

Section 3(f) of the Exchange Act. Under this provision, during the rulemaking process, the SEC is also required to consult with and consider the views of the appropriate banking agencies concerning the proposed rules and the impact of those rules on the banking industry.

H.R. 10 is clear that the classification of a product as a traditional banking product does not imply that such product (i) is or is not a security for purposes of the securities laws, or (ii) is or is not an account, agreement, contract, or transaction for purposes of the Commodity Exchange Act.

RELIGIOUS FREEDOM AMENDMENT

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. ISTOOK. Mr. Speaker, please enter the enclosed materials into the RECORD.

SOUTHERN BAPTIST CONVENTION,

Nashville, TN, June 2, 1998.

DEAR MEMBER OF CONGRESS: I am writing to re-iterate our support for the Religious Freedom Amendment, which is soon to be voted upon. Passage of the Religious Freedom Amendment is essential to restoring the original intent of our First Amendment. Restoring the original intent of the First Amendment is essential to fully restoring religious liberty. Therefore, I urge your support of this historic effort to further secure our inalienable right to the free exercise of religion.

If we may be of assistance to you in your deliberation, please feel free to contact Will Dodson in our Washington office at (202) 547-8105. thank you for your consideration of this issue of critical importance to the welfare of our nation.

Sincerely,

DR. RICHARD D. LAND,

President,

Ethics & Religious Liberty Commission.

CHRISTIAN VOICE,

Alexandria, VA, May 8, 1997.

Hon. ERNEST JIM ISTOOK,
U.S. House of Representatives.

DEAR ERNEST: Please accept our most heartfelt thanks and congratulations on the introduction of the Religious Freedom Amendment which Christian Voice fully supports.

As you may know, Christian Voice has been a strong advocate of returning voluntary prayer in public schools since our founding in 1978. We were instrumental in the introduction of and spearheaded the lobbying effort for President Reagan's Constitutional Amendment to restore voluntary prayer in 1983.

We look forward to working with you in this vital battle to restore religious freedom in our society in order to truly make America one nation under God. Please do not hesitate to call on us if there is anything we can do to help you advance this critically important initiative.

Thanking you again for your outstanding leadership in defending the religious freedom rights of all America, and wishing you God's richest blessings, I remain

Yours sincerely,

GARY L. JARMIN,

Legislative Director.

AMERICAN FAMILY ASSOCIATION,

Washington, D.C., May 28, 1998.

DEAR MEMBER OF CONGRESS: On behalf of our president Donald Wildmon and our hun-

dreds of thousands of supporters, I am writing to indicate our support for the Religious Freedom Amendment sponsored by Representative Ernest Istook of Oklahoma. We are deeply concerned about the restrictions that the United States Supreme Court has placed on our right to religious expression. Americans' desire to keep God, our Creator, in all aspects of our lives. This is a desire, which conforms to that of our Founding Fathers and is our right as Americans. We believe that the Religious Freedom Amendment will restore the original intentions of our Founding Fathers.

We strongly urge you to vote in favor of the Religious Freedom Amendment.

Sincerely,

PATRICK A. TRUEMAN,

Director of Governmental Affairs.

CHRISTIAN ACTION NETWORK,

May 28, 1998.

Hon. ERNEST ISTOOK,

U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN ISTOOK: On behalf of Christian Action Network and its 250,000 supporters, I heartily endorse the passage of the Religious Freedom Amendment (H.J. Res. 78) in the U.S. House of Representatives.

The Religious Freedom Amendment (RFA) will protect people of faith throughout the country. The American people have again and again expressed their support for voluntary prayer in the schools. Religious symbols and observances should not be stripped from our public life. The Ten Commandments have been banished from courthouses and public Christmas displays are often cleansed of their original religious significance.

However, the right of free speech has been expanded in almost every area except religious freedom. The premise of your amendment is simple: To secure the people's right to acknowledge God according to the dictates of conscience.

