



The Library Advocate

Quarterly Newsletter of the Whittier Law School Library
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Points of Interest:

“Conflict Diamonds”—
These diamonds are definitely not a girl’s best friend. Find out why from Margot McLaren on page 3.

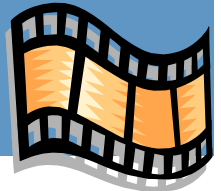
Fireworks and the Fourth of July? Curt Jones looks at Orange County cities’ efforts to control the purchase and use of fireworks. See page 4.

USA PATRIOT Act: The law that makes some cheer and others lament. Read Chris Osborne’s detailed account of the controversial measure on page 5.

Presidential Libraries are more than book collections. Take a peek at this short feature on page 8, then take a ride to the Presidential Library nearest you. It’ll be worth the trip!

Library Update: Coming Attractions

by Hugh J. Treacy, Associate Director



Whittier Law School Library has long served the students, faculty and staff of the Law School. The Library provides visitors with outstanding book collections, ample seating, quiet group and individual study areas, conference rooms for group use, computer labs, and network connections to numerous online databases, campus news and email throughout the facility. Our highly educated, trained staff offers support for those persons who require reference assistance or access to certain Library resources and services.

Changes and improvements to these resources and services are on the way. The Library will be shifting to an automated circulation system that will permit students, faculty and staff to check out Library materials without having to sign out each item manually. Their barcoded identification cards will be all that is necessary for WLS students, faculty, and staff to present to Library staff when checking out books.

The Library has purchased additional shelving to allow for collection growth and to create even quieter work environments within the stack areas. Attractive, sound-deadening barriers will be erected around noisy Library photocopier equipment, and near the Segerstrom Reading Room, to diminish distracting sounds.

New and updated copy card equipment will soon be installed. Library vending machines will eventually dispense larger, reusable cards to operate Library *(continued on page 2)*

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Law Librarians Travel to Boston

by John O’Donnell, Public Services Librarian



Every year thousands of law librarians from all over the country gather together in mid-July for the American Association of Law Libraries conference. This year’s conference is in Boston, Massachusetts. Among its many purposes, the conference updates librarians on the latest technology, improves current skills, and develops networks among law librarians. While your average student may think, “Oh great... my tuition money is going into wild parties for librarians in exotic locations,” this conference directly benefits students in a variety of ways.

The annual conference is educational. As with any profession, librarians possess a wide variety of skills and expertise. Many students are unaware that most reference librarians at law schools have law degrees as well as master’s degrees with various levels of specialization. For example, larger academic law libraries often employ law librarians who specialize in international and foreign law. Law library patrons benefit directly from this expertise.

Examples of programs from this year’s conference include: understanding copyright law, teaching legal research, creating a virtual federal depository *(continued on page 2)*

Library Update

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photocopiers and computer printers more reliably.

The Library will soon be participating with other law school libraries across the nation in an electronic "e-book" program to make selected titles accessible to our students, faculty, and staff via their computers. These items will be identified in WOLLFPAC, our online catalog.

You Can Help Make Your Library a Better Place

One of the best resources we have in the Library to promote a positive, supportive environment for WLS students, faculty, staff, and other visitors are the posted Library rules; and, adherence to all of these rules will ensure that everyone using this facility will enjoy an environment that supports clean and quiet study areas, lower stress, and open access for everyone.

Food and drink, except for water in sealed containers, is not permitted anywhere in the public areas of the Library because spills will damage equipment and furnishings, as well as attract insects and vermin. Cellular telephone use anywhere inside the Library--including restrooms, conference rooms, and the computer lab--is prohibited in order to protect the privacy of the cell phone user and to promote a quiet, less distracting environment for Library visitors. All visitors--except for currently enrolled WLS students, WLS faculty, and WLS staff--must sign in at the Library circulation counter so that we know who you are and why you've decided to visit us. We keep statistics on

visitors from outside the WLS community so that we may promote resources and an environment that will benefit the general public, too.

Only currently-enrolled WLS students may reserve Library conference rooms for group use. Two or more students must present WLS identification cards to the Library staff at the circulation counter to reserve a room. When a group of WLS students reserves and uses a conference room, then leaves the room for an extended period of time, any individual left alone in the room must also vacate. The purpose for this rule is to make these conference rooms available to as many groups of students as possible and only for group use. The Library has plentiful seating for individual use by everyone.

