HLS 24RS-2742 ENGROSSED

2024 Regular Session

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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

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

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

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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.

## **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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Owen

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