

EMPOWER OVERSIGHT

Whistleblowers & Research



May 29, 2025

The Honorable Kristi Noem
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave. SE
Washington, D.C. 20528

Dear Secretary Noem:

INTRODUCTION

Empower Oversight Whistleblowers & Research (“Empower Oversight”) is a nonpartisan, nonprofit educational organization, which is dedicated to enhancing independent oversight of government and corporate wrongdoing. We work to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

BACKGROUND

Empower Oversight represents multiple whistleblowers from the Federal Air Marshals Service (“FAMS”). Last summer we assisted those whistleblowers in making protected disclosures regarding the Transportation Security Administration (“TSA”) adding Tulsi Gabbard to its “Quiet Skies” program the day after she criticized Vice President and presidential candidate Kamala Harris in a July 22, 2024 appearance on the Fox News show The Ingraham Angle.¹ The database entry for Ms. Gabbard included her congressional photograph instead of a driver’s license or passport photograph. Our clients disclosed that Ms. Gabbard was surveilled on at least eight flights in 2024, well beyond the average three. The surveillance included two Explosive Detection Canine Teams, one Transportation Security Specialist (explosives), one plainclothes TSA Supervisor, and three Federal Air Marshals.

¹ https://archive.org/details/FOXNEWSW_20240722_230000/The_Ingraham_Angle.

On August 5, 2024, we wrote to the Department of Homeland Security (“DHS”) Inspector General requesting that his office conduct an immediate investigation into this issue.² We also wrote to Congress on August 13, 2024 regarding the issue.³

Congress’s reaction to these disclosures was swift and forceful. On August 20, 2024, Senator Chuck Grassley, then-Ranking Member of the Senate Committee on the Budget, wrote to TSA that “TSA’s actions appear to be a complete waste of taxpayer resources given that Lt. Col. Gabbard is a well-known and trusted figure with decades of service to her country in the U.S. Military, and service in Congress.”⁴ Senator Grassley’s letter requested a number of documents from TSA on the issue.

On August 21, 2024, Senator Rand Paul, then-Ranking Member of the Senate Committee on Homeland Security and Governmental Affairs, wrote to TSA regarding his concerns that TSA was “target[ing] individuals based on their political views and participation in constitutionally protected activities, rather than legitimate security threats.”⁵ Senator Paul also requested a number of documents from TSA on the issue.

House Judiciary Committee and Select Subcommittee on the Weaponization of Government Chairman Jim Jordan also wrote TSA on August 21, 2024, to express his concerns that the Biden-Harris Administration was “weaponizing its federal surveillance powers against its political opponents.”⁶ Chairman Jordan requested documents from TSA on the issue.

On August 23, 2024, House Oversight and Accountability Committee Chairman James Comer wrote to TSA:

It is alarming that TSA is wasting its resources to surveil an air marshal’s wife and Ms. Gabbard—a high-profile, American public figure—when the threat of terrorist attacks on the United States is high...From Federal Air Marshals being forced to detail on the southwest border to process and provide services to illegal border crossers, to tailing American citizens and public figures, to retaliating against whistleblowers for their protected disclosures, there is something wrong at TSA under the Biden-Harris Administration.⁷

² <https://empowr.us/wp-content/uploads/2024/08/2024-08-05-TL-to-DHS-OIG-re-FAMS-surveillance-with-attachments.pdf>. This letter was not Empower Oversight’s first time notifying the DHS Inspector General of improper surveillance by FAMS. On November 29, 2022, Empower Oversight wrote to the DHS Inspector General regarding a whistleblower client we represented who alleged that his wife was subjected to Special Mission Coverage solely due to her protected First Amendment activity of being at the ellipse in Washington, D.C. on January 6, 2021. Her file wrongly stated that she had entered the United States Capitol Building on that day. When her husband attempted to correct this record showing this was not and could not have been true, TSA stonewalled. The DHS Office of Inspector General wrote back on January 9, 2023, indicating that its Office of Investigations would be examining the allegations, yet the whistleblower never received any further information or saw any finalized report.

³ <https://empowr.us/wp-content/uploads/2024/08/2024-08-13-TL-to-Congress-FAMS-Gabbard-surveillance-redacted.pdf>.