The WLS computer lab is available for use only by currently-enrolled WLS students. The computer equipment there is intended for WLS students who may not own a laptop or personal computer, or who may benefit from computer use in a controlled, group environment.

Lastly, Library staff ask all visitors--students, faculty, staff, members of the local community--to help maintain an ideal Library environment for everyone's benefit by being considerate of other Library users as they go about their activities inside the Library. Help keep the Law Library a place where users of all kinds will find peace, quiet, resources, and services they need without interference or interruption by others.

Librarians in Boston

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library, finding foreign law, handling strange questions at the reference desk, understanding sources for Islamic law, and management strategies for law library directors.

Conference travel offers librarians opportunities to network with distant colleagues and to learn more about the the region surrounding the conference city. I can attest to the fact that Boston is a vibrant metropolis. I grew up in a small town, close to Salem, on the "North Shore" of Boston. In addition to numerous historic locations in and around the city, Boston is in an ideal location for traveling to a variety of destinations. For example, Boston is only a four-hour drive to New York City. Other New England states, such as Connecticut, Rhode Island, New Hampshire, Vermont, and Maine, are only a few hours away by car. Visitors have their choice of bustling cities, quiet countryside, scenic coastal areas, and quaint islands.

Tourists in automobiles do not regard Boston as a city



Boston Skyline

(Photo courtesy of Mass. Office of Travel & Tourism)

that is easily navigable. Most conference attendees fly in from across the country and several foreign nations, and then use public transportation to reach their destinations. A relief to motorists in Boston, the fourteen-year highway project known as "The Big Dig" is finished. The project basically built a tunnel under Boston through which Interstate 93 now travels. It is said to have been the most expensive public works project in American history.

The conference will be held in the John B. Hynes Convention Center from July 10th - 14th, a couple of weeks before the "other" important meeting in Boston this summer, the Democratic National Convention.

Glitter 'n Blood: Conflict Diamonds and International Strife

by Margot McLaren, Serials Librarian

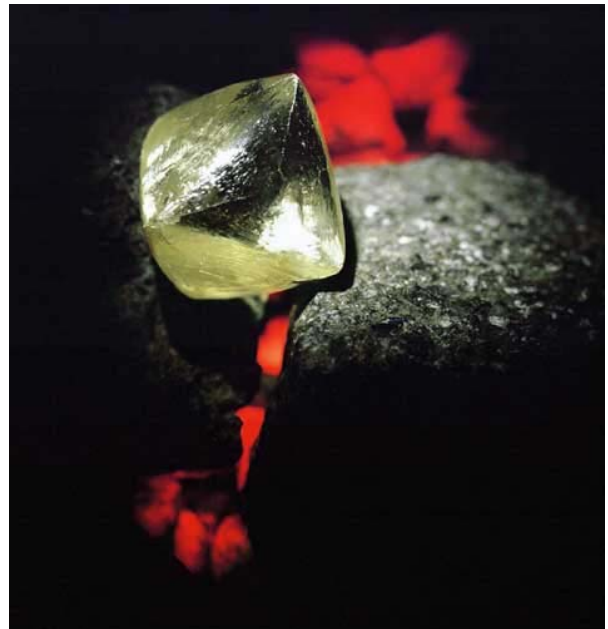
The total world production of diamonds is a multi-billion dollar industry. Since 1999, \$3.8 billion in diamonds has been mined from well-regulated countries, including Australia, Canada, South Africa, Namibia, and Botswana, while roughly \$3.2 billion has been extracted from sub-Saharan Africa. The majority of the world's diamonds are mined by a handful of companies, the most prominent being De Beers, which mines about half of the world's production either through its subsidiaries or via joint partnerships with host governments. Major licensed and regulated diamond producing companies and countries sell most of their rough stones through De Beers' Central Selling Organisation (CSO), which sorts and grades each stone. After the rough stones have been graded, they are put up for sale (referred to as a "sight") at one of ten annual sales. Prior to each sale, the invited buyer (known as a "sightholder") consults with an individual broker who acts as an intermediary between the CSO and the sightholder.

The conflict diamond trade accounts for about 4 percent of the world diamond trade. During the last decade, it was valued at over ten billion dollars. Countries that lack governmental regulations in the diamond extraction and export process create black markets for conflict diamonds. Once these diamonds are cut and polished, they are sold to legitimate diamond merchants in London, Antwerp and New York. Eventually these diamonds reach a customer who unknowingly has aided the funding of terrorism.

