that commercial and non-commercial stations are generally subject to the same regulatory requirements, but stations that operate as "state instrumentalities" are "without the protection of the First

Amendment.” While all parties in the case allowed for state-run public television stations to have some editorial discretion, the question was whether this discretion must be “carefully neutral as to which speakers or viewpoints are to prevail in the marketplace of ideas” (*Muir* 1982, 1041). The court ultimately rejected the idea that to cancel the program was to censor it—it could be shown in other venues in the state—and affirmed the editorial discretion of public telecasters, even those run by state governments, to make determinations about their programming schedule, guided by the public interest requirements of federal communications law. In a withering dissent (one of three filed in this case), Judge Frank Johnson Jr. determined that the decision by broadcasters in Alabama and Houston to cancel the telecast because of the viewpoints expressed within it was a textbook case of illegitimate state censorship (*Muir* 1982, 1053).

While the case turned on questions of legal rights—the rights of the petitioners to hear viewpoints, the rights of the AETC to determine what to broadcast over its channels—it also spoke to core disagreements over Alabama’s values. If the petitioners fought for a state that valued the circulation of diverse ideas, the AETC privileged the safety of Alabamians working abroad—and, perhaps, the business interests of Alabama companies—over the speech rights of the broader public. If the license challenge in 1969 spoke to the relationship between local public television and the state’s racial diversity, this court challenge considered how Alabamians would balance the marketplace of ideas with other state priorities; like the license challenge, it was a battle over the collective identity of the state, its public television channels imagined as a critical space where that identity would be defined.

CONTROVERSY 3: CHURCH/STATE AND LOCAL PROGRAMMING

Alabama public television’s 2012 controversy placed the state’s channels in a modern culture wars debate. It was, from one perspective, a clash over the role of religion in the public sphere. Members of the AETC wanted the public television network to telecast lay evangelical historian David Barton’s ten-part series, *The American Heritage Series*; they also wanted public television channels in Alabama to program shows about creationism. In addition, the AETC disapproved of the APTN’s inclusion of “sexual orientation” in its diversity statement. After firing executive director Allan Pizzato and his deputy Pauline Howland for refusing these requests, the AETC subsequently jettisoned the network’s diversity statement altogether (Sefton 2012a; Fry 2012; “Alabama” 2012). Howland would be reinstated two days after she was fired, and by November 2012 Pizzato had been hired as president and general manager of the WYES-TV public television station in New Orleans (Sefton 2012b).

Yet the AETC’s actions were greeted with outrage both within and outside of Alabama. Seven members of the Alabama Public Television Foundation’s Board resigned in protest,² as did three members of the Alabama Educational Television Foundation Authority.³ Charles Grantham, the APTN’s chief operating officer resigned as well and wrote an open letter to Alabama Governor Robert Bentley decrying Pizzato’s dismissal over “ideological differences” between him and the Commission. Bentley referred to the

AETC's meddling as a "destructive spiral" that could precipitate the "untimely death" of public television in Alabama. In addition, thousands of people voiced their opposition to the AETC's actions (Carlton 2012; Seitz-Wald 2012). While no legal actions followed, this most recent debate over the AETC took place in the court of public opinion.

As with the previous controversies, this 2012 incident centered on conflicting understandings of Alabama's identity, refracted through the programming of its local public television channels. Barton—and the approach to history he endorsed on his website, in his books, and in this film series—was a contentious figure. He argued that the US has always been an explicitly Christian nation; he also insisted that the doctrine of church/state separation, often interpreted as key to the religious freedom protections of the First Amendment, was a falsehood propagated by a mistaken Supreme Court that, like professional historians, erroneously diminished the centrality of Christianity to American nationhood. Professional historians reject Barton's views, seeing them as a projection of "contemporary political and religious notions back onto the eighteenth century, distorting the Founders by making them into twenty-first century born-again Christians" (Stephens and Giberson 2011, 65–6). In desiring Barton's work on the APTN, and in advocating for programming that endorsed creationism, the AETC not only sought to propagate concepts rejected as false by field experts, but to use a state instrument—public television—to promote religious ideas. The AETC's opposition to including the LGBTQ community in the network's diversity similarly spoke to the Commission's desire to ground public television in Alabama in the mores of evangelical Christianity.

The outrage over the AETC's demands, and its retaliatory actions against Pizzato and Howard, responded most directly to the Commission's desire to use the APTN as an instrument to propagate religious beliefs presented in the guise of legitimate history. To these critics, promotion of religious views by a state agency would directly violate the First Amendment protection of religious liberty and its prohibition of state religion. It was to impose the political and religious values of the commissioners themselves on all Alabamians.

But, as had been the case historically, this controversy was also over the mores and values of Alabama itself, and the relationship between its public television channels and its collective identity. The actions of the AETC raised questions over Alabama's conception of its body politic, its respect for established sites of expertise, and its embrace or rejection of its diverse publics. This struggle generated public debate, as had the previous controversies, over what sort of state Alabama was, a question in the public mind deeply intertwined with the programming commitments of its public television channels.

Ultimately, the history of Alabama public television channels offers an alternate window to the politics of noncommercial US television. It disrupts the notion of a monolithic public media sector and flags the importance, past and present, of local channels in determining what can be said, and who can be seen, on public TV. And, as the 2012 controversy attests, it signals the continued salience of local channels in our contemporary mediascape to local communities, who see in them a reflection—sometimes contested—of their own collective identity.

NOTES

- 1 The texts referenced relating to *Death of a Princess* (Hershey 1980; Ibrahim 1980; Kelly 1980; Keneas 1980; Mitchell 1980; Nash and Matthews 1981; “State” 1980; Singleton 1980) are all found in the James Day Collection, Box 27, Folder 18, National Public Broadcasting Archives, College Park, Maryland.
- 2 The Alabama Public Television Foundation Board is a private group that helps raise money for the network.
- 3 The Alabama Educational Television Foundation Authority is a board that consists of the seven commissioners and five people appointed by the Commission. It is given the authority to raise funds for the stations.

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