

EXTENSIONS OF REMARKS

FREEDOM OF INFORMATION ACT
AMENDMENTS OF 2007

SPEECH OF

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. TOM DAVIS of Virginia. Mr. Speaker, for 40 years, the Freedom of Information Act (FOIA) has ensured the public's access to Government records. The 1966 act replaced the old "need to know" standard with today's "right to know" practice, placing the burden on the government to justify any need for secrecy. However, the FOIA process has recently struggled to keep up with the public's demand for documents. Since 2002, FOIA requests have increased 71 percent. This additional volume has delayed the processing of some requests.

Not long ago, President Bush signed an Executive Order to make FOIA operations more citizen-centric and results-oriented by requiring every agency to name a Chief FOIA Officer, establish a FOIA Requester Service Center, identify underperforming areas, and formulate a plan to implement improvements.

Legislation designed to streamline and improve the FOIA process was introduced last Congress by the gentleman from Texas, Mr. SMITH. His bill had moved through subcommittee to the full committee, with the assistance of the gentleman from Pennsylvania, Mr. PLATTS. The Executive Order adopted many of the process improvements contained in that bill.

The Majority took this bill and made additional changes, moving beyond process reforms.

First, the attorney's fee provision appears to lower the bar attorney's fees eligibility. The Supreme Court has ruled on this matter, and it appears some want to codify old, more lucrative, law. We should take a close look at this provision. There is a great deal of talk about freedom of information, and open Government, and the public right to know. But I hope when we scratch the surface of this bill, it is not about money.

Second, the Majority has listened to vocal special interest complaints about the so-called Ashcroft memo, and is attempting to codify the policies of former Attorney General Reno. I hope we can come to real bipartisan agreement on this provision as we move forward.

Improving the procedural aspects of FOIA should be our goal here today. It is something we all agree on. Although the debate on the appropriate balance between open access and protected records will continue, I trust we will find a way to balance National Security with the vital principles of open Government.

PRaising THE WORK OF TONY BEST, WHO JOINS MEMBERS OF THE NEW YORK CITY COUNCIL IN SPEAKING OUT AGAINST THE N-WORD

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD an op-ed article drafted by Tony Best and printed in the *Carib News*. The article, "A Racial Slur That Causes Black Nanny To Cringe: Why New York City Council May Ban Use of N-Word," published March 6, 2007, highlights the power of the word and the need for more thoughtful conversation about its implications and usage.

As stated in the article, the N-word is "a degrading term and should never be used to describe anyone." These words are particularly salient for Cindy Carter, a West Indian nanny who was physically and verbally disrespected by her employer, who insisted in calling her a "stupid N—" among other equally offensive expressions.

Since its inception the word has been used to pierce the minds and hearts of black people throughout the Diaspora. Despite being "reclaimed" by generations who prefer to use the term as a familiar greeting for one another—an attempt to take a word that has been historically used by whites to degrade and oppress black people, a word that has so many negative connotations, and turn it into something beautiful—the slur is abusive, ignorant and derogatory.

I applaud the work of Mr. Best and New York City Council persons, led by member Leroy Comrie of Queens to call for a moratorium on the use of the N-word in our city.

A RACIAL SLUR THAT CAUSES BLACK NANNY TO CRINGE, WHY NEW YORK CITY COUNCIL MAY BAN USE OF N-WORD

(By Tony Best)

Every time Cindy Carter, a West Indian who lives and works as a nanny on Long Island, hears the racial slur, it brings back nightmares.

"It's an awful word," said the young woman referring to the infamous and derogatory N-word.

Her nightmares go back to 2005 when an employer, Fontaine Sheridan, allegedly pushed her down some steps at the white woman's Massapequa Park home in Nassau County, scattered her clothes on the lawn, screamed vulgar expressions, called her a "stupid nigger" and ordered her to get "off my (obscenity) property."

The housewife didn't stop there. She reportedly told the Black woman who had been looking after her children, "I have been waiting for three years to call you a nigger."

Almost a year later, Sheridan pleaded guilty to simple assault in a Nassau County court and was placed on probation, ordered to do community service and to attend anger management classes.

The N-word and the circumstances surrounding Carter's injury, allegedly at the

hands of her former employer are at the heart of a federal civil rights case in which Carter is seeking substantial damages from the Sheridan family for abusing her civil rights. Fred Brewington, one of New York State's top civil rights attorneys, is handling Carter's case.

"It's a degrading term and should never be used to describe anyone," said the West Indian.

The slur, its abusive use and why it should be banned are the subject of a resolution, which is to be debated by the New York City Council this week in Manhattan. Introduced by City Councilmember, Leroy Comrie of Queens, the measure describes the word as "an ignorant and derogatory" insult.

Because of constitutional issues, such as the First Amendment right of free speech, the resolution which calls for a moratorium on the use of the word in New York City wouldn't have the force of law but its approval would be symbolic while drawing attention to the importance of not using it.