"Conflict diamonds" (also called "blood" or illicit diamonds) are defined as rough diamonds originating from any diamond-rich countries--including Angola, Sierra Leone and the Democratic Republic of the Congo--that are controlled by rebel forces or their allies to finance conflict that undermines legitimate and internationally recognized governments as described in relevant United Nations Security Council resolutions; and that continue to be linked to human rights violations against migrant Congolese diamond miners, terrorism, war and money laundering groups like al-Qaeda, Hamas and Hezbollah. Rebel groups in Africa have used conflict diamonds to fund their atrocities against innocent civilian populations and to fight against international legitimate governments.

Preventive measures are being adopted to combat the illicit diamond trade. In June 1998, the United Nations Security Council passed Resolution 1176, prohibiting the exportation of diamonds from Angola that are not certified by the government; and in July 2000, the Council passed Resolution 1306 to impose a trade ban on all di-

rect and indirect imports of rough diamonds from Sierra Leone. But, unfortunately, there are still significant loopholes through which conflict diamonds continue to reach the outside market.



An uncut diamond.

(Photo courtesy of De Beers, © 2004)

Last year, President George W. Bush signed into law the "Clean Diamond Trade Act" (H.R. 1584, April 25, 2003) to combat the trade in conflict diamonds. This legislation enables the United States to implement procedures developed by more than 50 countries to exclude rough "conflict diamonds" from international trade while promoting legitimate trade from diamond-producing countries, and directs the President to implement regulations to carry out the Kimberly Process International Certification Scheme (KPCS, "Kimberley Process") for the export and import of rough diamonds. The "Kimberley Process" is a voluntary system that imposes extensive requirements on 43 participating countries (including the United States) to certify shipment of rough diamonds that are not classified as conflict diamonds. Since diamonds are critical to the economic growth and development of Africa and other nations, the goal of the KPCS is to protect legitimate diamond industries and the consumer from purchasing illicit diamonds. The passage of the Clean Diamond Trade Act was the result of a multi-year effort by the committed leadership of the House and Senate, the Jewelers of America, Amnesty International activists, and increased public awareness.

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Boom and Fizzle: Consumer Fireworks, California Law

by Curtis Jones, Reader's Services Librarian

Although federal law does not proscribe fireworks, 18 United States Code § 836 makes it a federal crime to knowingly transport fireworks into a state where it would violate that state's law. In California, the sale of fireworks is restricted to the period from noon, June 28th to noon, July 6th and persons must be at least 16 years old to purchase them. Local ordinances may be more restrictive. Violations of California fireworks law are considered misdemeanors.

If local laws in Orange County, California are any indication of national trends, the days of consumer or personal fireworks displays may be numbered. Only five cities in that County (Buena Park, Stanton, Garden Grove, Santa Ana, Costa Mesa) still allow "safe and sane" fireworks as defined by California law. As a result, these cities that allow consumer fireworks are swamped with fireworks fans intent on taking advantage of one of the few places left in the area for such activities. For example, the City of Buena Park closes its city parks at 6 pm on July 4th and limits fireworks use between the hours of 10 am and 10 pm on that holiday. The City Council had banned fireworks in 2003, but this was suspended because of a successful petition drive. On the other hand, the City of Huntington Beach had decided to cancel their public show near the ocean last year because of the "problems" involved. Increasingly, displays of fireworks on July 4th are the province of Disneyland or hired pyrotechnic professionals who can afford the minimum million dollar insurance policies and obtain permits to put on "display fireworks" that run about \$20,000 for each 20-minute show.

The California State Fire Marshal oversees fireworks and their classification. Its website lists state statistics compiled for each Fourth of July celebration for fires and injuries caused by fireworks. Predictably, illegal fireworks cause the greatest number of injuries and the greatest amount of fire damage. Nationwide, sparklers are the leading cause of injuries. Across the United States, there has been a six-fold increase in fireworks sales since 1976, but the rate of injuries dropped by some 88%. It costs Orange County, California fire and police departments over \$50,000 in overtime and related costs to deal with problems arising from a few hours of fireworks displays.