⁴ [https://www.grassley.senate.gov/imo/media/doc/grassley to tsa - quiet skies.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley%20to%20tsa%20-%20quiet%20skies.pdf).

⁵ [https://www.hsgac.senate.gov/wp-content/uploads/2024/08/21 Ranking-Member-Rand-Paul-Letter-to-TSA-Administrator-Pekoske FINAL.pdf](https://www.hsgac.senate.gov/wp-content/uploads/2024/08/21-Ranking-Member-Rand-Paul-Letter-to-TSA-Administrator-Pekoske-FINAL.pdf).

⁶ <https://x.com/BreannaMorello/status/1826324699011580408>.

⁷ <https://oversight.house.gov/wp-content/uploads/2024/08/Letter-to-TSA-re-FAMS-whistleblower-retaliation-08232024.pdf>.

Chairman Comer also requested documents from TSA on this issue.

Throughout 2024, TSA failed to produce any of the documents Congress requested in the aforementioned letters. At least one follow-up letter came from Chairman Paul and House Homeland Security Committee Chairman Mark Green on March 25, 2025.⁸

The first documents regarding this issue were apparently not produced to Congress until last Monday, May 19, 2025. On Tuesday, May 20, 2025, Chairman Paul shared in a hearing with you that “these documents...[show] [f]ederal air marshals surveilled the now-director of national intelligence during domestic flights in 2024, reporting back information related to her appearance and even how many electronics she was observed using.”⁹ Chairman Paul concluded: “I want to hear the whole story of what happened. I want to hear that people have been let go, that they’re no longer doing this, if there were abuses of Tulsi Gabbard’s liberties, I want to hear from that. But I want repercussions to come from this.”¹⁰

Despite Chairman Paul’s call for accountability, whistleblowers report to Empower Oversight that on Wednesday, May 21, 2025, FAMS Director Brian Belcher—a holdover from the Biden Administration—said in a townhall with the agency’s Washington Field Office that FAMS was justified in surveilling DNI Gabbard through the Quiet Skies program because “no one is above the law.”

Director Belcher’s remarks understandably shocked and angered some of the Air Marshals listening to the townhall. Contrary to Director Belcher’s insinuation, the Quiet Skies program is not based on violations of the “law,” but rather on a classified set of “rules” which are subject to virtually no outside scrutiny. And while some public reporting has suggested a meeting Ms. Gabbard attended at the Vatican may have been the basis for her addition to the Quiet Skies program, other individuals associated with the Vatican meeting (for example, former Office of Management and Budget Director Mick Mulvaney) were apparently not added to the Quiet Skies list.¹¹ This reinforces the impression that the real reason for her targeting was Ms. Gabbard’s criticism of Vice President Harris while in Italy.

As Chairman Paul stated, we believe the American people should be able to hear the whole story of what happened. Many people across the country believe there has been a pattern of government being weaponized against citizens for their political views and protected First Amendment activities. The public deserves to know promptly if there is evidence this occurred at TSA. Interfacing with TSA is among the most significant ways Americans interact with the federal government. When trust in TSA is compromised it reflects poorly on the federal government as a whole, and it is incumbent on you as DHS Secretary to help restore that trust by bringing transparency and accountability on this issue.

⁸ https://homeland.house.gov/wp-content/uploads/2025/03/2025.03.25_HSGAC-CHS-Letter-to-TSA-re-Quiet-Skies-Follow-Up.pdf.

⁹ See, e.g., <https://www.foxnews.com/politics/federal-air-marshals-surveilled-trump-cabinet-member-gabbard-2024-rand-paul-says>.

¹⁰ <https://www.newsmax.com/newsfront/quiet-skies-tulsi-gabbard-dni/2025/05/20/id/1211736>.

¹¹ <https://www.nytimes.com/2025/01/28/us/politics/tulsi-gabbard-trump-intel-pick-watch-list.html>.

Further, while the DHS Inspector General's office has apparently not yet concluded its investigation into these matters, Director Belcher's defiant attitude suggests it may be necessary for you to take special measures to ensure all DHS personnel—including those at TSA and FAMS—cooperate with the Inspector General investigation.

