

2024 Regular Session

HOUSE RESOLUTION NO. 111

BY REPRESENTATIVE OWEN

A RESOLUTION

To memorialize the United States Congress to reform the Foreign Intelligence & Surveillance Act and the Foreign Intelligence Surveillance Court and restore the rights of privacy and unreasonable search and seizure that have been taken from the American people by actions of congress.

WHEREAS, the United States Constitution was enacted as the foundational law of the land in 1787; and

WHEREAS, the first ten amendments of the United States Constitution contain the inviolate and irrevocable set of God-given and inalienable rights that all persons in the United States of America maintain; and

WHEREAS, foundational in these rights are speech, assembly, search and seizure with a valid warrant, to face one's accuser, religion, private property, and many others; and

WHEREAS, there have been many moments in the nation's history when the arms of government and tyrannical rules and congress have tried to curtail and subvert these liberties and withhold the rights of citizens to further governmental objectives; and

WHEREAS, the misdeeds of government include Woodrow Wilson's Sedition Act, which imprisoned Americans for speaking out against United States involvement in World War I, the Palmer Raids which ushered in an era of kickdown searches and harassment of political opponents, the imprisonment of American citizens of Japanese ancestry during World War II, repeated and incessant violation of the Fourth Amendment by the Federal Bureau of Investigation (FBI) and elements of the American intelligence community, and the century long Jim Crow era, which saw tacit and active governmental measures to repress the rights of Americans of color; and

WHEREAS, the Church Hearings of the mid 1970s brought to light many misdeeds of the United States government and precipitated badly needed reform of federal law enforcement and intelligence community activities; and

WHEREAS, in 1978, the United States government took great steps and established clear procedures for the physical and electronic surveillance and collection of foreign intelligence information and separated out protections for United States citizens by the Foreign Intelligence and Surveillance Act (FISA); and

WHEREAS, the FISA law established the Foreign Intelligence Surveillance Court (FISC) which is a court that holds nonpublic sessions to consider issuing federal search warrants; and

WHEREAS, the FISC lacks many of the constitutionally provided precautions afforded to litigants in other federal courts of law, such as the right of a private party to be present at the proceedings; further, the FISC has been called out and cited as being the subject of misfeasance and malfeasance by less than scrupulous intelligence and law enforcement officers and agencies; and

WHEREAS, Presidents Gerald Ford, Jimmy Carter, and Ronald Reagan each established needed restraints on the intelligence community and law enforcement directed guardrails for protection of private citizens, culminating with President Reagan's Executive Order 12333; and

WHEREAS, Executive Order 12333 underscored the needs and requirements to provide timely and accurate information about American enemies and underscored the protection of constitutional rights of American citizens; and

WHEREAS, for most of the decades of the 1980s and 1990s, the intelligence community and FBI appeared to be behaving and respecting the rights of citizens in the United States; and

WHEREAS, in 2001, after the attack on the United States by foreign Islamic terrorists from Southwest Asia, the United States Congress and the Bush Administration moved with reckless haste by greatly empowering the American intelligence community, FBI, and other federal entities by broadly expanding surveillance powers under the broad guise of "protecting" the American citizens; and

WHEREAS, the outcome of the efforts to protect has resulted in nearly all semblances of privacy being taken away by the actions of the United States Congress. The outcome of the family of law passed in the aftermath of what is known as 9/11 is that no phone is guaranteed to be private, no email communication can be considered secure, and

the emergence of a leviathan of a police state capable of chilling suppression of our God-given liberties; and

WHEREAS, as a result of the USA Patriot Act, a citizen can become the subject of a purported terror investigation and directed by law not to tell anyone of an invasive search on his home, under penalty of prison; and

WHEREAS, Section 215 of the USA Patriot Act violates the Fourth Amendment to the United States Constitution by ignoring the prohibition of warrantless searches against United States citizens; and

WHEREAS, Section 215 also violates the Fifth Amendment by prohibiting ex post facto notice of warrantless searches and thereby violating the basic tenets of due process guaranteed to citizens of the United States; and

WHEREAS, it is the American ethos to right wrongs and correct governmental errors such as the eradication of slavery, the end of the Jim Crow era, the awarding of voting rights to women, and many others.

THEREFORE, BE IT RESOLVED that the House of Representatives does hereby memorialize the United States Congress to fully repeal and rewrite every word of the USA Patriot Act and does hereby implore the Congress to turn its attention to the rights of the free people of the United States of America.

BE IT FURTHER RESOLVED that the House of Representatives implores both the governor of the state of Louisiana and the attorney general to stand up for the citizens of our state and not participate in any violations of any of our rights guaranteed in our Bill of Rights, which are a product of the sacrifice of our ancestors and have been maintained by two hundred fifty years of commitment to the rule of law and the supremacy of the individual over the government.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the United States Congress and to each member of the Louisiana congressional delegation.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES