



DISTRICT OF COLUMBIA



TENNESSEE



VIRGINIA



September 6, 2024

Kerry Callahan
Public Liaison
Freedom of Information Act Branch
Transportation Security Administration
6595 Springfield Center Drive
Springfield, VA 22150
571-227-2300
FOIA@TSA.DHS.GOV

RE: FOIA Request to Transportation Security Administration (TSA) for Records Regarding the Quiet Skies Program

Dear Ms. Callahan:

This letter is a request (“Request”) in accordance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, and corresponding department/agency implementing regulations. The Request is made by the American Center for Law and Justice (“ACLJ”).¹ **The ACLJ represents Ms. Tulsi Gabbard and submits this FOIA request on her behalf.** However, this FOIA request does **not** seek records specifically pertaining to Ms. Gabbard or any particular person placed in the Quiet Skies program. Instead, it seeks records about the Quiet Skies program itself. This Request is intended to provide TSA and DHS an opportunity to provide records demonstrating the Quiet Skies and related security programs are adequately maintained to minimize the invasion of

¹The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring governmental accountability and the ongoing viability of freedom and liberty in the United States and around the world.

constitutionally and statutorily protected civil rights and liberties, and to demonstrate the efficiency and necessity of such programs.

Background

Pursuant to DHS regulation 6 C.F.R. §5.3(b), this Background addresses “the date, title or name, author, recipient, and subject matter of the record[s]” requested, to the extent known.

According to whistleblower information:

[S]everal Federal Air Marshal whistleblowers have come forward with information showing that former U.S. Representative and Presidential candidate Tulsi Gabbard is currently enrolled in the Quiet Skies program. Quiet Skies is a TSA surveillance program with its own compartmentalized suspected terrorist watchlist. It is the same program being weaponized against J6 defendants and their families. Quiet Skies is allegedly used to protect traveling Americans from suspected domestic terrorists..²

“The whistleblowers first shared the information with Sonya LaBosco, the Executive Director of the Air Marshal National Council (AMNC), a national advocacy group for the Federal Air Marshals (FAMs).”³ According to LaBosco, “Gabbard is unaware she has two Explosive Detection Canine Teams, one Transportation Security Specialist (explosives), one plainclothes TSA Supervisor, and three Federal Air Marshals on every flight she boards.”⁴ Further,

according to LaBosco, Gabbard’s enrollment in Quiet Skies is likely politically motivated. Air Marshals were first assigned to Gabbard on Jul. 23, a day after she criticized Kamala Harris, Biden, and the National Security State in an interview with Laura Ingraham. FAMs were mobilized on Jul. 24 and assigned to their first flight with her on Jul. 25.⁵

In the name of national security, “an individual is enrolled in the program without knowledge. Teams of Federal Air Marshals are assigned to individuals, following and tracking them from when they enter the airport and then on all their flights and transits until they reach their destination.”⁶ Also, “[e]nrolled individuals usually have a Quad S (SSSS) on the bottom right-hand corner of their boarding passes, but not always. They are often flagged for extra searches, frequently so lengthy that they miss their flights.”⁷

² <https://uncoverdc.com/2024/08/04/fams-whistleblowers-report-tulsi-gabbard-on-quiet-skies-list>.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

Other media outlets are beginning to cover this story.⁸

Following these revelations, Ms. Gabbard submitted Traveler Inquiry Form and identity documentation to the Department of Homeland Security Traveler Redress Inquiry Program (DHS TRIP). By letter dated August 21, 2024, DHS responded, advising her that it “made any corrections to records that our inquiries determined were necessary, including, as appropriate, notations that may assist in avoiding incidents of misidentification.”

Further, the DHS letter stated:

When DHS TRIP receives a redress inquiry, we conduct a thorough review of the matter. We consult and share information with other agencies, when appropriate, to relieve you from the burden of seeking redress on an agency-by-agency basis and to address the issue that you identified in your application. We have found that about 2% of the DHS TRIP complainants actually have some connection to the Terrorist Watchlist.

Records Requested

For purposes of this Request, the term “record” is “any information” that qualifies under 5 U.S.C. § 552(f). The term “record” also includes, but is not limited to, all relevant information created, stored, received or delivered in any electronic or digital format, e.g., electronic mail, instant messaging or Facebook Messenger, iMessage, text messages or any other means of communication, and any information generated, sent, received, reviewed, stored or located on a government *or private* account or server, consistent with the holdings of *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145 (D.C. Cir. 2016) (rejecting agency argument that emails on private email account were not under agency control, and holding, “If a department head can deprive the citizens of their right to know what his department is up to by the simple expedient of maintaining his departmental emails on an account in another domain, that purpose is hardly served.”).

When this Request names a person or an office, it includes any alias or pseudonym name and any electronic communication account any such official might use.

For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is January 1, 2021, to the date this Request is processed.

⁸ <https://justthenews.com/accountability/whistleblowers/whistleblower-group-seeks-investigation-federal-air-marshalls>; <https://redstate.com/wardclark/2024/08/05/tulsi-gabbard-is-under-tsa-surveillance-why-n2177771>; https://www.realclearinvestigations.com/2024/08/05/whistleblowers_air_marshals_surveil_tulsi_gabbard_1049740.html.

