



Don4reform@aol.com on 04/09/2004 05:02:16 PM

To: politicalcommitteestatus@fec.gov
cc: Don4reform@aol.com, pioneerpath@earthlink.net
Subject: Comments On Political Committee Proposed Rule

Dear Ms. Dinh,

My Written Comments are ATTACHED.

Sincerely,

Don Schellhardt, Esquire



- FEC-Written Comments On Defining Political Committees.doc

SCHELLHARDT ADVOCACY SERVICES

Don Schellhardt, President

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April 9, 2004

Mai T. Dinh

Acting Assistant General Counsel

FEDERAL ELECTIONS COMMISSION

999 E Street N.W.

Washington, D.C. 20463

RE: Proposed Rule On Redefinition Of “Political Committees”

Dear Ms. Dinh:

This letter constitutes my electronically filed Written Comments on the FEC’s proposed rule to redefine the meaning of “political committees”, for the purpose of applying FEC regulations. The proposed rule, if adopted, would re-classify many non-profit advocacy groups as “political committees”, subject to additional restrictions which do not apply to these groups at present.

My name is Don Schellhardt. I am a Government Relations attorney and a writer, with nearly 30 years of professional experience. At present, I am self-employed and conducting business through 2 sole proprietorships.

Doing business as THE AMHERST ALLIANCE, I provide Government Relations representation, and organizational management services, for current Low Power FM Radio broadcasters, aspiring Low Power FM Radio broadcasters, aspiring Low Power AM broadcasters, small Internet broadcasters (aka “Webcasters”), Amateur Radio Service operators (aka “hams”) and concerned citizens who wish to restrain and reverse current trends toward excessive concentrations of media ownership.

Doing business as SCHELLHARDT ADVOCACY SERVICES, another sole proprietorship, I provide ghostwriting services, especially for urban educators, and have led 42 parties in challenging the FCC’s approval of In Band On Channel (IBOC) Digital Radio. I also provide subcontracted Government Relations and Membership Development services to the NATIONAL ANTENNA CONSORTIUM: a non-profit advocacy group for reform of antenna siting and approval regulations.

Further information is provided in my resume, which is *attached* as an Appendix.

I file today's Written Comments on behalf of myself alone. None of my clients endorse, or even have knowledge of, this expression of my personal conclusions.

Briefly, I urge the FEC to take the following actions:

1. Withdraw the proposed rule completely and issue a new proposed rule which is not burdened by the First Amendment and Fourteenth Amendment infirmities of this proposal.
2. Failing that, reconsider and grant the formal Request, by Nickolaus E. Leggett of Virginia, for an extension of the current comment deadline. 30 days is not enough for commenting parties to fully assess a proposed rule which poses Constitutional implications.
3. In either case, delay the effective date of any final rule until after the 2004 elections. Surely the Federal *Elections* Commission must be aware of how disruptive it would be to "change the rules in the middle of the game", with Election Day only a few months away.

While there are numerous serious deficiencies in the current proposal, the central problem appears to be a blurring of the line between lobbying and electioneering. The goal of lobbying, and of other forms of Government Relations advocacy, is to change or defend selected public policies. The goal of electioneering is to change or retain selected public policy makers.

The two activities necessarily overlap. The main criterion for separating them should be which goal is dominant.

The FEC is saying, in effect, that any incidental impact on elections should lead to re-classification of non-profit lobbyists as electioneers. No "gray area" is allowed. As a practical matter, however, denying lobbyists to hold lawmakers accountable to the general public is tantamount to banning any lobbying at all.

Please withdraw this terrible proposed rule and re-issue a better one.

Sincerely,

Don Schellhardt, Esquire

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CREDENTIALS

B.A. Government & English, Wesleyan University
J.D. (law degree), George Washington University
Member of the Bar, VA & CT

8 years working within government:
Capitol Hill, U.S. EPA, utility Commissions, CT courts

18 years working to influence government -- on behalf of:
natural gas utilities and pipelines, small independent broadcasters,
small independent Webcasters, abused children and spouses, environmental groups

Key career skills:
Writing
Speaking (public, small groups, one-on-one)
Innovating
Coalition-building

CAREER HISTORY

2002-Present: GOVERNMENT RELATIONS ATTORNEY, Golden, CO & Waterbury, CT. Current & former clients: National Antenna Consortium, 42 Petitioners in FCC Docket 99-325, Canyon Area Residents For The Environment.
-- Led challenge to FCC's approval of In Band On Channel (IBOC) Digital Radio
-- Helped persuade CO zoning board to block certain development proposals
-- Now alerting FCC to interference from Broadband Over Powerlines (BPL)
-- Now backing Congressional bill to restrain Homeowners Associations (HOAs)

2002-Present: PRESIDENT, The Amherst Alliance, Cheshire, CT & Golden, CO. Lead citizens' advocacy group for Low Power FM Radio (LPFM) & media reform.
-- Helped convince FCC to retain ceilings on radio station ownership per entity
-- Successfully sought release of FCC report, finding no interference from LPFM
-- Now urging Congressional action to expand the LPFM Radio Service
-- Now urging FCC action to establish a Low Power AM (LPAM) Radio Service

2000-2001: FAMILY LAW ATTORNEY, Solo Practice, Harrisonburg, VA.

- **Certified by Supreme Court of VA to represent children in court as a GUARDIAN AD LITEM (GAL) FOR CHILDREN**
- **Completed Basic and Advanced GAL Training Programs For VA**
- **Represented abused or “at risk” children, and abused or divorcing spouses, in 4 Shenandoah Valley Juvenile & Domestic Relations Courts**
- **Elected 1st Chair of Shenandoah Valley Autism Action Task Force (advocating better public services for autistic children and adults)**
- **Served on Board of Directors of Harrisonburg/Rockingham County ARC**

1999-2000: FAMILY LAW ATTORNEY, Blue Ridge Legal Services, Harrisonburg, VA.

- **Represented low-income clients in child custody and divorce cases**

1998-2000: NATIONAL COORDINATOR, The Amherst Alliance, Waterbury, CT & Harrisonburg, VA.

- **In 1997, co-filed Petition with FCC to establish a new LPFM Radio Service**
- **In 1998, co-founded The Amherst Alliance (at a meeting in Amherst, MA)**
- **In 1999, played key role in persuading the FCC to authorize LPFM stations**
- **In 2000, testified before House Subcommittee on Telecommunications**
- **In 2000, successfully pressed for House amendment to blunt worst aspects of Congressional legislation to roll back FCC approval of LPFM**

1995-1998: LAW CLERK, Superior Court of New Haven, New Haven, CT.

- **Aided Judge Clarence Jones with child abuse & juvenile justice cases**
- **Helped Judge Jorge Simon to establish innovative Drug Rehabilitation Court (prison sentences exchanged for 2 years of monitored rehabilitation)**
- **Assisted Judge William Sullivan (now Chief Justice, CT Supreme Court) with habeas corpus cases: prisoners’ grievances, petitions for retrials**

CAREER HISTORY BEFORE 1995

ENERGY & ENVIRONMENTAL POLICY CONSULTANT, Alexandria, VA.

POLICY ADVISOR, U.S. Environmental Protection Agency, Washington, DC.

DIRECTOR OF LEGISLATIVE & REGULATORY AFFAIRS (and 3 other positions), American [Natural] Gas Association, Arlington, VA.

LEGISLATIVE COUNSEL, for Representative Matthew J. Rinaldo (R-NJ, retired), and LEGISLATIVE ANALYST, House Republican Research Committee.

Details available upon request.