Internet sales of "safe and sane" products to California residents violate Section 12560 of the California Health and Safety Code. Title 49, Part 173, Subpart C of the Code of Federal Regulations describes how all fireworks are to be packaged and transported. Moreover, it is ille-



Large pyrotechnic displays thrill crowds, but illegal fireworks cause the most injuries to persons and damage to property.

gal to transport within the State of California any firework that does not have a Seal of Registration from the Office of the State Fire Marshal.

It may interest some to know that even "snap caps" and "party poppers" are considered "pyrotechnic devices;" but these cannot be prohibited for sale or use in California under current law because they are not considered "dangerous" or "safe and sane" fireworks. Though patriotic fervor since Sept. 11th 2001 has resulted in a 20% increase in sales across the United States (\$700 million total, 2/3 of this amount purchased by consumers), the tragic Warwick, Rhode Island nightclub fire of February 20, 2003 serves as a grim reminder of the dangers inherent in their use. The day may not be far off when these "pyrotechnic devices" will be the only fireworks allowed within Orange County.

Source for additional information:

The California State Fire Marshal's website (<http://osfm.fire.ca.gov>) provides an index listing to the state's fireworks laws under the **Fireworks** heading by clicking on the **California Laws Relating to Fires and Firefighters** option. This website also has specific code interpretations and information bulletins concerning the use, sale and distribution of fireworks in the State.

USA PATRIOT Act: Differing Perspectives

by Chris Osborne, Reference Assistant

The USA PATRIOT Act,¹ passed by Congress in the wake of the September 11, 2001 terrorist assault on the United States, has generated considerable controversy over its value as a law enforcement tool to protect Americans from the ravages of terrorism. It has its share of critics and defenders. A fundamental source on the USA PATRIOT Act is the legislative history compiled and edited by Bernard D. Reams and Christopher T. Anglim. This set includes the text of the Act, legislation against terrorism enacted prior to September 11, 2001, Congressional hearings featuring testimony of experts on bio-terrorism and health issues, speeches by President George W. Bush and Attorney General John Ashcroft, debate on the floor of both Congressional chambers, and relevant legislation introduced or enacted through the end of 2001. The introduction to this work broadly details primary areas of contention in Congress after the bill was first introduced on September 19, 2001. These issues included concerns about civil liberties and a "sunset clause" when certain provisions of the Act will expire.

One of the primary critics of the PATRIOT Act is Georgetown University Law School professor David Cole, who is also a staff attorney for the Center for Constitutional Rights. Cole has written two books which comment substantially upon the PATRIOT Act, namely *Enemy Aliens: Double Standards and Constitutional Freedoms in the War on Terrorism*, and *Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security*.

A fundamental argument made by Cole in *Enemy Aliens* is that many Americans do not notice PATRIOT Act violations of their civil liberties because most surveillance is directed towards Muslims and Arab-Americans. Cole argues that no legislation can ever completely eliminate the threat of politically motivated violence, which has been with the world since time immemorial. If President Bush states that the war on terrorism will not end until "every terrorist group of global reach has been found, stopped, and defeated," it will simply never end.

Cole states that Americans often wind up regretting episodes of government repression after the fact as excessive responses to internal security threats. He cites a few examples of such responses, including the Alien and Sedition Laws of 1798, the Palmer Raids following World War I, the Japanese-American relocation camps of World War II, and McCarthyism, which may be seen by some as historical embarrassments; our response to terrorism, exemplified by the PATRIOT Act could be viewed in the same way. Thus far, he says, the huge dragnet of immigrant detention has not snagged any actual terrorists.

In *Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security*, Cole condemns the PATRIOT Act for making aliens deportable for any associational activity whatsoever with an organization that the government deems to be terrorist. He states that terrorist activity has been defined as any use of, or threat to use violence; and a terrorist organization is defined as any group of two or more persons that have used or have threatened to use violence. Under this definition, persons active with or who support groups from Operation Rescue to the African National Congress could be defined as potential terrorists under the Act. The PATRIOT Act does not stipulate that a person's support must be connected to a violent activity to be rendered illegal.

The PATRIOT Act also provides the Attorney General with the authority to lock up anyone certified as a "suspected terrorist" and to subject him to indefinite detention, which may incorporate anyone who provides even humanitarian aid to an organization designated as terrorist. The Act also forces the handover of any personal records the FBI may claim is relevant to a terrorist investigation without the targeted individual being identified as a potential agent of a foreign power.

