

## 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

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