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Court Says Warrant Needed for U.S. Person Queries of FISA Section 702 Data



In December 2024, Judge LaShann DeArcy Hall of the U.S. District Court for the Eastern District of New York issued an opinion ruling that searches for U.S. persons in databases containing information previously collected under Section 702 of the Foreign Intelligence Surveillance Act (FISA) are protected by the Fourth Amendment and must be performed pursuant to a warrant or an exception to the warrant requirement.

The ruling, a declassified version of which was released on Jan. 21, 2025, marks the first time that a court has ruled these searches (known as “U.S. person queries” or “backdoor searches”) are subject to a warrant requirement. While it is unclear how significant or long-lasting a precedent the ruling will prove to be, it will likely have a significant operational impact and could shift the debate over the propriety of a statutory warrant requirement when Congress considers whether and in what form to reauthorize Section 702 in April 2026.

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