

THE FILINGS DOJ IS WITHHOLDING IN JEWEL/SHUBERT

I'm re-reading all the declarations released last December in the Jewel case (the EFF-tied lawsuit challenging the dragnet) ... because I'm like that.

But I also want to call attention to details in this court filing challenging James Clapper's most recent declaration about what has been declassified. In addition to pointing out that far more has been declassified on the upstream collection and the ineffectiveness of the phone dragnet, but contrary to court orders, the government is still withholding some declarations.

Those declarations are:

- April 9, 2007 notices indicating FISC Judge rejected early bulk orders
- October 25, 2007 government challenge to motion to protect evidence, with ex parte NSA official declaration (submitted in Shubert)
- April 3, 2009 supplement motion to dismiss
- October 30, 2009 supplemental memorandum on points of authority
- November 2012

Given that we have a much better understanding of the relative happenings in the dragnets, I wanted to lay these dates out.