Last June, the Supreme Court overturned the Religious Freedom Restoration Act, which provided some basic protections for people of faith. This decision shows that passage of the Religious Freedom Amendment is even more important.

You have Christian Action Network's full support in this effort. Thank you for all of your hard work.

Sincerely,

MARTIN MAWYER,

President.

CHRISTIAN COALITION,

Capitol Hill Office, May 28, 1998.

PROTECT RELIGIOUS FREEDOM—VOTE FOR THE
RELIGIOUS FREEDOM AMENDMENT

DEAR REPRESENTATIVE: On Thursday, June 4th, the House will hold a truly historic vote. For the first time in 27 years, you will consider an amendment to the United States Constitution concerning the fundamental right of an American citizen to publicly acknowledge his or her religious faith. This constitutional amendment will guarantee the same First Amendment protection to religious speech as for non-religious speech, including *voluntary school prayer*. In a nation that was founded on the principle of religious liberty, we must take steps to restore the rights that our Founding Fathers intended to protect. And in a recent poll in which voters were asked about moral issues confronting the nation, almost 70% agreed that America needed a Religious Freedom Amendment that would allow voluntary school prayer. The Christian Coalition strongly urge you to vote for the Religious Freedom Amendment (H.J. Res. 78).

The most dramatic example of a religious freedom that has been whittled away is the

right to religious speech. The right to free speech is one of the most highly revered and protected rights in our Constitution. Yet, a series of Supreme Court rulings over the past 35 years have misinterpreted the Constitution to ban and censor free speech when that speech is religious in nature. Specifically, the Supreme Court has censored free speech in only three areas: inciting violence and insurrection, obscenity, and religious speech. It is absurd for the Supreme Court to equate the act of expressing one's faith in God with expressions of insurrection or obscenity.

This amendment would protect the right of school children to organize prayer during the school day, while explicitly reigning in the influence and participation of the government in such activities. The government, represented by either a teacher or a school administrator, would be prohibited from requiring, writing or forbidding prayer.

With the protection of the Religious Freedom Amendment, courts would no longer issue rulings such as the one in which the judge upheld a teacher's decision to give a young Tennessee student an "F" on a research paper simply because the student decided to write her paper about Jesus. (*Settle v. Dickson County School Board*). And the highest court in our land would be required to enforce the right of a rabbi to offer a non-sectarian prayer at a middle school graduation.

Enactment of the Religious Freedom Amendment is the only effective means to truly restore our religious freedom. On behalf of the Christian Coalition, I strongly urge you to vote yes for final passage on Thursday, June 4th.

Sincerely,

RANDY TATE,

Executive Director.

CONCERNED WOMEN FOR AMERICA,

March 21, 1997.

The Hon. Ernest Istook,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ISTOOK: Concerned Women for America (CWA), as the largest pro-family women's organization in America, is pleased to support your efforts to bring forward a constitutional amendment that will safeguard religious expression. Our over 500,000 members have continued to remind us that their First Amendment rights to free religious expression are routinely trampled. It's time for those who seek to persecute religious people to stop hiding behind the robes of the Supreme Court. It is time for a Religious Freedom Amendment.

America's religious heritage can be traced to the Declaration of Independence, our founding document, which reminded the world that mankind has been endowed by the Creator with certain inalienable rights. And our Constitution further elaborated the fundamental rights that Americans hold dear. CWA favors protection for: Religious symbols (i.e. the cross, creche, menorah, etc.), voluntary, student-initiated and student-led prayer in all schools, and Free and secure religious expression.

Now is the time to permanently codify the rights of all Americans—rights that have been ignored by many in the judicial system for the last 30 years. Rep. Istook, CWA appreciates your tireless efforts on behalf of America's families, and we look forward to working with you and other members of Congress in the months ahead.

Sincerely,

BEVERLY LAHAYE,

Chairman & Founder.

WALLBUILDERS, INC.,

Aledo, TX, February 28, 1997.

The Hon. Ernest Istook,

U.S. House of Representatives, Washington, DC.