The PATRIOT Act expands the powers of the FBI to obtain the entire database of a credit card company, not simply the credit records of an individual suspected of being a foreign agent. The FBI may also obtain the public library records of anybody who ever used a library, who used it on a certain day, or who checked out certain types of books. Cole argues that the FBI needs to get out of the business of monitoring political activity and associations and instead identify just those individuals who are planning violent actions.

Nat Hentoff has also written a book against the PATRIOT Act, *The War on the Bill of Rights and the Gathering Resistance*. Hentoff focuses a few brief chapters on government actions now permitted under the PATRIOT Act. He notes that both a librarian and bookstore owner are prohibited from notifying anybody, including the press, that searches of their records have taken place. Government agents now may listen in on conversations between lawyers and clients in prison without a prior court order.

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PATRIOT Act

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The Department of Justice is now authorized to obtain roving wiretaps of a person's telephones; warrantless searches may be made of property, photographs may be taken, and the contents of computer hard drives may be examined in all criminal cases. According to Hentoff, the PATRIOT Act's sunset clause of December 2005 is unlikely to be invoked to terminate the legislation; selected provisions of it are now a permanent feature of the criminal law.

One such provision allows the government to plant a so-called "Magic Lantern" device to "sneak and peek" into any personal computer to monitor each keystroke of a targeted suspect. Thus, the government may monitor even word-processed expression. Multiple break-ins to obtain computer information may be made, and reports to the target of any such break-ins may be legally delayed.

A favorable perspective on the PATRIOT Act is found in William R. Hawkins' article, *David Cole: Lawyer for Terror*. Hawkins defended Vice President Dick Cheney's call to treat terrorism in a systematic way rather than to respond to isolated incidents of violence. Hawkins also critiqued Professor Cole's argument that appeared in the Winter 2002 issue of *Human Rights*, that "[t]he PATRIOT Act ...resurrects ideological exclusion, the practice of denying entry to aliens for pure speech." Hawkins interpreted Cole's position as one that would allow entry to groups that espouse and organize terrorist acts. Hawkins responded, "[a] better strategy for crippling the war on terrorism would be hard to find."

A contributing editor to *Newsweek* magazine and a senior writer for *National Journal*, Stuart Taylor defended the Act in an editorial titled "Quit Bashing the PATRIOT Act," which appeared in *Legal Times* in August 2003. He passionately defended how the Act tears down the so-called "wall" between intelligence and law enforcement agencies to improve information-sharing; and he praised the "sneak and peak" provision (Section 213) of the Act, described above. Would Congress, he asked, "really want to leave a nice note for the next Mohammed Atta?"

A 2002 issue of the *American Criminal Law Review* featured a transcript of a panel discussion at Georgetown University Law Center that included invited speakers Professor David Cole, Stuart Taylor, a contributing editor at *Newsweek*, and U.S. Assistant Attorney General Michael Chertoff, speaking about the Act from their perspectives. Chertoff defended the PATRIOT Act on the basis of its ability to assist the government with the apprehension of terrorists before they act. Also, infor-

mation-sharing practices supported in the Act might have increased the likelihood that the attacks of September 11th could have been prevented. Chertoff also argued that most provisions of the Act are not controversial and thus should not expire on December 31, 2005.

The "Preserving Life and Liberty" link to the Department of Justice web site argues that the PATRIOT Act only permits the government to use legal tools that have long been used to fight organized crime and drug dealers. The Department of Justice contends that roving wiretaps have been permitted in such cases and, likewise, limited delays in informing suspects of executed searches. The Justice Department contends that obtaining business records information helped arrest Sami Al-Arian, a University of South Florida professor and leader of an Islamic Jihad sect in Florida.

The link also contains a "myths" subsection to counter arguments made by the ACLU. Some of this material includes a highly complex analysis of specific sections of the Act, the text of which is also included as an Adobe Acrobat® .pdf file posted on the website. The posted information states that domestic political groups in fact cannot be spied upon; and the Act's definition of domestic terrorism only incorporates those groups or individuals who break criminal laws. Regarding the monitoring of library circulation records and web site surfing, the Justice Department contends it is not interested in what ordinary citizens are reading or doing, but only with the activities of criminal suspects.

The site also mentions that Congress reviews PATRIOT Act access to individual business records every six months. Delayed-notification search warrants have always been legal in Mafia, drug, or child pornography cases. The web site contends that aliens retain the right to challenge any detentions in the courts. The Justice Department likewise contends that the ACLU claim that the Act offers unfettered government access to individual education records is also false.

