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Collateral damage is a term that has entered our lexicon to euphemistically account for the impact of politically driven violence on a society's social and economic infrastructures. There is growing evidence that freedom of access to information — that highly regarded and upheld value of our profession — is in danger of being a victim of collateral damage in the current heightened political concentration on counter-terrorism, regime change and border protection.

*Library Juice* (6:3 2/7/03) [<http://libr.org/juice/>] ran a story about a chance lunchtime discussion on the USA *Patriot Act* during the American Library Association's Midwinter meeting between Councillor at Large Maureen Pastine and Richard MacClary, a supposed former FBI Secret Service Agent. Whether MacClary is who he claims and what he was doing at an ALA meeting are of more interest to ALA than this Directline. The main argument is the effect of new measures such as the USA *Patriot Act* on the practice of librarianship.

The ALA Council adopted an extensive resolution 'on the USA Patriot Act and related measures that infringe on the rights of library users' on 29 January 2003. [<http://www.ala.org/alaorg/oif/usapatriotresolution.html>]. The *Patriot Act* is 'to deter and punish terrorist acts in the US and around the world, to enhance law enforcement investigatory tools, and for other purposes.' Its coverage is understandably wide ranging. Areas of particular concern to the ALA fall under provisions under the Act for enhanced surveillance procedures and general limitations of civil liberties, and the revised Attorney General Guidelines to the Federal Bureau of Investigation and other related measures that expand government investigative and surveillance authority and engagement.

The ALA has taken a responsible approach to defending and supporting user privacy and free and open access to information and protecting rights of inquiry and free expression. The resolution clearly states a position balancing the rights of a government to protect its citizens and its citizen's right to privacy, freedom of expression and free access to information and ideas. Information and policy advice are also provided for members.

Back to Maureen and Richard. Maureen is a library director at Temple University in Philadelphia and was talking to a colleague about the *Patriot Act* when Richard asked if he could join the conversa-

tion and enquired whether the FBI had ever visited Maureen's library? The answer was yes and the incident was just prior to the passage of the *Patriot Act*. It involved the FBI getting two student staff members of the University's computer centre to go to the library to copy for them the hard drive of a library employee who allegedly had an e-mail message that mentioned anthrax. Fortunately the students encountered a locked office door and in seeking to have someone open it for them encountered Maureen who knew that a court order or a subpoena was required and referred the matter to the University Counsel. The FBI didn't pursue the matter. This procedure and the rights of the staff member could have been different if it had occurred after the introduction of the Act and the FBI had claimed that their actions had to do with terrorism.

The Australian government introduced a suite of counter-terrorism legislation in early 2002. Three of these, the *Security Legislation Amendment (Terrorism) Act 2002* (No.2), the *Suppression of the Financing of Terrorism Act 2002* and the *Border Security Legislation Amendment Act 2002*, were assented to in mid-2002, together with bills for amendments to the *Criminal Code* and *Telecommunications Interception Acts*.

A fourth bill, the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002, was laid aside by the government in December following extensive debate, amendment and committee review. The purpose of the bill was to amend the *ASIO Act* to improve the ability of ASIO to deal with terrorism by:

- re-incorporating terrorism within the definition of 'politically motivated violence';
- permitting personal searches to be authorised in conjunction with search warrants;
- providing a power to detain, search and question persons before a prescribed authority.

Amendments focussed mainly on mitigating the increased restrictions of an individual's rights in the original bill. In laying aside the bill the Attorney General Daryl Williams stated (media release 13/12/02) 'the Opposition chose politics over community safety in rejecting a Bill that has become a test of commitment to the security of the nation. ...ASIO does not have the powers it needs to question people with information about potential terrorist attacks and to gather the details we need to prevent these attacks before Australians are hurt or killed.' While it did not go as far as the USA *Patriot Act* the bill certainly had the potential to further limit an individual's freedom of expression and access to information. ALIA was of course monitoring the bill and will continue to do so. There is more to come. ■

### Feedback to your Board of Directors

Do you have an idea, compliment or concern about your Association? Contact any director below on personal issues and ideas will be reviewed at each meeting of the Board.

E-mail to [feedback@alia.org.au](mailto:feedback@alia.org.au) will be automatically forwarded to all Board members.

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