

FREE ENTERPRISE CONSTITUTIONAL RIGHTS and Bill Of Rights:

Letter To Representative W.J. "Billy" Tauzin
THE AMHERST ALLIANCE
Don Schellhardt,
National Coordinator
45 Bracewood Road
Waterbury, CT 06706
203/591-9177
Capistrano@earthlink.net

February 17, 1999
Representative W.J. "Billy" Tauzin
U.S. House of Representatives
Washington, DC 20515
Dear Representative Tauzin,

I am the Co-Founder and National Coordinator of THE AMHERST ALLIANCE, a nationwide organization of groups and individuals who support Low Power Radio. I am also a Co-Petitioner in FCC Docket RM-9208: the July 1997 Petition For Rulemaking which triggered the current FCC deliberations on Low Power Radio.

I write in response to your recent statements on the FCC's new Proposed Rule to establish a Low Power Radio Service. You have publicly asked the FCC to delay action on this LPRS Proposed Rule -- that is, to refrain from offering licenses for stations broadcasting at 1 watt to 1,000 watts -- until your Congressional Subcommittee has held Hearings on LPRS. Without such a delay in FCC Dockets RM-9208 and RM-9242, stations can be licensed this summer or fall.

I respectfully urge you to reconsider your request.

NO NEED FOR DELAY OF FCC ACTION

The FCC's current ban on stations under 100 watts has been the subject of debate since its inception in 1978. The issue even gave birth to a popular movie, PUMP UP THE VOLUME, starring Christian Slater and endorsed by both Siskel and Ebert. Further, in 1998, the possibility of lifting the ban, and establishing a Low Power Radio Service, was the subject of an unusually long 5-month comment period at the FCC. This proceeding attracted hundreds of filings on BOTH sides of the issue, including an exceptionally large number of comments from individual members of the general public.

THE AMHERST ALLIANCE
Letter to Representative Tauzin
Page TWO

In short, there is an abundant public record for the FCC to utilize as the basis for a Final Rule to establish LPRS. Since neither citizens nor

corporations have been shy about expressing their views to the FCC, there is no need to delay FCC action in order to uncover more information and/or perspectives.

DANGERS OF DENYING DEMOCRACY

As a separate point, the delay you propose could become permanent, denying a "Day In Court" -- at the FCC -- to an extraordinarily diverse group of everyday citizens.

Taken as a whole, the movement for Low Power Radio encompasses a strikingly broad range of people -- from "aging hippies" to young rebels to "Mom and Pop" businesses to religious broadcasters to entrepreneurial conservatives.

To give you an overview of the various forces at work within the movement, enclosed is a copy of "A Micro-Radio Micro-Guide". This is an article I wrote for the December 23, 1998 edition of RADIO WORLD.

Even narrowing the focus from the entire Low Power Radio movement to my own organization, which speaks for perhaps half of the total movement, Members have overcome major barriers between each other in order to unite behind a common cause.

To begin with, we are bi-partisan -- or, rather, MULTI-partisan. Within THE AMHERST ALLIANCE, almost half of our Members lean toward the Republicans, almost half of our Members lean toward the Democrats and the rest support the Libertarians, the Socialists, the Progressives or other third parties.

We have also crossed MORE THAN ONE generation gap. Yours Truly, who turned 50 on January 31, has been elected unanimously as leader of an organization where the median age is perhaps 25, with Membership as a whole ranging from teenagers to senior citizens.

We have even bridged the incredible gap among Americans over the issue of sexual orientation. Within THE AMHERST ALLIANCE, we have evangelical Christians working side by side with uncloseted gays, lesbians and bisexuals.

THE AMHERST ALLIANCE

Letter to Representative Tauzin

Page THREE

In short, the Low Power Radio movement is driven by a force that is strong enough to bring people together, even in the face of differences which might divide them otherwise.

We have attained -- at least in our better moments -- the elusive goal of "Unity In Diversity". Historically, other movements have done the same, but it is NOT a common achievement.

Further, this Unity In Diversity cannot be attributed strictly to a common interest in owning and operating radio stations. Within THE AMHERST ALLIANCE, at least two thirds of us -- including Yours Truly -- have no past or present experience with broadcasting nor any future desire to establish a radio station.

Most of us in the Low Power Radio movement are motivated by ideas, NOT dollars. We are in this fight for the sake of reviving the free flow of ideas in a truly representative democracy.

We believe that neither free communication nor representative democracy can exist for long without each other.

And we FURTHER believe that the first of these cannot flourish -- or even, ultimately, survive -- when a handful of megacorporations are allowed to have unchallenged control over most of the media in the U.S.A.

I hope I have conveyed the intensity of personal power that lies behind this effort, by everyday Americans, to restore choices for radio listeners and restore opportunities for radio entrepreneurs. Attempts to squash this movement, as your proposal tries to do, will only add to the tarnished legitimacy of American government -- a legitimacy which has already been encrusted by dangerous levels of indifference to the true "owners" of our government.