REPRESENTATIVE ISTOOK: I am President of the national ministry, WallBuilders. Our organization, which includes almost one-hundred-thousand citizens among its direct supporters, and hundreds of States legislators and leaders, is dedicated to rebuilding and protecting the religious and family values on which America was founded, and which, for so long, were embraced in our public policy.

Thank you for your leadership and vision on the "Religious Freedom Amendment"—a long-awaited opportunity for millions of Americans. Your amendment will again secure their genuine "free exercise of religion," and will reverse the religious hostility now so evident in the federal courts, ending their micro-management of religious activities.

I applaud the scope of the protections you have provided in your amendment, ranging from securing freedom of conscience to forbidding religion-based discrimination, from securing public religious speech and expressions to protecting voluntary student religious exercises. Certainly, you know that you have much public support behind you as recent polls have shown 74 percent of the nation supporting a constitutional amendment explicitly protecting school prayer, and 73 percent supporting explicit wording to protect public religious acknowledgments (Luntz Research Companies, January 16-21, 1996).

Be assured that you have our complete and unwavering support for your amendment and the protections it encompasses. We are at your service in helping secure the passage of this wonderful and necessary constitutional amendment.

Again, thank you for your leadership on this issue. You are a genuine friend to and champion for people of faith everywhere! May God continue to prosper you and your endeavors for Him! God bless!

In prayer that our government will once again be upon His shoulders, and that we will again become one nation under God, I remain,

DAVID BARTON.

YOUTH FOR CHRIST,

U.S. NATIONAL OFFICE,

June 13, 1997.

Hon. ERNEST ISTOOK,

U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ISTOOK: We at Youth for Christ would like to offer our full and enthusiastic support of the Religious Freedom Amendment (HJRes 78) which you have presented to this session of Congress. We view your Amendment as the only way to restore religious liberties in America.

Youth for Christ is an international, interdenominational movement with affiliates in 225 cities across the United States and 127 countries around the world. Our target audience is junior high and senior high school students. As part of the body of Christ, our vision is to see every young person in every people group in every nation have the opportunity to make an informed decision to be a follower of Jesus Christ and become a part of a local church. Last year 600,000 young people were impacted by some aspect of our outreach and 33,000 young people made decisions to receive Jesus Christ as their Savior.

Nationally, we have 982 full time paid staff, 592 part time staff and over 14,000 volunteers. Our annual budget is \$4.2 million.

We wholeheartedly encourage Congress to enact the Religious Freedom Amendment.

Cordially,

ROGER CROSS,

President.

CORAL RIDGE MINISTRIES,

March 21, 1997.

Hon. ERNEST ISTOOK,

U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ISTOOK: Thank you for spearheading the effort to draft and introduce into Congress a Religious Freedom Amendment. This measure has my complete support.

The need for the protection that this constitutional amendment offers is evident in a cursory review of some recent attacks on religious expression, often under the rubric of protecting the so-called wall of separation between church and state.

Witness these few examples:

- In Alabama, a state judge is under attack for having the Ten Commandments posted in his courtroom and allowing an outside clergyman to lead prayer at jury organizing sessions.

- A Bronx church is prohibited from renting a public school to hold worship services even though other community groups are allowed.

- A federal court forbids a fourth grader from distributing religious literature at his public school.

Time magazine commented several years back on this current state of affairs—the bitter fruit, I believe, of the Supreme Court's 1962-63 school prayer decisions:

In this nation of spiritual paradoxes, it is legal to hang a picture in a public exhibit of a crucifix emerged in urine, or to utter virtually any conceivable blasphemy in a public place; it is not legal, the federal courts have ruled, to mention God reverently in a classroom, on a football field or at a commencement ceremony as part of a public prayer.

Religious freedom is the cornerstone of all the other freedoms we enjoy. Without it, our other freedoms are likewise open to attack. The idea that freedom is granted by God, not the state, and that religion—the duty man owes to God—is outside the jurisdiction of government, acts as a powerful safeguard against the everpresent impulse of government to encroach on the people's liberty. For that reason this amendment is not merely a concern of religious people, but of all Americans who value freedom.

