

# Why Renew the “Ultra Secret” Foreign Intelligence Surveillance Act (FISA) Court?

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*As the emerging Quantum World continues to shake reality as we once knew it, it is no coincidence that the ultra-secret FISA Court has been unwittingly thrust into the public spotlight of the FBI Russiagate scandal – exactly where it needed to be. The Shift is deliberately focused on those forms, structures and institutions of no service to humanity. Besides the collapse of the Democratic Party, the FBI and Donald Trump, one benign example is Prince Harry and Meaghan abandoning the royal family for a ‘normal’ life.*

On March 15<sup>th</sup>, the Patriot Act will expire unless it is reauthorized by Congress. As if it had been patiently waiting in the wings, the [Patriot Act](#) was adopted in October 2, 2001, 21 days after the 911 attacks, revealing a curious foreknowledge of what occurred three weeks earlier,

The Act set the stage for the next two decades of unfettered, expanded surveillance of the American people – under the guise of ‘national security.’

After 2001, the Act was amended to include the [FISA](#) (Foreign Intelligence Surveillance Act) Court ([FISC](#)) which authorized the gathering of foreign ‘intelligence’ with the Court approving ‘[warrant](#)’ [applications](#) for the unrestricted collection of information.

It should not have taken the 2016 Russiagate/FBI disgrace to confirm that after decades of government surveillance, warrantless or not, that 24-7 secret spying on Americans is unconstitutional and incompatible within a free and democratic society, nor is it necessary.

After the 911 attacks, the FISA Court prospered with an increased bureaucracy to handle the expanded caseload. As the American Empire spread fear and paranoia with a belligerent foreign policy, the US portrayed itself in constant jeopardy from external forces and that, at all costs, the ‘homeland’ must be protected from evil doers. If in fact the US government wanted to shut down the ‘terrorist threat’, they could do so in short order. There is no terrorist organization stronger than the US military.

We now know that there are evildoers within our own borders and within our own government who have no interest in protecting the jewels that were once valued American ideals: freedom and justice for all.

## FISA Court

In 1978, the Court began with seven US District Court Judges from diverse geographic areas to serve seven year terms. Today, there are eleven Judges who serve on a weekly rotation

with each conducting at least four annual one-week stints. Nominated by President Barack Obama and then individually selected by Chief Justice John Roberts, their appointments are subject to no public oversight or scrutiny. As of 2020 each District Judge receives a salary of \$216,000 with an added bonus for their FISA service.

Referred to by CNN as the “*most powerful Court you have never heard of*”, it is housed in a SCIF-like bunker at an undisclosed location between the WH and the Capitol. The [list](#) of FISA Judges is public but details of their interactions remain obscure and closely guarded. Yet thanks to the FBI Russiagate scandal, the focus on the Court has intensified with revelations that do not inspire confidence in an independent judicial experience.

Since the workings of the Court are ultra-secret, a Judicial Watch [FOIA](#) discovered that no hearings were held on all four of the FBI warrant requests on the Russiagate investigation, all of which were proven to be factually flawed, In other words, the Court does not verify the alleged facts on any application which questions whether the Court ever holds hearings on any warrant application or whether the Court routinely acquiesces to the FBI and is literally a rubber-stamp.

As renewal of the Court comes before a moribund Congress, the question arises whether the Court serves any useful purpose with a [history](#) of carte blanche approvals of almost every application for surveillance that has ever been submitted. The [statistics](#) do not support the pretense that there is a democratic entity performing a patriotic public service protecting the American population. Note the examples of 2016 and 2017 with increased rejections:

<b>FISA</b>	<b>Applications</b>	<b>Approved</b>	<b>Rejections</b>
1979	199	2077	0
2003	1727	1724	4
2016	1485	1451	34
2017	1372	948	34

The most obvious reason for FISA renewal is to hoodwink the American public into ‘feeling’ safe while allowing intel agency tentacles to deepen its creep into American society.

#### FISA Court Judges

Let’s begin with then presiding Chief Judge Rosemary Collyer. Ten days after publications of the [IG Report](#), Collyer issued a rare [Order](#) that belatedly ‘rebuked’ the FBI for providing ‘*unsupported or contradicted*’ information to the Court while withholding exculpatory information detrimental to the FBI’s case. While the Order citing FBI ‘misconduct’ was little more than a bureaucratic put down, the Order went no further than requiring the FBI to provide assurance of how it will improve its processes in the future. Three days later, Collyer resigned as Presiding Judge as she chose to remain a Judge on the Court until her term expires in March.

It is noteworthy that Collyer should have found none of the abuses outlined in the [IG Report](#) startling since Rep. Devin Nunes, then Chair of the House Intel Committee, alerted her to potential FBI/DOJ abuses in a February 7 [2018](#) classified [memo](#) to the Court.

In a follow up June 13<sup>th</sup> memo, Nunes reiterated his earlier memo including a classified

summary of specifics that the IG Report would repeat almost two years later. Given Nunes' oversight function as Committee Chair with jurisdiction over the FISA Court, he requested that Collyer initiate a 'thorough investigation' into his allegations. Collyer's response was a [stonewall](#) of condescension and dismissal as if Nunes had no legal authority to provide oversight on the Court's conduct.

The four page memo was ultimately approved for public [release](#) by the [White House](#) and Committee majority despite Democratic [protests](#). Meanwhile, the Senate Intel Committee, chaired by Sen. Richard Burr (R-NC) has ceded committee authority to Sen. Mark Warner (D-Va) as the silence has been deafening.

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With minimum information available about the Court's inner workings, the presence of US District Court Judge Rudolph Contreras has drawn attention to his relationship with former FBI counterespionage chief Peter Strzok. In a July 25, 2016 email with FBI lawyer Lisa Page including discussion about setting up a [cocktail party](#):

Page: *"Rudy in on the FISC. Did you know that? Just appointed two months ago."* Strzok: *"I did. We talked about it before and after. I need to get together with him."*

In addition, it has come to light that Contreras, acting in his capacity as US District Court Judge for the District of Columbia was assigned to the criminal case of Gen. Michael Flynn. On December 1, 2018 Contreras accepted Flynn's original guilty plea per an agreement with the Mueller investigation. With Flynn expecting to be sentenced on December 7<sup>th</sup>, instead the US District Court announced that Contreras "has been [recused](#)" from the case offering [no explanation](#). Former US Attorney Joe diGenova speculates, with his ear to the ground, that Contreras may have also signed the legally [defective FBI warrants](#) thus creating a mammoth conflict of interest in light of his relationship with Strzok.

There is no dispute that the Flynn prosecution was the result of an '[ambush interview](#)' created by Strzok, deputy FBI Director Andrew McCabe and others.

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U.S. District Judge Royce C. Lamberth, who served as [FISA's Chief Judge](#) from 1995 through 2002 lamented that he "...struggled with the perception for years that we did whatever the government wanted and were [rubber stamps](#)," A review of the Court's [33 year](#) history shows that during Judge Lamberth's time as Chief Judge only one FISA application denial.

The aforementioned examples of judicial malfeasance or simply crass indifference are unacceptable on the part of FISA judges responsible for Constitutional decisions affecting the lives, liberty and freedom of all American citizens. The fact is that the FISA Court's secrecy encourages a climate of cutting corners, inferior work quality and contempt for public exposure.

In addition, the Court's existence is irrelevant since the "terrorist threat" is little more than a paper tiger. If the US cut off the flow of weapons, the 'terrorists' would be out of business but it is to the Government's advantage to maintain its surveillance grip on the gullible

American population.

To be continued....

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