THE AMHERST ALLIANCE
Letter to Representative Tauzin
Page FOUR

THE WIT AND WISDOM OF GEORGE H. LAWRENCE

Let me drive this point home with a personal story.

As you may recall, I was for 12 years one of "Bud" Lawrence's attorney warriors at The American Gas Association. Occasionally, I worked with you and your staff to promote the interests of the North American natural gas industry. You and I were on the same side in successful efforts to decontrol natural gas prices at the wellhead, reform the Fuel Use Act, repeal incremental pricing and mandate shifts to natural gas (or other clean substitutes for oil) by certain fleet vehicles.

I have no idea whether or not Bud Lawrence supports Low Power Radio. Nevertheless, he has had an important, if indirect, influence over this movement. He has done this by influencing me, in the past, as a mentor.

As you know, Bud's zest for playing hardball was well known in the House Commerce Committee -- and elsewhere. Once, a trade journal dubbed him "the Darth Vader of energy politics".

However, I had the chance to see what the trade journal didn't. I saw

that Bud, before riding off into battle, almost always tried first to find a common ground with his adversaries. Typically, he searched for some "venue" of subject matter or circumstance that could form a beachhead for negotiating a compromise and/or working together on DIFFERENT issues in the future.

"Look for common ground," Bud used to tell me (and numerous others). "It's better to have 'em inside the tent, spittin' out, than outside the tent, spittin' in."

Actually, the word he used wasn't "spittin' " -- but you get the point.

At least, I hope you do.

So far, unfortunately, the media megacorporations who dominate the National Association of Broadcasters have been blocking entrance to The Tent more doggedly than a bouncer at Studio 54. To the best of my knowledge, there has been no attempt to negotiate reasonable terms of admission for newcomers or other Outsiders. Instead, a huge, glaring sign has been constructed: "WARNING -- Upward Mobility Closed In This Industry. Insiders Only. Trespassers Will Be Prosecuted By The FCC."

THE AMHERST ALLIANCE

Letter to Representative Tauzin

Page FIVE

More recently, through enactment of the Telecommunications Act of 1996, coupled with a requirement that all commercial station licenses must be allocated by auction, the media megacorporations actually started to create MORE Outsiders. As mandatory auctions and loosened restrictions on radio station ownership encouraged a ruthless frenzy of corporate acquisitions, many broadcasters were metaphorically tracked down Inside The Tent and tossed Outside The Tent. Tossed out as well, with these "new Outsiders", were the two geese that lay golden eggs in broadcasting: creativity and community.

In response, unlicensed broadcasting is up -- or, at least, WAS up until the FCC began to reconsider the status quo -- and overall radio listenership is down. Faced with homogenized programming, marked by shortages of community coverage and "gluts" of the same songs played over and over, listeners are "voting with their fingers". They are turning off the radio dial.

THROWING REPUBLICAN VOTES AWAY

Now you, PERSONALLY, may be a catalyst for reducing the ranks of your own political party. At this point, Low Power Radio is NOT a partisan issue -- and we at Amherst have no desire to make it one. However, we cannot help noticing that most of the politically prominent supporters of Low Power Radio are Democrats, while most of the politically

prominent opponents of Low Power Radio are Republicans. The issue REMAINS non-partisan ONLY because MOST of the elected officials, in BOTH political parties, have taken no position on either side.

However, your call for delay on Low Power Radio is AN ESCALATION of more general criticism of FCC reforms by other House and Senate Republicans in leadership positions. (They have been joined by the formidable Representative John Dingell, Democrat of Michigan, but so far he is the ONLY prominent critic of Chairman Kennard in his party.) When we put these pieces together, and add to them the failure of rank-and-file Congressional Republicans to "cut a competing profile" on this issue, we can see the distinct possibility of partisan polarization.

In the SHORT run, partisan polarization would not be in the interests of the Low Power Radio movement. In the LONG run, however, partisan polarization would not be in the interests of the Republican Party.

THE AMHERST ALLIANCE
Letter to Representative Tauzin
Page SIX

As I said to you much earlier, almost half of our Members in THE AMHERST ALLIANCE lean toward the Republicans. You are well on the way to giving them, and other Republicans with whom they communicate, a reason to vote against their own party -- and YOURS -- in the next Congressional election.

These "Amherst Republicans" are NOT the kind of Republicans who usually show up to lobby on The Hill. They are NOT affluent devotees of "the global economy", with the international stock portfolios to prove it, NOR are they (for the most part) followers of Pat Robertson or Jerry Falwell (although there IS some support for Alan Keyes). "Amherst Republicans" are mostly small business owners, from small towns or small cities, and/or old-fashioned "pillars of the community" who joined this cause for patriotic reasons. As Bill Doerner of Texas, one of our most active Members, puts it: "The corporate Republicans are The Suits. The radicals are The Bluejeans. We're The Golf Shirts."

