

WHY DOESN'T FISCR HAVE A PUBLIC DOCKET?

In the government's [arguments](#) justifying the constitutionality of Section 702 the government has made fairly breathtaking claims that there is a foreign intelligence to the Constitution's warrant requirement.

Which has gotten me wondering about the status of the FISA Court of Review [ruling](#) that Yahoo had to comply with Protect America Act orders. Back in July, we were [promised](#) a newly declassified review of that order, which makes a fairly sustained argument that PAA was legal under a special needs exception to the Fourth Amendment. But we haven't gotten that order.

Which made me realize something: Although, months ago, the FISA Court established a [public docket](#) and even recently gave it a snazzy face lift, the FISA Court of Review does not yet have a docket.

So that Yahoo order declassification could be bubbling along and we'd never know about it, even in spite of the government's claimed commitment to declassify the order.

If FISC can have a docket, why can't FISCR?