

EMPOWER OVERSIGHT

Whistleblowers & Research



August 5, 2024

The Honorable Joseph V. Cuffari
Office of Inspector General
U.S. Department of Homeland Security
245 Murray Lane, SW
Washington, D.C. 20528-0305

Dear Inspector General Cuffari:

Empower Oversight represents a whistleblower from the U.S. Federal Air Marshals Service (FAMS) who contacted your office in 2021 and 2022 to disclose that FAMS was improperly targeting individuals for enhanced surveillance. FAMS has now expanded its enhanced surveillance to include former U.S. Representative and presidential candidate Tulsi Gabbard, in what appears to be a clear abuse of authority and waste of taxpayer funds. This issue demands your immediate attention.

In July 2021 our client, a senior Federal Air Marshal, discovered that his wife had been improperly labeled a “domestic terrorist” and targeted for FAMS “Special Mission Coverage” simply because she attended President Trump’s January 6, 2021 speech at the ellipse in Washington, D.C. She was nowhere near the U.S. Capitol complex that day, yet her FAMS file falsely stated she “unlawfully entered the United States Capitol Building on 1/06/2021.” Being targeted for Special Mission Coverage results in additional TSA screening as well as FAMS airport and flight surveillance.

Our client made protected whistleblower disclosures about this false information and improper surveillance to his FAMS supervisor, who responded: “It’s not our investigation.” The whistleblower’s wife subsequently filed a complaint with your office, to which she never received a response.¹ The whistleblower also made protected disclosures to U.S. Senator Ron Johnson,

¹ Complaint #HLCN1627058175187.

Ranking Member of the Permanent Subcommittee on Investigations, who in turn wrote to the TSA and the Federal Bureau of Investigation (FBI) on July 26, 2021.²

The whistleblower contacted Empower Oversight in the spring of 2022. On May 24, 2022, Empower Oversight assisted the whistleblower in filing a disclosure with the U.S. Office of Special Counsel, informing them that his chain of command knew his wife had been falsely listed as a domestic terrorist who entered the U.S. Capitol.³ The U.S. Office of Special Counsel wrote back on July 8, 2022, declining to refer the whistleblower's disclosures to your office for investigation.⁴ Thus, on November 29, 2022, we assisted the whistleblower in sending the disclosure directly to your office, alleging among other things an abuse of authority and a gross waste of funds.⁵ A letter dated January 9, 2023 indicated that your Office of Investigations would be examining the allegations.⁶ However, as of today, the whistleblower never received any further information.

Ultimately, the whistleblower was able to work with the FBI to have his wife's name removed from the terror watchlist in the spring of 2023. Yet clearing his own wife's name did not remedy the clear abuses of FAMS surveillance or deter further abuses—as the recent Tulsi Gabbard revelations demonstrate. The Air Marshal National Council has publicized the broader issue, asking TSA to cease and desist and attempting to get the House of Representatives to investigate.⁷ Yet, to date, your office has provided no public accounting of what it has done with the whistleblower disclosures it received from our client.

Now that additional FAMS whistleblowers have disclosed that the TSA is targeting Tulsi Gabbard under the controversial Quiet Skies program, the consequences of failing to detect and deter FAMS' surveillance abuses has become clear.⁸ Those added to Quiet Skies receive the same

² Letter from Ranking Member Ron Johnson, U.S. Senate Permanent Subcommittee on Investigations, to Director Christopher A. Wray, Federal Bureau of Investigation, and Administrator David P. Pekoske, Transportation Security Administration, July 26, 2021 (Attachment A).

³ Form 14, U.S. Office of Special Counsel (Attachment B).

⁴ Letter from U.S. Office of Special Counsel, July 8, 2022 (Attachment C) (“While you disagree with the decision to keep your wife on the list of domestic terrorists, we could not determine that such actions go beyond the discretion afforded to agency management. Further, to the extent that the designation of your wife as a domestic terrorist and the agency's information that she entered the U.S. Capitol are incorrect, such information should be revealed by previously mentioned investigation, which to your knowledge is still ongoing.”).

⁵ Letter from to Department of Homeland Security Office of Inspector General, Nov. 29, 2022.

⁶ Letter from Department of Homeland Security Office of Inspector General, Jan. 9, 2023.

⁷ See, e.g., Letter from David Londo and Sonya Hightower-LaBosco, Air Marshal National Council, to Administrator David Pekoske, Jan. 4, 2024 (Attachment D); Sonya Hightower-LaBosco, *Are You a Domestic Terrorist? TSA Might Say Yes*, UncoverDC (Apr. 25, 2023), <https://uncoverdc.com/2023/04/25/are-you-a-domestic-terrorist-tsa-might-say-yes>; Letter from David Londo and Sonya Hightower-LaBosco, Air Marshal National Council, to Speaker Kevin McCarthy, U.S. House of Representatives, et al., Jan. 16, 2023, https://mr.cdn.ignitecdn.com/client_assets/uncoverdc_com/media/attachments/6559/236e/f57c/cd0e/d85c/ee42/6559236ef57ccd0ed85cee42.pdf?1700340590.

⁸ Wendi Strauch Mahoney, *EXCLUSIVE - Federal Air Marshal Whistleblowers Report Tulsi Gabbard Actively Under Surveillance via Quiet Skies Program*, UncoverDC (Aug. 4, 2024), <https://uncoverdc.com/2024/08/04/fams-whistleblowers-report-tulsi-gabbard-on-quiet-skies-list>.

level of surveillance as Special Mission Coverage.⁹ Ms. Gabbard was reportedly added to the Quiet Skies program on July 23, 2024—one day after she criticized the Biden Administration in an interview with Laura Ingraham.¹⁰ Air Marshals were assigned to their first flight with Ms. Gabbard on July 25, 2024.

The Special Mission Coverage in Ms. Gabbard’s case reportedly involves two Explosive Detection Canine Teams, one Transportation Security Specialist (explosives), one plainclothes TSA Supervisor, and three Federal Air Marshals on every flight Ms. Gabbard boards. Absent any significant evidence that Ms. Gabbard actually poses a significant threat, this is a gross waste of taxpayer resources and an abuse of TSA’s authority.

Thus, we respectfully request that you conduct an immediate investigation into these abuses.

Cordially,

[/Tristan Leavitt/](#)
Tristan Leavitt
President

ATTACHMENTS

⁹ Department of Homeland Security, Office of Inspector General, *TSA Needs to Improve Management of the Quiet Skies Program (REDACTED)*, OIG-21-11, Nov. 25, 2020, <https://www.oig.dhs.gov/sites/default/files/assets/2020-11/OIG-21-11-Nov20-Redacted.pdf>, at 10, 28 (“Quiet Skies passengers are observed for suspicious behaviors the same as Known or Suspected Terrorists, Selectees, and Expanded Selectees.”).

¹⁰ See Tulsi Gabbard (@TulsiGabbard), X (July 23, 2024, 6:34 AM), <https://x.com/TulsiGabbard/status/1815697038371397993>.