So Bill Doerner sees this issue, in some ways, as a case of "Republican Suits" versus "Republican Golf Shirts". I would call it a clash of Wall Street Republicans with Main Street Republicans.

Whichever terminology you use, the breach within the GOP has been building for some time now. Personally, I was an active Republican from 1964 through 1984 -- and a registered, INactive Republican for 7 years after that. In 1992, I left the Republican Party completely in order to vote for (and run as a Delegate pledged to) Democratic Senator Paul Tsongas of Massachusetts, an able and dedicated candidate for President.

I STAYED outside the Republican Party because I was tired of seeing the Wall Street Republicans selling out the Main Street Republicans: for

example, on farm policy and airline deregulation (both of them disasters for predominantly Republican small cities and rural areas) and on Most Favored Nation Status for Communist China (where national security, a top concern of MANY rank-and-file Republican voters, was brutally subordinated to the goals of The Fortune 500).

Fortunately for you, my Republican comrades in THE AMHERST ALLIANCE have not yet "thrown in the towel" on faith in your Party. They STILL believe there is room for both Wall Street AND Main Street in the Republican Party.

In the case of Low Power Radio, they're right -- if YOU, and others like you, do not stand in their way.

THE AMHERST ALLIANCE

Letter to Representative Tauzin

Page SEVEN

In most of the country, and ESPECIALLY in the typically Republican small cities and rural areas, there is room on the radio spectrum for megacorporations AND Low Power broadcasters. Indeed, in some cases, megacorporations have CREATED room on the radio spectrum by abandoning such areas completely!

As for larger cities and their suburbs, room can usually be MADE on the radio spectrum by relaxing channel spacing requirements AND by keeping Low Power transmission wattage to relatively modest levels.

The choice is really up to YOU -- and your Congressional colleagues. Do you want to try to "bottle up" even MORE human energy -- which will be turned against media megacorporations if it is not given a CONSTRUCTIVE OUTLET for expression? AND do you want to give Main Street Republicans another reason to believe that the Republican Party now speaks for Wall Street ALONE?

DAVID VS. GOLIATH

Please give this letter the benefit of your serious consideration. We want to resolve this issue at the FCC, if possible, but we will fight in Congress if we must.

In the respective arenas of the FCC and Congress, YOU may be allied with Goliath -- and, in the so-called "Real World", Goliath may USUALLY defeat David. In THIS case, however, the Goliaths, though powerful, are few in number -- while the Davids, potentially, number in the tens of millions.

Please note as well that media megacorporations are NOT the only Goliaths on the scene. There are also NON-media megacorporations,

largely uninvolved so far, who might come to believe their radio advertising rates will drop if the large, established stations must compete with commercial-airing Low Power stations.

We at Amherst await with interest your response to this letter.

Sincerely,

Don Schellhardt
Co-Founder & National Coordinator, THE AMHERST ALLIANCE

THE AMHERST ALLIANCE
Letter to Representative Tauzin
Page EIGHT

Cc: All Members of the House Commerce Committee

All Members of the Senate, Commerce & Transportation Committee

All FCC Commissioners

George H. "Bud" Lawrence of Virginia, retired President, THE AMERICAN
GAS ASSOCIATION

Bill Doerner of Texas, Amherst Alliance Coordinator for THE SOUTHERN &
MID-CONTINENT REGION (which includes Louisiana)

Wesle AnneMarie Dymoke of Rhode Island, Amherst Alliance Coordinator
for THE NEW ENGLAND REGION

Adrian Kohn of Washington, DC, Amherst Alliance Coordinator for THE
NORTHEAST CORRIDOR & UPPER SOUTH REGION

W. Tinsley of New York, Amherst Alliance Coordinator for THE UPSTATE
NEW YORK & PENNSYLVANIA REGION

Maryjane "Mj" Stelmach Honner of Michigan, Amherst Alliance Coordinator
for THE GREAT LAKES & APPALACHIA REGION

Scott A. Todd of Minnesota, Amherst Alliance Coordinator for THE UPPER
MIDWEST REGION

Matthew Hayes of California, Amherst Alliance Coordinator for THE

WESTERN REGION

John Robert Benjamin of Pennsylvania, Amherst Alliance

COMMUNICATIONS DIRECTOR

Nickolaus E. Leggett & Judith Fielder Leggett of Virginia, 2 of the 3

Co-Petitioners in FCC DOCKET NO. RM-9208

AMERICANS FOR RADIO DIVERSITY of Minnesota

Edward Fritts, President, NATIONAL ASSOCIATION OF BROADCASTERS

[Back To Top](#)

Edited By Mr.D'Alessandro