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**EXHIBIT A – DECLARATION OF  
LEE S. LONGMIRE**

Defendants' Motion to Dismiss and  
Memorandum of Points and  
Authorities in Support Thereof  
Green v. TSA, CV 04-0763Z

U.S. Department of Justice  
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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICHELLE D. GREEN, et al.,

Plaintiffs,

v.

TRANSPORTATION SAFETY  
ADMINISTRATION, et al.,

Defendants.

Case No. C04-763 Z

**DECLARATION OF  
LEE S. LONGMIRE**

I, LEE S. LONGMIRE, do hereby declare as follows:

1. I am the Assistant Administrator for Operations Policy, Transportation Security Administration ("TSA"), Department of Homeland Security. I have held this position since March 2003. From November 2001 through March 2003, I was the Director of Aviation Policy for the Federal Aviation Administration ("FAA"), until this position was transferred to the TSA in March 2002. During the period from January 1980 through November 2001, I was employed by the FAA as a civil aviation security inspector, a Regional Civil Aviation Security Division Manager, Deputy Director and Director of Civil Aviation Security Operations, and as the Director of Civil Aviation Security Policy. As part of my official duties in my present position, I am responsible for the development, coordination and issuance of policies, directives, regulations and procedures to promote the protection of the civil aviation security system against acts of air piracy and other related criminal acts.

1           2.       The statements made within this Declaration are based upon my personal  
2 knowledge, information made available to me in my official capacity, and conclusions reached in  
3 accordance with such information. I make this Declaration in support of Defendants' motion to  
4 dismiss.

5           3.       The TSA was created as an agency within the United States Department of  
6 Transportation ("DOT") by the Aviation and Transportation Security Act ("ATSA"), Pub. L. 107-  
7 71 (November 19, 2001). Under the ATSA, the Under Secretary of Transportation for Security,  
8 as head of the TSA, was made responsible for security in all modes of transportation, and  
9 assumed all the responsibilities previously exercised by the Administrator of the FAA for civil  
10 aviation security under Chapter 449 of Title 49. Following the enactment of the Homeland  
11 Security Act of 2002, the TSA, and all of its functions and personnel, were transferred, effective  
12 March 1, 2003, to the Department of Homeland Security ("DHS"). Within DHS, the Under  
13 Secretary of Transportation for Security underwent a title change to Administrator of the TSA.

14           4.       As part of its statutory mandate with respect to aviation security, the TSA is  
15 required to provide for the screening for weapons, explosives, and other destructive substances of  
16 all passengers and property that will be carried aboard a passenger aircraft. The TSA also  
17 prescribes regulations to protect passengers and property on an aircraft against acts of criminal  
18 violence or aircraft piracy. To further these purposes, TSA's implementing regulations require  
19 each aircraft operator to adopt a security program which must be approved by the agency.

20           5.       When the TSA determines that additional security measures (over and above those  
21 provided for in the approved security program) are necessary to respond to a specific threat  
22 against civil aviation, or a threat assessment, it issues a "Security Directive" to regulated aircraft  
23 operators. 49 C.F.R. § 1544.305(a). Similarly, in the case of a foreign air carrier, the TSA may  
24 issue an "Emergency Amendment" to the carrier's security program when it finds that there is an  
25 emergency requiring immediate action with respect to safety in air transportation or in air  
26 commerce. 49 C.F.R. § 1546.105(d). Compliance by air carriers with Security Directives and  
27 Emergency Amendments is mandatory. See 49 C.F.R. §§ 1544.305(a) and 1546.105(d).

28           6.       The ATSA also requires that the TSA establish procedures for notifying airline

1 security officers of the identity of individuals known to pose, or suspected of posing, a risk of air  
2 piracy or terrorism, or a threat to airline or passenger safety. If one of these individuals seeks to  
3 board an aircraft, the statute requires the airlines to notify appropriate law enforcement agencies,  
4 prevent the individual from boarding the aircraft, or take other appropriate action with respect to  
5 that individual.

6 7. The TSA has implemented these requirements by issuing a series of Security  
7 Directives to regulated aircraft operators and Emergency Amendments to foreign air carriers  
8 which I refer to collectively below as Security Directives. These Security Directives establish  
9 two groups of individuals who are identified on separate lists that are appended to the Security  
10 Directives based on an assessment of the degree of risk that they pose to aviation safety. The  
11 first group who are identified on a "No Fly List" consists of individuals who are prohibited from  
12 flying altogether. The second group who are identified on a "Selectee List" consists of  
13 individuals who must be "selected" by air carriers for additional screening before they are  
14 permitted to fly. The Security Directives also prescribe the procedures to be followed and the  
15 specific security measures to be taken by air carriers when individuals identified on the No Fly or  
16 Selectee lists seek to board an aircraft.


17 8. From time to time, the TSA revises both the procedures prescribed by these  
18 Security Directives and, as updated information becomes available, the specific individuals  
19 identified on the No Fly and Selectee Lists. These revisions are made by issuing new Security  
20 Directives which supersede those previously issued and by updating the information contained on  
21 the No Fly and Selectee Lists appended to the Security Directives.

22 9. In view of the sensitive nature of these Security Directives, I cannot describe them  
23 further on the public record without undermining the effectiveness of the procedures required and  
24 directly compromising the safety of the traveling public. Disclosure of the specific security  
25 procedures to be followed by air carriers when they encounter an individual identified on the No  
26 Fly and Selectee Lists could enable terrorists and other violent criminals to identify potential  
27 weaknesses in the current security system, and to circumvent or otherwise defeat the security  
28 measures mandated by the TSA in the Directives. Similarly, public disclosure of the identity of

1 individuals on the No Fly and Selectee lists, or the specific criteria used to determine which  
2 individuals should be included on the lists, would compromise the safety and security of  
3 passengers by providing terrorists with information that may reveal which of their members have  
4 been compromised, and which of their members may board an aircraft without any form of  
5 enhanced scrutiny. For these reasons, TSA's regulations expressly prohibit the disclosure of the  
6 contents of Security Directives and Emergency Amendments, as well as the selection criteria to  
7 be used in screening airline passengers. See 69 Fed. Reg. 28066, 28083 (May 18, 2004)  
8 (sections 1520.5(b)(1), (b)(2), and (b)(9)(i)).

9 Pursuant to 28 U.S.C. Section 1746, I declare, under penalty of perjury, that the foregoing  
10 is true and correct.

11  
12 Dated on the 4<sup>th</sup> day of June 2004.

13   
14 LEE S. LONGMIRE  
15 Assistant Administrator,  
16 Office of Operations Policy  
17 Transportation Security Administration  
18 Department of Homeland Security