

The Foggy Notion

News of the Hastings Law Library

April 2003

Perhaps the following famous people celebrating birthdays in April could manage to agree on a joint birthday party:

- ☞ Colin L. Powell – April 5, 1937
- ☞ Kofi Annan – April 8, 1938
- ☞ Queen Elizabeth II – April 21, 1926
- ☞ Saddam Hussein – April 28, 1937

U.S.A. Patriot Act

What's it all about? How does it affect students, staff or faculty who use libraries? Are your library records private? Section 215 deals with business records; are library records considered business records? Section 507 is titled "Disclosure of Educational Records"; how might that section affect Hastings' students?

Some History First

The USA Patriot Act was introduced shortly after September 11, 2001 and passed by Congress on October 26, 2001, with almost no public debate.

Although it amends more than 15 different statutes, there is not much legislative history available on it because it passed so quickly.

One of the acts that was amended was the Foreign Surveillance Act. Originally it was written to allow the FBI access to business records such as car rentals or hotel bills in foreign

surveillance investigations. Library records were exempt from this type of investigation. But under the new provisions, the government can seize library circulation records, internet use records, e-mail records, and even computer hard-drives.

The FBI doesn't have to tell anyone what they're up to **and** if a library is asked to provide information, the library personnel are not allowed to say either that they are being investigated or that a warrant has been served.

Another act that was amended was FERPA (Family Educational Rights and Privacy Act). Section 507 now requires educational institutions to disclose educational records without student consent when served with an ex parte order. The court must issue the order if the government certifies that the records are relevant to a terrorism investigation and other listed activities.

Library Records at Hastings

Library records are private in California, but they are not exempted from the USA Patriot Act. Our library circulation records indicate what books you currently have checked out. They also show the previous borrower, so if you checked out a book once and no one borrowed it after you returned it, your name is still on the record. Interlibrary loan requests are kept for five years.

Westlaw for Summer Associates

A lot of students have great sounding jobs lined up for the summer, and one way to make a good impression on those law firm partners is to keep your legal database searches as inexpensive as possible. Save your clients some money by getting Summer Associate Training on Westlaw.

Sign-up for one 50 minute class available these dates and times:

Mon. 4/7 or 4/14 at

9:40, 11:40, 1:40, or 3:40 pm

Tues. 4/8 or 4/15 at

10:40, 12:40, 2:40, or 3:40 pm

Wed. 4/9 or 4/16 at

9:40, 11:40, 1:40, or 3:40 pm

Thurs. 4/10 or 4/17 at

10:40, 12:40, 2:40, or 3:40 pm.

New Lexis Database

<http://www.lexisnexis.com/iraq/>

LexisNexis now offers links to war-related news at their website. Access to the full-text of articles does not require a Lexis ID, just click on a link and start reading.

The news is arranged into categories including Security, Economic Impact, and Government & Public Response. There is also a link to Television Transcripts from CNN, CBS Evening News, and NBC Nightly News.

Articles of Interest

Natalie Regoli, *A Tort for Prying E-Eyes*, 34 UWLA L. REV. 327, 2002.

Maria A. Sanders, *Singing Machines: Boy Bands and the Struggle*

for Artistic Legitimacy, 20 CARDOZO ARTS & ENT. L.J. 525, 2002.

Valerie J. Janosky, *Stem Cells: Potential Cures or Abortion Lures?*, 6 DEPAUL J. HEALTH CARE L. 111, 2002.

Website 'Wareness

Just because a website has a .gov ending, doesn't mean that it's the most current, accurate, or best information. One site that came to my attention recently is <http://www.ready.gov>.

This site provides an overview of information related to disaster preparedness. But other information is available on the internet from agencies with more expertise and experience.

In addition to Ready.Gov, I would also check what the American Red Cross (<http://www.redcross.org>) has to say, as well as the Federal Emergency Management Agency found at <http://www.fema.gov>.

Remember also, if you are going to use a website as an information source and it presents a biased view, it's a good idea to find a site that offers a view from the "other side."

Did You Know?

The Muni Fast Pass was invented by a former Hastings student, Ken Schmier. Mr. Schmier, who graduated from Hastings in 1974, is also inventor, founder, and CEO NextBus Information Systems.

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