For purposes of this Request, the term “Quiet Skies”; “Silent Partner”; “Secure Flight”; “Quad S”; “SSSS”; include any other name, identification term, pseudonym, etc., which might be used by any DHS or TSA official.

Pursuant to the FOIA, 5 U.S.C. § 552 *et seq.*, the ACLJ hereby requests that the Transportation Security Administration produce the following:

1. Records of any memoranda, communication, briefing, or other exchange of information identifying the number of complainants connected to:
 - a. Quiet Skies;
 - b. Silent Partner;
 - c. Secure Flight; or,
 - d. Quad S or SSSS.

2. Records of any memoranda, communication, briefing, or other exchange of information identifying the reasons any complainant was incorrectly placed in
 - a. Quiet Skies;
 - b. Silent Partner;
 - c. Secure Flight; or,
 - d. Quad S or SSSS.

3. Records of any memoranda, communication, briefing, or other exchange of information identifying efforts, guidance, quality control, or the like, designed to maintain
 - a. Quiet Skies;
 - b. Silent Partner;
 - c. Secure Flight; or,
 - d. Quad S or SSSS.

4. Records of any memoranda, communication, briefing, or other exchange of information identifying or addressing issues of constitutional or statutory rights of persons placed in
 - a. Quiet Skies;
 - b. Silent Partner;
 - c. Secure Flight; or,
 - d. Quad S or SSSS.

5. Records of any memoranda, communication, briefing, or other exchange of information identifying or addressing HOW a person may be placed in
 - a. Quiet Skies;
 - b. Silent Partner;
 - c. Secure Flight; or,
 - d. Quad S or SSSS.

This request includes but is not limited to records showing or defining the parameters, elements, standards, showings, or the like, for someone to be placed in a program. For example, a record showing what the terms “connected” or “connection,” as used in DHS

TRIP's letter stating, "We have found that about 2% of the DHS TRIP complainants actually have some connection to the Terrorist Watchlist."

6. Records of any memoranda, communication, briefing, or other exchange of information identifying or addressing processes to ensure placement of persons in
 - a. Quiet Skies;
 - b. Silent Partner;
 - c. Secure Flight; or,
 - d. Quad S or SSSS.is legitimate or not abused for personal, political purpose, or otherwise inappropriate, unlawful, or unethical purpose.
7. Records of any memoranda, communication, briefing, or other exchange of information between any TSA official or agent and any White House (WHO or EOP) official, employee or agent, concerning the efficiency of or problems with
 - a. Quiet Skies;
 - b. Silent Partner;
 - c. Secure Flight; or,
 - d. Quad S or SSSS.
8. Records of any memoranda, communication, briefing, or other exchange of information between any TSA official, employee or agent and any member of Congress or their staff (personal or committee), concerning the efficiency of or problems with
 - a. Quiet Skies;
 - b. Silent Partner;
 - c. Secure Flight; or,
 - d. Quad S or SSSS.
9. Records of any memoranda, communication, briefing, or other exchange of information between any TSA official, employee or agent and any DHS official, employee or agent – all of an appointee or GS-13 level or higher, or a personal staff or assistant of any such person –identifying or addressing
 - a. Quiet Skies;
 - b. Silent Partner;
 - c. Secure Flight; or,
 - d. Quad S or SSSS.

that is not about a particular person's placement in the program, and not responsive to any request above.
10. Records of any memoranda, communication, briefing, or other exchange of information identifying or addressing
 - a. Quiet Skies;
 - b. Silent Partner;
 - c. Secure Flight; or,
 - d. Quad S or SSSS.

that is not about a particular person's placement in the program, and not responsive to any request above.

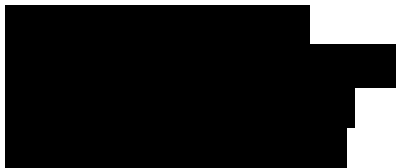
Each request seeks records which include, but are not limited to, any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DHS/TSA electronic mail or message accounts, non-DHS/TSA electronic mail or message accounts, personal electronic mail or message accounts, DHS/TSA servers, non-DHS/TSA servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

CONCLUSION

If this Request is denied in whole or in part, the ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a *Vaughn* Index.

Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

Jordan Sekulow, Executive Director
Benjamin P. Sisney, Senior Litigation Counsel
John A. Monaghan, Senior Litigation Counsel
American Center for Law and Justice



I affirm that the foregoing request and attached documentation are true and correct to the best of my knowledge and belief.

Respectfully submitted,

Handwritten signature of Jordan Sekulow in black ink.

Jordan Sekulow
Executive Director

Handwritten signature of Benjamin P. Sisney in black ink.

Benjamin P. Sisney
Senior Litigation Counsel

A handwritten signature in blue ink that reads "John A. Monaghan". The signature is written in a cursive style with a long horizontal stroke at the end.

John A Monaghan
Senior Litigation Counsel