It is long past time for Congress to address this issue. Public opinion polls over the past 30 years indicate overwhelming support for a constitutional amendment such as you are introducing. I applaud you for your leadership in this cause and pledge my support to help win passage.

Sincerely,

D. JAMES KENNEDY,

Ph.D.

CATHOLIC ALLIANCE,

April 23, 1998.

Hon. ERNEST ISTOOK,

Washington, DC.

DEAR CONGRESSMAN ISTOOK: Thank you for your sponsorship of the Religious Freedom Amendment. Catholic Alliance wholeheartedly supports passage of your bill.

Our nation's courts have rewritten the Constitution to governmentally institutionalize secularism. The founding fathers intended for all Americans to be able to exercise their religious beliefs openly without fear of government retribution. The founders prohibited the promotion of one religion over another, not the promotion of religious belief. The courts have created a world where

school teachers can wear Black Sabbath t-shirts in school but cannot publicly pray the rosary. Students can display "Legalize Marijuana" badges but not scapulars. Saying grace over a teacher's own meal, if accompanied by the sign of the cross, can be a disciplinary offense.

We are compelled by the courts failure to rectify their errors to seek the Religious Freedom Amendment. The RFA does not require the schools or any public institution to incorporate or regulate religious expression. The RFA merely prohibits public institutions from suppressing individuals religious expression. The RFA clears the way for the full involvement of faith based institutions in solving the social ills of our times.

Thank you for your leadership.

Sincerely,

DEACON KEITH A. FOURNIER,

President.

FOCUS ON THE FAMILY ENDORSES "RELIGIOUS FREEDOM AMENDMENT"

Colorado Springs—Today Dr. James C. Dobson, president of Focus on the Family, joined many other national pro-family and religious liberty organizations to endorse the Religious Freedom Amendment, sponsored by Rep. Ernest Istook (R-Okla). His statement was released this morning at a Capitol Hill news conference:

"Focus on the Family strongly supports the Religious Freedom Amendment to secure the protection of religious freedom for all Americans. We believe in a vision for a just society that protects religious liberties for people of all faiths. This constitutional amendment will make that vision a reality and is long overdue.

"We at Focus on the Family receive 250,000 letters and phone calls each month. We hear all too often from citizens—especially children—who have had their First Amendment religious freedoms trampled upon. The Religious Freedom Amendment will reinforce Americans' First Amendment guarantee of religious liberty and will specifically protect voluntary, student-initiated prayer in public schools.

"Whether its expelling expressions of Christmas from public schools or public parks, outlawing benedictions or censoring student speeches at high school graduations, or punishing a fourth grade boy for praying over his lunch in a public school cafeteria, liberal judges and misguided school administrators have perverted Thomas Jefferson's meaning of the 'wall of separation between church and state.'

"The U.S. Supreme Court's 1962 prohibition of school prayer unfortunately set in motion an intense effort by the judiciary to eliminate all evidences of religious expression for public life. What we have seen over the last thirty years from the courts is not religious neutrality, but rather what Justice Potter Stewart called a 'religion of secularism.' It is time for the Congress to remedy this abuse of the people's constitutional liberties by passing the Religious Freedom Amendment.

"We urge the American people to call and write their congressmen and senators to assure this amendment's passage."

Founded in 1977 by James C. Dobson, Ph.D., Focus on the Family is a nonprofit Christian organization dedicated to the preservation of the home. Focus on the Family has a monthly mailing list of over 2 million and a daily radio broadcast heard by 3-5 million each week in the United States.

FELLOWSHIP OF CHRISTIAN ATHLETES,

May 21, 1998.

DEAR MEMBER OF CONGRESS: On behalf of the Fellowship of Christian Athletes, I want

to voice our support for the Religious Freedom Amendment (HJR 78), and urge all Members of Congress to vote for this vital constitutional amendment.

