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

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

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

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

6. The ATSA also requires that the TSA establish procedures for notifying airline
security officers of the identity of individuals known to pose, or suspected of posing, a risk of air
piracy or terrorism, or a threat to airline or passenger safety. If one of these individuals seeks to
board an aircraft, the statute requires the airlines to notify appropriate law enforcement agencies,
prevent the individual from boarding the aircraft, or take other appropriate action with respect to
that individual.

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

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

9. In view of the sensitive nature of these Security Directives, I cannot describe them
further on the public record without undermining the effectiveness of the procedures required and
directly compromising the safety of the traveling public. Disclosure of the specific security
procedures to be followed by air carriers when they encounter an individual identified on the No
Fly and Selectee Lists could enable terrorists and other violent criminals to identify potential
weaknesses in the current security system, and to circumvent or otherwise defeat the security
measures mandated by the TSA in the Directives. Similarly, public disclosure of the identity of
individuals on the No Fly and Selectee lists, or the specific criteria used to determine which
individuals should be included on the lists, would compromise the safety and security of
passengers by providing terrorists with information that may reveal which of their members have
been compromised, and which of their members may board an aircraft without any form of
enhanced scrutiny. For these reasons, TSA's regulations expressly prohibit the disclosure of the
contents of Security Directives and Emergency Amendments, as well as the selection criteria to
be used in screening airline passengers. See 69 Fed. Reg. 28066, 28083 (May 18, 2004)
(sections 1520.5(b)(1), (b)(2), and (b)(9)(i)).

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

Dated on the __________ day of June 2004.

LEE S. LONGMIRE
Assistant Administrator,
Office of Operations Policy
Transportation Security Administration
Department of Homeland Security

Declaration of Lee S. Longmire
Green v. TSA, CV 04-0763Z

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