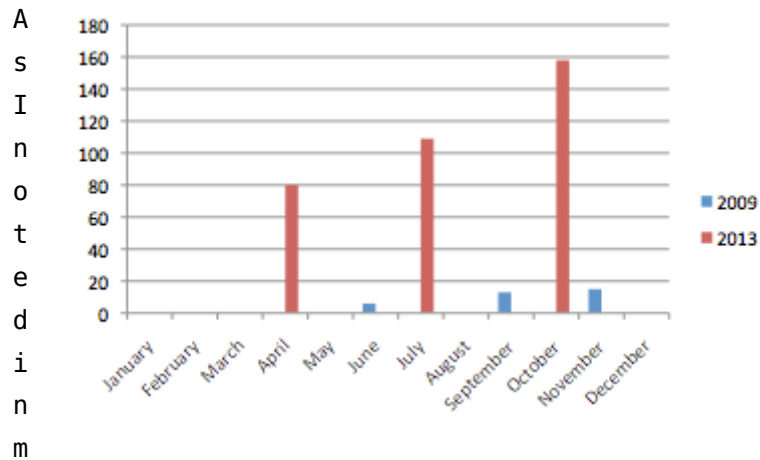


# DOCKET INFLATION AT THE FISA COURT?



y last post, I'm a bit alarmed by the docket numbers we're seeing out of the FISC court. The order released today appears to be the 158th docket for the year.

Compare that to the docket numbers from 2009, as revealed in the orders Reggie Walton issued while trying to clean up NSA's act. His November 5, 2009 order appears to be just the 15th docket for the year, as compared to Mary McLaughlin's October order being the 158th.

We're running at 10 times the pace we were 4 years ago.

The thing is, while the comparison does make this year seem especially bad, it actually seems to be part of a longer trend. Here's the numbers of NSLs and Section 215 orders the FISC has issued since 2005.

	<b>NSL</b>	<b>215</b>
<b>2005</b>	3501	155
<b>2006</b>	4790	43
<b>2007</b>	4327	6
<b>2008</b>	7225	13
<b>2009</b>	6114	21
<b>2010</b>	14212	96
<b>2011</b>	7201	205
<b>2012</b>	6223	212

Before we knew how extensive the phone dragnet was, these numbers suggested some of the NSL production got moved into the secret interpretations of Section 215 after 2010 (which is about the same time Ron Wyden and Mark Udall got especially shrill about it).

While that may or may not explain the big jump between 2009 – when the Walton numbers are perfectly consistent – and 2011, it's not the phone dragnet driving the numbers. That has only been responsible for something like 6 docket entries in any given year, and more often just 4 (for example, even in 2009, the multiple iterations were just additional entries to the docket tied to that quarter's order).

I thought, too, the Boston Marathon attack might explain higher numbers for this year. But we might even come in slightly lower than we did last year.

Which is another way of noting how deceitful these numbers are. Any single NSL could include more than one American. We know at least some of the Section 215 orders include every American.

So how many records might these entail of each one could represent every American?