The Fellowship of Christian Athletes (FCA) has almost 8,000 Huddles (chapters) in schools all across America. Not only do we seek to motivate young athletes to find a better way of playing the game of life, but FCA leads the outreach to students all across America to avoid the temptations of alcohol and illegal drugs. There is only "One Way 2 Play—Drug Free!"

Our outreach is based on a commitment grounded by faith in Jesus Christ. Unfortunately, we must overcome hurdles and barriers that are placed in our path, but which are not applied to some other student clubs and organizations in public schools. By protecting the right to pray at school, and to recognize religious traditions, heritage and beliefs, the Religious Freedom Amendment will remove the discrimination against faith-based student groups, and maintain the protections against unfounded fear that prayer or any other religious activity would be compulsory. This will also allow the students to attend the Huddle meetings at school and not have to miss, due to transportation problems to off campus sites at night.

The Fellowship of Christian Athletes urges all Members of Congress to support the Religious Freedom Amendment.

Sincerely,

DR. DAL SHEALY,
President/CEO.

TOWARD TRADITION,
March 18, 1997.

HON. ERNEST ISTOOK, Jr.,
Washington, DC

DEAR CONGRESSMAN ISTOOK: Firstly, let me congratulate you on the remarkable progress you have made on the Religious Liberties Amendment. I feel honored to have been able to support you in this milestone.

I heartily endorse the proposed language for the Religious Freedom Amendment. I want to stress as a Jew how proud and privileged I feel to live in a country whose leaders like yourself are eager for these hallowed words to become law. It is precisely the commitment to God and the devotion to prayer that have made the United States of America the most tranquil and gracious home that the Jewish people have enjoyed during that past 2,000 years. May God bless you and your work.

Do let me know if there is anything at all I can do to be of assistance to you in the crucial work of assuring the religious right of all Americans, regardless of faith.

Sincerely your friend,

RABBI DANIEL LAPIN,
President.

AMERICAN CONFERENCE OF JEWS AND BLACKS

DEAR CONGRESSMAN: After viewing the Religious Freedom Amendment and speaking with Congressman Istook I fully endorse the Amendment's passage. As you are well aware, teachers and bureaucrats in today's schools are so fearful and confused when it comes to general statements about religion that even the most cursory and innocuous remark by a school child regarding a routine religious activity is censored. This goes beyond separation of Church and State into separation of state from common sense.

The bedrock of the American public school system is local control. If a local district chooses to allow a minute toward acknowledging God and His blessings, I should think that would fall within the age-old classic Jewish tradition to "Acknowledge the Presence of God in our midst." This is not done

to proselytize but simply acknowledge the Creator we all share.

My parents and all of their Jewish peers in the previous generation spent each morning during their public school years doing so; indeed benefiting from the classic wisdom and guidance offered, for example, by Psalms.

Those uncomfortable with the notion of God—Jew or non-Jew—will naturally be uncomfortable with such public acknowledgments. Should we, then, censor and ban everything in society that some person finds irritating? Instead of censorship, I would expect some elementary graciousness and generosity of spirit from those who seem bothered. Truly, they are not, in any way, jeopardized. Far more ennobling than stilling the heartfelt expression of others would be to exhibit respect and tolerance for others, as well as the ideal of live-and-let-live.

Perhaps on one occasion, somewhere in some district, a Jewish child may hear the name Jesus uttered. So what! Is Judaism so tenuous that it crumbles when simply hearing about other people's beliefs? How ironic that those who for their children espouse openness to all sorts of other ideas, become insecure in this matter. The remedy for such insecurity is not to stop believers from expressing thanks to God, nor to eradicate their freedoms. It is, rather, to overcome manufactured insecurities, strengthen the Jewish education of their own children and, once and for all, begin believing in the general innate fairness of the American people.

Sincerely,

RABBI ARYEH SPERO,
President.

RELIGIOUS FREEDOM AMENDMENT

The Religious Freedom Amendment, a proposed constitutional amendment to protect religious freedom, is supported by religious organizations and others across America, with over 150 House cosponsors, including the House leadership.

