



DISTRICT OF COLUMBIA



TENNESSEE



VIRGINIA



August 12, 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: Privacy Act and FOIA Request to Transportation Security Administration (TSA) for Records Regarding Surveilling of Tulsi Gabbard, Quiet Skies, and the Quad S Program

Dear Ms. Callahan:

This letter is a request ("Request") in accordance with the Privacy Act, 5 U.S.C. § 552a *et seq.*, 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 Privacy Act and FOIA request on her behalf.**

Privacy Act Authorization

Pursuant to the Privacy Act, Ms. Gabbard makes the following authorization:

On this 12th day of August, 2024,

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.

1. I, Tulsi Gabbard, do hereby authorize the Transportation Security Administration and the Department of Homeland Security, and any other component of the Department of Homeland Security, to release any and all records and documents naming or otherwise concerning myself to my attorneys and representatives, the undersigned attorneys for the American Center for Law and Justice.
2. I declare, certify, verify or state that, under penalty of perjury under the laws of the United States of America, the foregoing is true and correct.


Tulsi Gabbard

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

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

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

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

Other media outlets are beginning to cover this story.⁸

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 April 1, 2019, to the date this Request is processed.

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 Privacy Act, 5 U.S.C. § 552a *et seq.*, and the FOIA, 5 U.S.C. § 552 *et seq.*, the ACLJ hereby requests that the Transportation Security Administration produce the following:

1. Records within the custody of any TSA official – all of an appointee or GS-13 level or higher, or a personal staff or assistant of any such official – naming or otherwise involving Tulsi Gabbard **AND** any of the following:
 - a. Quiet Skies;
 - b. Silent Partner;
 - c. Secure Flight;
 - d. Quad S or SSSS.
2. Records of any communication, briefing, or other exchange of information between any TSA official – all of an appointee or GS-13 level or higher, or a personal staff or assistant of any such

⁷ *Id.*

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.

official – and any member of Congress or congressional staff, naming or otherwise involving Tulsi Gabbard **AND** any of the following:

- a. Quiet Skies;
 - b. Silent Partner;
 - c. Secure Flight;
 - d. Quad S or SSSS.
3. Records of any communication, briefing, or other exchange of information between any TSA official – all of an appointee or GS-13 level or higher, or a personal staff or assistant of any such official – and any White House, WHO, or EOP official or staff, naming or otherwise involving Tulsi Gabbard **AND** any of the following:
 - a. Quiet Skies;
 - b. Silent Partner;
 - c. Secure Flight;
 - d. Quad S or SSSS.
4. Records of any communication, briefing, or other exchange of information between any TSA official – all of an appointee or GS-13 level or higher, or a personal staff or assistant of any such official – and any DOJ or FBI official or staff, naming or otherwise involving Tulsi Gabbard **AND** any of the following:
 - a. Quiet Skies;
 - b. Silent Partner;
 - c. Secure Flight;
 - d. Quad S or SSSS.
5. Records of any communication, briefing, or other exchange of information between any TSA official – all of an appointee or GS-13 level or higher, or a personal staff or assistant of any such official – and any DHS official or staff, naming or otherwise involving Tulsi Gabbard **AND** any of the following:
 - a. Quiet Skies;
 - b. Silent Partner;
 - c. Secure Flight;
 - d. Quad S or SSSS.
6. Any record containing information used to justify included Tulsi Gabbard in any of the following programs:
 - a. Quiet Skies;
 - b. Silent Partner;
 - c. Secure Flight;
 - d. Quad S or SSSS.
7. Records of the TSA Incident Coordination Section (TSA ICS) naming or otherwise involving Tulsi Gabbard, which are not responsive to any preceding request.
8. Records within the custody of any TSA official who is an appointee or GS-13 level or higher, or a personal staff or assistant of any such official, containing the name “Tulsi Gabbard” (or any alias or term used for Tulsi Gabbard) and “Kamala Harris” (or any alias or term for Vice President Harris), which are not responsive to any preceding request.

9. Records within the custody of any TSA official who is an appointee or GS-13 level or higher, or a personal staff or assistant of any such official, naming or otherwise involving Tulsi Gabbard, which are not responsive to any preceding request.

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 electronic mail or message accounts, non-DHS electronic mail or message accounts, personal electronic mail or message accounts, DHS servers, non-DHS 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,

A handwritten signature in blue ink, appearing to read "Jordan Sekulow".

Jordan Sekulow
Executive Director

A handwritten signature in blue ink, appearing to read "Ben P. Sisney".

Benjamin P. Sisney
Senior Litigation Counsel

A handwritten signature in blue ink, appearing to read "John A. Monaghan".

John A Monaghan
Senior Litigation Counsel