

KENNETH TOMLINSON, *Corporation for Public Broadcasting & Broadcasting Board of Governors*

Corporation for Public Broadcasting

From October 2003 to September 2005, Kenneth Tomlinson served as chairman of the Corporation for Public Broadcasting (“CPB”).¹ On November 3, 2005, Mr. Tomlinson resigned from the CPB Board of Directors, one day after CPB’s inspector general released a report critical of Mr. Tomlinson’s leadership as chairman and alleging that he violated agency procedures, federal laws, and the Director’s Code of Ethics.²

The inspector general of CPB opened its investigation into alleged violations of the Public Broadcasting Act at the request of the ranking members of the House Committee on Appropriations and the House Committee on Energy and Commerce.³ In a scathing report, the inspector general concluded that Mr. Tomlinson repeatedly crossed boundaries that had been set up to protect public television and radio from political interference.⁴ The findings of the inspector general included:

- Mr. Tomlinson violated statutory provisions and the Director’s Code of Ethics by dealing directly with one of the creators of a new public affairs program during negotiations;
- Mr. Tomlinson used “political tests” as a major criteria to recruit a president and chief executive officer for CPB, in violation of statutory prohibitions against the use of such tests;
- Mr. Tomlinson hired a consultant to review program content for objectivity and balance without informing the Board and signed the contract without Board authorization;
- Executive management’s contracting for the services of lobbyists was not handled in accordance with CPB’s contracting procedures;

¹ Corporation for Public Broadcasting, Office of the Inspector General, Review of Alleged Actions Violating The Public Broadcasting Act of 1967, as Amended, Report No. EPB503-602, p. 2 (Nov.15, 2005) [hereinafter “CPB IG Report”]. (Exhibit 1)

² Id. at I-ii; Paul Farhi, Kenneth Tomlinson Quits Public Broadcasting Board, *The Washington Post*, November 4, 2005. (Exhibit 2)

³ CPB IG Report, p. 1.

⁴ Stephen Labaton, Ex-Chairman of Public Broadcasting Violated Laws, Inquiry Suggests, *The New York Times*, December 9, 2005. (Exhibit 3)

- There were serious weaknesses in the corporate governance system and an environment that allowed Mr. Tomlinson and other CPB executives to operate without appropriate checks and balances, including top management’s attitudes about such internal controls.⁵

The inspector general’s investigation also revealed that Mr. Tomlinson had hired a consultant service and set up secret content studies of certain programs without proper board authorization and communication of his plans to the public broadcasting community.⁶ In addition, Mr. Tomlinson hired a consultant to examine the objectivity and balance of the program “NOW with Bill Moyers,” in order to show that the program was not balanced.⁷ When PBS, in response, took steps to balance its schedule by adding “Tucker Carlson: Unfiltered,” and “The Journal Editorial Report,” Mr. Tomlinson declined to have the consultant evaluate those programs and decided not to have the consultant produce a final report because, according to Mr. Tomlinson, the results would have been damaging to public broadcasting.⁸ The report further revealed that Mr. Tomlinson’s involvement in selecting and intervening on behalf of *The Wall Street Journal* to win a CPB contract for the weekly program, “The Journal Editorial Report,” exceeded his role as chairman.⁹ As part of those efforts, Mr. Tomlinson told senior staff not to interfere with his deal to bring the show to PBS.¹⁰ Finally, in emails to CPB staff, Mr. Tomlinson told them to threaten to withhold funds from PBS if PBS did not balance its programming.¹¹

The report also examined Mr. Tomlinson’s involvement in the recruitment process for a new CPB president.¹² The inspector general concluded that Mr. Tomlinson was strongly motivated by politic ideology when filling the position.¹³

⁵ CPB IG Report, pp. i-ii.

⁶ Id., p. 7.

⁷ Id., p. 8.

⁸ Id.

⁹ CPB IG Report, pp. 11-12.

¹⁰ Id., p. 12.

¹¹ Id.

¹² Id., p. 13.

¹³ CPB IG Report, p. 19.

Broadcasting Board of Governors

After leaving the CPB, Mr. Tomlinson continued to serve as chairman for the Broadcasting Board of Governors (“BBG”), a position he had held since August 1, 2002.¹⁴ The BBG is part of the State Department and oversees most government broadcasts to foreign countries.¹⁵ In response to a congressional inquiry, the State Department’s Office of the Inspector General conducted an investigation into allegations of misconduct by Mr. Tomlinson.¹⁶ The investigation revealed that, Mr. Tomlinson had used BBG resources to run his personal horse racing operation.¹⁷ The State Department’s inspector general also concluded that Mr. Tomlinson had awarded a friend contracts totaling \$244,813.17 without the knowledge of other board members and without providing any of the required documentation to verify completed services.¹⁸ Further, the investigation found Mr. Tomlinson had directed staff to work on matters unrelated to the BBG that involved both CPB business and other personal matters.¹⁹ The report also revealed that from 2003 through 2005, Mr. Tomlinson requested compensation in excess of the 130-day maximum permitted by law for his position.²⁰

After the release of the report, three members of the Broadcasting Board of Governors offered a resolution that called for Mr. Tomlinson’s resignation.²¹ The resolution failed on a party-line vote of three to three.²² On January 9, 2007, Mr. Tomlinson asked that his name not be submitted for reconfirmation as chairman of the BBG.²³

¹⁴ White House nominations list:
<http://www.whitehouse.gov/news/nominations/1476.html>

¹⁵ Stephen Labaton, Broadcast Chief Misused Office, Inquiry Reports, *The New York Times*, August 30, 2006. (Exhibit 4)

¹⁶ U.S. Department of State, Office of Inspector General, Report of Investigation (Aug. 22, 2006) [hereinafter “State IG Report”]. (Exhibit 5)

¹⁷ Id., p. 2.

¹⁸ Id.

¹⁹ Id.

²⁰ State IG Report, p. 2.

²¹ Stephen Labaton, Head of Broadcasts Board Survives Effort to Oust Him, *The New York Times*, September 14, 2006. (Exhibit 6)

²² Id.

²³ Paul Farhi, Broadcast Board Chairman Asks for Replacement, *The Washington Post*, January 10, 2007. (Exhibit 7)