Austin "Tom" Clarke, one of Canada's top novelist whose book, "The Polished Hoe," won the Giller Prize, Canada's equivalent of the Pulitzer and then went on to be chosen a few years ago as the best novel in the Commonwealth of nations in Africa, the Caribbean, Asia, Australia, Canada and New Zealand, objects to the use of the term.

"It is a degrading word meant to be just that, degrading and no one, including Blacks should find it acceptable," he said sometime ago in Brooklyn. "I vigorously object to its use."

Irving Burgie, the composer of some of the world's best known music, such as "Day-O," "Island in the Sun," "Jamaica farewell" and "Mary's Boy Child," agrees with Comrie, Clarke and other advocates of its ban.

"The history of its use has always been degrading and there is nothing redeeming about it," he said from his home in Hollis Queens. "We shouldn't try to fool ourselves about that."

"Burgie was referring to the rappers who have embodied "nigga" in their lyrics and contend it's a term of endearment when used by Blacks to describe other Blacks.

For example, Mos Def, a rapper, said in 1999 that they had taken "a word that has been historically used by whites to degrade and oppress us, a word that has so many negative connotations, and turning it into something beautiful, something we can call our own."

Linguists and others trace the origin of its use in the U.S. to 1619 when John Rolfe, a colonist in Jamestown wrote in his diary that a Dutch ship had arrived there with 20 "negars," meaning African captives.

While some scholars argued that Rolfe's use of the word wasn't meant as a slur but was simply another way of describing "Negroes" others contend that it was always designed as a pejorative expression. Nineteenth century American literature was laced with it, reflecting the attitudes of White racists and slave owners who believed that "niggers" were sub-human species.

But Black rappers and a few Black comedians began incorporating it in their using it more than 25 years ago, giving it some measure of acceptance among young Blacks who object to its use by whites.

Comrie and the resolution's supporters contend the use of the N-word by Blacks is

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

misguided because the young people don't "realize how their self-image is debilitated when they use this awful word in public."

THE N-WORD AND BLACK HISTORY—WHY IT SHOULD BE BANNED

(By Tony Best)

Julius Caesar, Gnaeus Pompey and Marcus Crassus used it liberally in Rome, Britain Gaul, the Balkans and Greece.

Whether as a writer, military general or orator, Caesar used the Latin word "Niger" liberally in his historical accounts of the Gallic Wars, conquests of Britain or in reports on the Senate in Rome. And when he spoke or wrote it around 50 BC he was describing a color, as in a piece of armor, house, chariot or a horse.

But somehow "Niger" that meant Black in English became "Negars" in Jamestown in the United States in 1619 to describe with contempt a shipload of African captives who were put into a state of bondage in the U.S.

Although scholars are divided over why John Rolfe, a Jamestown colonist, recorded "Negars" in his diary to describe the Blacks, whether he wanted to be verbally abusive or was simply describing Black people, what has happened since then is that the pejorative term which eventually became "Niggers" has taken on a long-lasting life of its own. This highly offensive word or some form of it has found its way into literature—Amos Zu Bolton II's "Niggered Amen" and Carl Van Vechten's "Nigger Heaven" are two examples—in comedy routines by Blacks and in the lyrics of rap music in the late 20th and early 21st century.

At the urging of New York City Council member Leroy Comrie of Queens, the legislative body at City Hall is this week considering a resolution that calls for a moratorium on the use of the N-word in our City. While opinion is split over what action the Council should take, it's clear that the use of the word is offensive to most right-thinking Blacks and should be expunged from our vocabulary.

Yes, some Blacks, especially rappers, may wish to defend the use of "Niggas" or "Niggaz" on First Amendment grounds of free speech or as a term of endearment among Blacks to describe each other; what's not in dispute is that the term is meant to be degrading.

Andrea C. McElroy, a Black member of the Irvington Council in New Jersey, which placed a symbolic ban on the word's use there, put it well when she said that Black adults and society as a whole should give the youth a history lesson. We may be at the end of Black History Month in 2006, but learning is a continuous process.

"There is a swelling population of Black youth that use this word as if it is a term of endearment," she said. "And I think it is basically incumbent upon us to remind them of what that word meant to so many of our ancestors. This is something we probably should have done years ago."

Yes, the First Amendment to the U.S. Constitution which guarantees free speech prevents the legalized banning of the word but there can be nothing wrong with sending a message to young people and others, whether comedians, reporters, novelists or historians, that the N-word was meant to degrade Black people, not to praise them.

Austin "Tom" Clarke, one of Canada's most celebrated novelists, whose latest work, "The Polished Hoe," captured the Giller Prize, Canada's equivalent of the Pulitzer, had an important reminder for the lawmakers at City Hall.

