

2026 Regular Session

HOUSE RESOLUTION NO. 38

BY REPRESENTATIVE OWEN

CONGRESS: Memorializes Congress to reform the Foreign Intelligence Surveillance Act and the Foreign Intelligence Surveillance Court and to restore the rights of privacy and protection against unreasonable searches and seizures

1 A RESOLUTION

2 To memorialize the United States Congress to reform the Foreign Intelligence Surveillance
3 Act and the Foreign Intelligence Surveillance Court and to restore the rights of
4 privacy and protection against unreasonable searches and seizures that have been
5 taken from the American people by action 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 this nation's history when the arms
14 of government, tyrannical rules, and congress have tried to curtail and subvert these liberties
15 and withhold the rights of citizens to further governmental objectives; and

16 WHEREAS, the misdeeds of government include Woodrow Wilson's Sedition Act
17 of 1918, which imprisoned Americans for speaking out against involvement of the United
18 States in World War I, the Palmer Raids which ushered in an era of kickdown searches and
19 harassment of political opponents, the imprisonment of American citizens of Japanese
20 ancestry during World War II, repeated and incessant violation of the Fourth Amendment

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

4 WHEREAS, the Church Committee Hearings of the mid 1970s brought to light many
5 misdeeds of the United States government and precipitated badly needed reform of federal
6 law 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 Surveillance Act (FISA); and

11 WHEREAS, the FISA established the Foreign Intelligence Surveillance Court (FISC)
12 which is a court that holds nonpublic sessions to consider issuing federal search warrants;
13 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 1980s and 1990s, the intelligence community and FBI
27 appeared to be behaving and respecting the rights of citizens in the United States; and

28 WHEREAS, in 2001, after the attack on the United States by foreign Islamic
29 terrorists from Southwest Asia, the United States Congress and the Bush Administration
30 moved with reckless haste by greatly empowering the American intelligence community,

1 FBI, and other federal entities by broadly expanding surveillance powers under the broad
2 guise of "protecting" the American citizens; and

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

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

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

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

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

21 THEREFORE, BE IT RESOLVED that the House of Representatives of the
22 Legislature of Louisiana does hereby memorialize the United States Congress to fully repeal
23 and rewrite every word of the USA Patriot Act to limit the authority granted under the FISA
24 and FISC with regard to warrantless searches and investigations of United States citizens and
25 does hereby implore congress to turn its attention to the rights of the free people of the
26 United States of America.

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

1 and have been maintained by two hundred fifty years of commitment to the rule of law and
2 the supremacy of the 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)]

HR 38 Original

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Memorializes the U.S. Congress to reform the Foreign Intelligence Surveillance Act and the Foreign Intelligence Surveillance Court and to restore to U.S. citizens the rights of privacy and protection against unreasonable searches and seizures.