ENDORSING GROUPS AND ORGANIZATIONS

American Conference of Jews and Blacks, American Family Association, Americans for Voluntary School Prayer, American Muslim Council, Americas Prayer Network, Catholic Alliance, Christian Action Network, Christian Coalition, Christian Voice, Citizens for Excellence in Education, Coral Ridge Ministries (Presbyterian), Concerned Women for America, Ethics and Religious Liberties Commission, Family Research Council, Focus on the Family, Free Congress Foundation, and Full Gospel Baptist Church Fellowship.

General Council of the Assemblies of God, International Pentecostal Church of Christ, Jewish Union, National Clergy Council, National Baptist Convention USA, Religious Freedom Coalition (William Murray), Religious Roundtable, Salvation Army, Southern Baptist Convention, Toward Tradition (Jewish Rabbinical Group), Traditional Values Coalition, Trinity Global, U.S. Family Network, Wall Builders, Youth for Christ, and National Association of Evangelicals which represents the following groups:

Advent Christian General Conference, Assemblies of God, Baptist General Conference, Brethren Church, Brethren in Christ Church, Christian & Missionary Alliance, Christian Catholic Church, Christian Church of North America, Christian Reformed Church in North America, Christian Union, Church of God, Church of God, Mountain Assembly, Church of the Nazarene, Church of the United Brethren in Christ, Churches of Christ in Christian Union, Congregational Holiness Church, Evangelical Church of North America, Evangelical Congregational Church, Evangelical Church of America,

Evangelical Friends International of North America, Evangelical Mennonite Church, Evangelical Presbyterian Church, Evangelical Missionary Fellowship; and Fellowship of Evangelical Bible Churches.

Fire Baptized Holiness Church of God of the Americas, Free Methodist Church of North America, General Association of General Baptists, International Church of the Foursquare Gospel, International Pentecostal Church of Christ, International Pentecostal Holiness Church, Mennonite Brethren Churches, Midwest Congregational Christian Fellowship, Missionary Church, Inc., Open Bible Standard Churches, Pentecostal Church of God, Pentecostal Free Will Baptist Church, Inc., Presbyterian Church in America, Primitive Methodist Church USA, Reformed Episcopal Church, Reformed Presbyterian Church of North America, Salvation Army, Synod of Mid America, Wesleyan Church and Worldwide Church of God.

COMMITTEE ON RESOURCES OVERSIGHT REPORT ON INTERIOR DEPARTMENT RULE-MAKING

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. YOUNG of Alaska. Mr. Speaker, today I am filing a report by the Committee on Resources entitled *Abuse of Power: The Hardrock Bonding Rule* which presents the results of the Committee's oversight investigation of an informal rule-making process at the Department of Interior. We are publishing the report in order to open the curtains and let full sunlight shine on Interior's rule-making process. The issue here is not about mining—it is about the right of a citizen to meaningful participation in the rule-making process.

The report concludes that Department documents obtained by the Committee clearly show that undue interference of political appointees at Interior in the rule-making was so great that the integrity of the rule-making process itself was discredited. In addition, the new rule was published despite warnings from Interior's own regulation writers and lawyers that they had significant concerns about compliance with the Administrative Procedures Act (APA).

After this regulation was implemented, political appointees at the Department of Interior attempted to prevent and obstruct the Committee on Resources from carrying out its Constitutional oversight responsibilities. A drawn-out string of dilatory tactics was initiated after all document pertaining to this rule-making were requested. Some records were produced by Interior pursuant to this request, but many documents were withheld from the Committee under a prospective claim of "privilege." The Department also tried to impose rules and conditions under which this Committee could have access to documents. After these dilatory tactics continued for more than three months, the Committee subpoenaed the documents.

In their dissenting views file with the report, the Minority argues that the documents obtained under the subpoena are confidential and part of the deliberative process. We disagree. A consensus has emerged under the APA that a rule-making record or file should be created in informal rule-making. In *Citizens*