

# WE'RE NOT GETTING THE FISA OPINIONS ... WHICH LEAVES JUST THE LAWSUITS

The FISA Court announced today that it will not release its opinions to the public.

The nation's spy court said Tuesday that it will not release its documents regarding the Bush administration's warrantless wiretapping program.

The Foreign Intelligence Surveillance Court, in a rare on-the-record opinion, said the public has no right right to view the documents because they deal with the clandestine workings of national security agencies.

So um, yo, Senate? If you give the telecoms immunity, we'll never know how they spied on us.

I'm struck by how similar this opinion—written by John Bates—is to the opinion he wrote in the Wilson lawsuit. He acknowledged that there's merit to the request, as he suggested that Valerie's outing was troubling.

Bates acknowledged that the public would benefit from seeing the documents. The decision-making process would be understood, he said, and public oversight could help safeguard against government abuse.

And then, as he did with the Wilson opinion, he said, "um, no."

But the dangers of releasing such sensitive materials far outweigh that public benefit, Bates said.

Public opinions from the court are so rare, it's not immediately clear what

the ACLU's options are. Because Bates alone signed the ruling, the group might be able ask for a review by the full panel. Or, it might be able to challenge the ruling before a federal appeals court.

**Update:** Here's a copy of the opinion.