

2024 Regular Session

HOUSE RESOLUTION NO. 111

BY REPRESENTATIVE OWEN

CONGRESS: Memorializes the United States Congress to reform the Foreign Intelligence and Surveillance Act, the Foreign Intelligence Surveillance Court, and to restore the rights of privacy and unreasonable search and seizure

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A RESOLUTION

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

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

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

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

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

16 WHEREAS, the misdeeds of government include Woodrow Wilson's Sedition Act,  
17 which imprisoned Americans for speaking out against United States involvement in World  
18 War I, the Palmer Raids which ushered in an era of kickdown searches and harassment of  
19 political opponents, the imprisonment of American citizens of Japanese ancestry during  
20 World War II, repeated and incessant violation of the Fourth Amendment by the Federal

1 Bureau of Investigation (FBI) and elements of the American intelligence community, and  
2 the century long Jim Crow era, which saw tacit and active governmental measures to repress  
3 the rights of Americans of color; and

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

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

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

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

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

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

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

29 WHEREAS, in 2001, after the attack on the United States by foreign Islamic  
30 terrorists from Southwest Asia, the United States Congress and the Bush Administration

1 moved with reckless haste by greatly empowering the American intelligence community,  
2 FBI, and other federal entities by broadly expanding surveillance powers under the broad  
3 guise of "protecting" the American citizens; and

4 WHEREAS, the outcome of the efforts to protect has resulted in nearly all  
5 semblances of privacy being taken away by the actions of the United States Congress. The  
6 outcome of the family of law passed in the aftermath of what is known as 9/11 is that no  
7 phone is guaranteed to be private, no email communication can be considered secure, and  
8 the emergence of a leviathan of a police state capable of chilling suppression of our  
9 God-given liberties; and

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

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

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

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

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

26 BE IT FURTHER RESOLVED that the House of Representatives implores both the  
27 governor of the state of Louisiana and the attorney general to stand up for the citizens of our  
28 state and not participate in any violations of any of our rights guaranteed in our Bill of  
29 Rights, which are a product of the sacrifice of our ancestors and have been maintained by

1 two hundred fifty years of commitment to the rule of law and the supremacy of the  
2 individual over the government.

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

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HR 111 Original

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