

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?