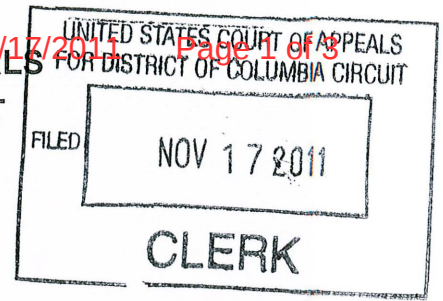


UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

333 Constitution Avenue, NW
Washington, DC 20001-2866
Phone: 202-216-7000 | Facsimile: 202-219-8530



Case Caption: JOSE LACSON
Petitioner

v.

Case Number: 11-1447

UNITED STATES DEPARTMENT OF HOMELAND
SECURITY, TRANSPORTATION SECURITY ADMINISTRATION
Respondent

PETITION FOR REVIEW OF AN AGENCY, BOARD, COMMISSION, OR OFFICER

Notice is hereby given this the 14th day of November 20 11 that petitioner(s)
JOSE LACSON hereby petitions the United States Court of Appeals for the District
of Columbia Circuit for review of the order of the respondent(s) U.S. DHS, TSA entered
the 20th day of September 20 11.

Attorney for Petitioner(s)/Pro Se Party,

Mahon & Berger, Esqs.

By: Lawrence Berger, Esq.

Address: 70 Glen Street

Suite 280

Glen Cove, NY 11542

Telephone: (516) 671-2688

U.S. Department of Homeland Security
Arlington, VA 22202



Transportation
Security
Administration

Final Order on Sensitive Security Information in connection with
Lacson v. Dep't of Homeland Sec., AT-0752-11-0765-I-1

I. Introduction

Former Federal Air Marshal (FAM) Jose Lacson is challenging his removal by the Transportation Security Administration (TSA) for, among other reasons, releasing Sensitive Security Information (SSI) by posting it to a public website. FAM Lacson, through his representative, has contested whether the statements posted to this public website include SSI. The TSA SSI Program has conducted a review of these statements and hereby issues a final determination that four of these statements, which are attached hereto as Exhibit A, contain SSI.

II. Authority to Make Final SSI Determinations

The Administrator of TSA is authorized by 49 U.S.C. § 114(r), formerly 49 U.S.C. § 114(s),¹ and 49 C.F.R. part 1520 to determine whether information pertaining to transportation security constitutes SSI. The authority to identify information pertaining to transportation security as SSI has been delegated from the Administrator to the Deputy Administrator, pursuant to a delegation order signed by then Administrator J.M. Loy, on April 10, 2003. The Deputy Administrator further delegated the authority to the Director of the SSI Office, now referred to as the Chief of the SSI Program, pursuant to a delegation order signed by then Acting Deputy Administrator, Kenneth Kasprisin, on April 29, 2005. Both delegation orders are in effect as of the date of this Final Order and have not been amended.

III. Review of FAM Lacson's Statements

Pursuant to 49 U.S.C. § 114(r) and 49 C.F.R. part 1520, TSA security experts reviewed the statements posted by Lacson on the public website for the purpose of determining whether they contain SSI. Based upon this review, I have determined that the statements included in Exhibit A of this Final Order contain SSI, under the following subsection of 49 C.F.R. part 1520:

"Security measures. Specific details of aviation, maritime, or rail transportation security measures, both operational and technical, whether applied directly by the Federal government or another person, including . . . [i]nformation concerning the deployments,

¹ Subsection (s) of section 114 was redesignated as subsection (r) by the Consolidated Appropriations Act 2008, Pub. L. No. 110-161, Div. E, § 568(a), 121 Stat. 1844, 2092 (2007).

numbers, and operations of . . . Federal Air Marshals" 49
C.F.R. 1520.5(b)(8)(ii).

IV. Final Order

This Order is issued under 49 U.S.C. § 114(r) and is final. Pursuant to 49 U.S.C. § 46110, any person disclosing a substantial interest in this Order may, within 60 days of its issuance, apply for review by filing a petition for review in an appropriate U.S. Court of Appeals.

Date: 20 Sep 2011



William E. Benner, Jr.

Chief, SSI Program

Office of Security Services and Assessments

Office of Law Enforcement/Federal Air Marshal Service

Transportation Security Administration

U.S. Department of Homeland Security