RECORDS REQUEST

In light of these issues, Empower Oversight requests the following records pursuant to the Freedom of Information Act (5 U.S.C. § 552):

1. The agenda for the May 21, 2025, townhall at the Washington Field Office;
2. The list of speakers for the May 21, 2025, townhall;
3. A list of all persons who watched the May 21, 2025, townhall, whether in person or through Microsoft Teams;
4. Any recording from the May 21, 2025, townhall, including of Director Belcher's remarks; and
5. All other records or communications regarding the May 21, 2025, townhall.

DEFINITIONS

"COMMUNICATION(S)" means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, Slack messages, meeting minutes, discussions, releases, statements, reports, publications, and any recordings or reproductions thereof.

"DOCUMENT(S)" or "RECORD(S)" mean any kind of written, graphic, or recorded matter, however produced or reproduced, of any kind or description, whether sent, received, or neither, including drafts, originals, non-identical copies, and information stored magnetically, electronically, photographically, or otherwise. As used herein, the terms "DOCUMENT(S)" or "RECORD(S)" include, but are not limited to, studies, papers, books, accounts, letters, diagrams, pictures, drawings, photographs, correspondence, telegrams, cables, text messages, emails, memoranda, notes, notations, work papers, intra-office and inter-office communications, communications to, between and among employees, contracts, financial agreements, grants, proposals, transcripts, minutes, orders, reports, recordings, or other documentation of telephone or other conversations, interviews, affidavits, slides, statement summaries, opinions, indices, analyses, publications, questionnaires, answers to questionnaires, statistical records, ledgers, journals, lists, logs, tabulations, charts, graphs, maps, surveys, sound recordings, data sheets, computer printouts, tapes, discs, microfilm, and all other records kept, regardless of the title, author, or origin.

“PERSON” means individuals, entities, firms, organizations, groups, committees, regulatory agencies, governmental entities, business entities, corporations, partnerships, trusts, and estates.

“REFERS,” “REFERRING TO,” “REGARDS,” “REGARDING,” “RELATES,” “RELATING TO,” “CONCERNS,” “BEARS UPON,” or “PERTAINS TO” mean containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

“INCLUDING” means comprising part of, but not being limited to, the whole.

INSTRUCTIONS

The words “and” and “or” shall be construed in the conjunctive or disjunctive, whichever is most inclusive.

The singular form shall include the plural form and vice versa.

The present tense shall include the past tense and vice versa.

In producing the records described above, you shall segregate them by reference to each of the numbered items of this FOIA request.

If you have any questions about this request, please contact Bobby Cheren by e-mail at bcheren@empowr.us.

FEE WAIVER REQUEST

Empower Oversight agrees to pay up to \$25.00 in applicable fees but notes that it qualifies as a “representative of the news media” and requests a waiver of any fees that may be associated with processing this request, in keeping with 5 U.S.C. § 552 (a)(4)(A)(iii).

Empower Oversight is a non-profit educational organization as defined under Section 501(c)(3) of the Internal Revenue Code, which helps insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

Further, the information that Empower Oversight seeks is in the public interest because it is likely to contribute significantly to the public’s understanding of TSA’s Quiet Skies program.

Empower Oversight is committed to government accountability, public integrity, and transparency. In the latter regard, the information that that Empower Oversight receives that tends to explain the subject matter of this FOIA request will be disclosed publicly via its website, and copies will be shared with other news media for public dissemination.

For ease of administration and to conserve resources, we ask that documents be produced in a readily accessible electronic format.

Thank you for your time and consideration. Please do not hesitate to contact me with any questions.

Cordially,

/Tristan Leavitt/
Tristan Leavitt
Empower Oversight
President

cc: The Honorable Tulsi Gabbard
Director of National Intelligence

The Honorable Charles Grassley
Chairman, U.S. Senate Committee on the Judiciary

The Honorable Rand Paul
Chairman, U.S. Senate Committee on Homeland Security and Government Affairs

The Honorable Mark Green
Chairman, U.S. House Committee on Homeland Security

The Honorable Jim Jordan
Chairman, U.S. House Committee on the Judiciary

The Honorable James Comer
Chairman, U.S. House Committee on Oversight and Government Reform

The Honorable Joseph Cuffari
Inspector General, U.S. Department of Homeland Security