"It doesn't matter if it is used in Black circles and societies as a term of endearment," said the West Indian. "Historically its usage

has been offensive. One may attempt to argue that when it is used by Blacks to define or address themselves, the bad meaning of the word is softened. But the fact is that its usage is either seen or heard by white people who might themselves feel that what is good for the goose is good for the gander. That was exemplified with very negative effect recently by a white comedian in America (Michael Richards, who played Kramer on Seinfeld) and who thought he was being heckled by an aspect of his audience, used the word to ridicule his audience. His demonstration and use of the word in a public place might very well be reflective of his thoughts and feelings." Interestingly Richards declined to attend the Council meeting when invited to do so. Although he later apologized, the vehemence of his original mouthing told a story about vindictiveness which his anger brought into the open.

Richards isn't alone. Time and again, whites in particular resort to the N-word whether in literature, on the stage or the screen to suggest superiority over Blacks and to hint at violence to force them into submission.

The historical connection with violence and the N-word isn't simply 400 years old. Lynchings were commonplace in the 20th century and the N-word was often the rallying cry of racists to justify their lethal actions.

While it's true that Richards didn't commit violence as he uttered the two syllables, it's not difficult to see him being driven by rage and contempt for Blacks in the audience by turning to violence.

On Long Island, that's what a white middle class mother of three children apparently did when her children's West Indian nanny didn't feed the family dog on time in 2005. She subsequently pleaded guilty to assaulting the Black woman by pushing her down some steps, injuring her leg and then throwing her clothes on the lawn, all while calling her a N ...

Apparently, she had waited three years to call her that. Thankfully, that incident is now the subject of a federal civil rights civil case seeking damages.

Contrary to what some misguided Blacks and whites would wish us to believe, the N-word can't be transformed into anything beautiful.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mrs. DeLAURO. Madam Speaker, due to a death in the family, I missed a series of suspension votes, the vote on Water Quality Investment Act and the Living Kidney Organ Donation Act.

Had I been present, I would have voted "yea" on rollcall number 121, "yea" on rollcall number 122, "No" on rollcall number 123, "Aye" on rollcall number 124, "yea" on rollcall number 125, and "yea" rollcall number 126.

FREEDOM FOR JOSÉ ANTONIO MOLA PORRO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. LINCOLN DIAZ-BALART of FLORIDA. Madam Speaker, I rise today to speak about

Jose Antonio Mola Porro, a political prisoner in totalitarian Cuba.

Mr. Mola Porro is a member of the Cuban Foundation for Human Rights and director of the Pedro Luis Boitel Independent Library, in a country oppressed by a regime that mandates official propaganda and prohibits truthful news. Due to his commitment to democracy and human rights, he has he has been repeatedly harassed and incarcerated.

In May 2005, while on his way to a meeting of the Assembly to Promote Civil Society in Cuba, Mr. Mola Porro was arrested and condemned to two agonizing years in one of the dictator's hellish totalitarian gulags for being a "pre-criminal danger to society". On February 28, 2006, Mr. Mola Porro was "conditionally" released after serving ten months of his "sentence". Never wavering in his commitment to freedom for the Cuban people, upon his release he again devoted his energies to depicting the true, tragic, reality of totalitarian Cuba.

During the early morning hours of November 17, 2006, approximately a dozen of the regime's state security thugs rearrested Mr. Mola Porro and again forced him to survive against all odds in an infernal dungeon. Following his arrest, the dictator's henchmen broke into Mr. Mola Porro's home, savagely wreaking havoc on what little belongings he had. When they finished, over one hundred books and magazines, along with many of his personal belongings, had been stolen.

Madam Speaker, Mr. Mola Porro suffers in grotesque conditions at the whim of a tyrant because of his steadfast belief that the Cuban people do not deserve to live condemned to oppression and under constant threat of unprovoked torture, abuse and arbitrary arrest. A condition that has fated, according to the U.S. Department of State's Country Reports on Human Rights Practices—2006, thousands of Cuban citizens to serve sentences for "dangerousness" in the absence of any criminal activity.

Mr. Mola Porro is a symbol of bravery in the face of a murdering tyrant's oppression. He is unrelenting in his fight for freedom for the Cuban people. It is a crime of the highest order that people, just 90 miles from our shore, who dream of and work for freedom, are imprisoned in these nightmarish conditions.

Madam Speaker, despite the constant harassment, the example of Mr. Mola Porro is proof that the Cuban people have leaders who are unafraid to demonstrate their thirst for democracy and freedom. My Colleagues, we must demand the immediate release of Jose Antonio Mola Porro and every prisoner of conscience in totalitarian Cuba.

H.R. 1362, ACCOUNTABILITY IN CONTRACTING ACT VOTE 155: ON THE MOTION TO RECOMMIT WITH INSTRUCTIONS

HON. JOHN J. HALL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. HALL of New York. Madam Speaker, unfortunately, the amending text contained in the motion to recommit was not fully debated or its full ramifications considered prior to the vote, and I cast my vote on the limited information available. As a result, my vote was informed by my concern over the current state