These records would be made available to the government only regarding individuals suspected of serious terrorist crimes; and political organizations could be surveillance targets only if they are engaging in or conspiring to engage in criminal wrongdoing.

Today, the USA PATRIOT Act continues to serve as a target of interest to its detractors and supporters, who may yet have their "day in court" to make definitive arguments in support of their positions on this controversial measure.

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Glitter 'n Blood

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A cut diamond, polished and ready for sale.

(Photo courtesy of De Beers © 2004)

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PATRIOT Act

(continued from page 6)

NOTES:

¹Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, HR 3162, 107th Congress, 1st Session, October 24, 2001; hereinafter referred to as the PATRIOT Act, or the Act.

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"The U.S.A. PATRIOT Act and the American Response to Terror: Can We Protect Civil Liberties After September 11? A panel discussion, moderated by Mr. Jeffrey Toobin, J.D., with Congressman Barney Frank, Assistant U.S. Attorney General Michael Chertoff, Professor David Cole, Mr. Stuart Taylor, Jr., and Ms. Beth Wilkinson held at Georgetown University Law Center, March 6, 2002." Cf. *39 American Criminal Law Review*, pp. 1501-1533 (Fall 2002). **(KF 9202 .A5)**

Library Notes: Presidential Libraries in the News

Two Presidential Libraries received national and international attention in June 2004, but not for the books, presidential papers and memorabilia, or the museums housed within their walls. After our 40th President, Ronald W. Reagan, died at age 93 on June 5, 2004, his body was entombed on the grounds of the Ronald Reagan Presidential Library in Simi Valley, California, following a state funeral in Washington, DC and private sunset memorial service on the Library grounds. On June 13, 2004, our 41st President, George H. W. Bush, jumped from a perfectly good airplane and parachuted to a target erected on the grounds of his Presidential Library in College Station, Texas. President Bush had turned 80 years old and, as he did on his 75th birthday, parachuted to celebrate life and to urge people of all ages to live life to its fullest. Presidential Libraries serve as repositories of official materials related to the presidencies of their namesakes. The Office of Presidential Libraries of the National Archives and Records Administration (NARA) currently administers ten Presidential Libraries, from Presidents Herbert Hoover to George H. Bush. NARA also administers the Nixon Presidential Materials Staff and the Clinton Presidential Materials Project. The Richard M. Nixon Library and Birthplace in Yorba Linda, California, is privately administered, and is not a part of NARA's Presidential Library System. Presidential Libraries contain a wide variety of interesting documents, artifacts, exhibits, and memorabilia. For more information, click on http://www.archives.gov/presidential_libraries/.



*Ronald W. Reagan Library and Museum,
Simi Valley, California
(Photo courtesy of NARA)*

Library Staff News of Note

In early summer, Associate Dean and Library Director **J. Denny Haythorn** served as Program Director for the WLS Summer Abroad program at the Universidad de Cantabria in Santander, Spain. Dean Haythorn also taught a course in Admiralty Law there. 65 students attended the WLS Summer Abroad program in Spain this year.

Serials Librarian **Margot McLaren**, Public Services Librarian **John O'Donnell**, and Reader's Services Librarian **Curtis Jones** are attending the American Association of Law Libraries annual conference held in Boston, July 10-14, 2004.

Associate Director **Hugh J. Treacy** travels to Ireland August 29-September 11, 2004. He will visit the National Library of Ireland, the National Archives of Ireland, and numerous towns and counties throughout the Emerald Isle.

WLS Law Library staff **Margot McLaren**, **John O'Donnell**, and **Hugh Treacy** are active members of the Southern California Association of Law Libraries (SCALL) Newsletter Committee. Along with Editor Victoria Williamson of the University of La Verne Law Library, and Bill Ketchum and Ed Butler of the San Bernardino County Law Library, they design and publish five issues per year, write articles, and solicit advertisers.

Someone wise once said....

"Information is the oxygen of the modern age. It seeps through the walls topped by barbed wire, it wafts across the electrified borders."

— Ronald W. Reagan —
40th President of the United States, 1981-1989

Summer Library Hours

Monday—Thursday
8:00 am - 11:00 pm

Friday
8:00 am - 6:00 pm

Saturday
10:00 am - 6:00 pm

Sunday
10:00 am - 11:00 pm

July 4 - 5, 2004
Closed

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