



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

The Special Counsel

February 29, 2008

The President  
The White House  
Washington, DC 20500

Re: OSC File No. DI-06-1620

Dear Mr. President:

I received disclosures from Frank Terreri, a whistleblower at the Department of Homeland Security (DHS), Transportation Security Administration (TSA), Federal Air Marshal Service (FAMS), Washington, D.C. Mr. Terreri, who consented to the release of his name, alleged that officials at FAMS failed to fully protect the anonymity of Federal Air Marshals (FAMs) by actively employing policies which resulted in their public identification as FAMs. He alleged that the failure to protect covert aviation security operations weakens the core FAMS mission and endangers the public.

I required the Honorable Michael Chertoff, Secretary, to conduct an investigation into Mr. Terreri's disclosures pursuant to 5 U.S.C. § 1213(c) and (d). On October 11, 2006, Philip J. Perry, General Counsel, DHS, submitted a report to this office. On May 16, 2007, Robert F. Byers, Acting Director, FAMS, submitted a supplemental report to this office. Mr. Terreri provided comments on the agency reports to this office pursuant to 5 U.S.C. § 1213(e)(1); his comments are attached. As required by law, 5 U.S.C. § 1213(e)(3), I am now transmitting the report to you.

As discussed in the attached Analysis, the agency reports do not claim to have substantiated Mr. Terreri's allegations, nor do they state that his claims were unfounded. The agency did revise several of the policies about which Mr. Terreri expressed concern, to better support FAMs in their missions. These revisions all followed within weeks (in some cases) and months (in other cases) after I substantiated Mr. Terreri's disclosures and ordered Secretary Chertoff to look into FAMs' security. Under the new policies, FAMs dress at their discretion provided their ability to execute law enforcement duties is not compromised. TSA has taken steps to amend boarding procedures for FAMs, to further protect their anonymity during check-in and boarding. In addition to the proposed regulatory changes, FAMS developed flexible policies to adapt to different airport designs and to ensure anonymity. The TSA Sensitive Security Information (SSI) Office and FAMS are working to improve training techniques for identifying SSI and handling documents correctly.

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Based on the representations made in the agency reports and Mr. Terreri's comments, I find that although the agency's reports did not adhere to all of the technical, statutory requirements of Section 1213(d), and that more could be done to strengthen the anonymity of Federal Air Marshals, the findings of the agency head appear reasonable.

As required by § 1213(e)(3), I have sent copies of the reports and Mr. Terreri's comments to the Chairman of the Senate Committee on Commerce, Science & Transportation, and the Chairman of the House Committee on Homeland Security. We have also filed copies of the reports and Mr. Terreri's comments in our public file and closed the matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'S. Bloch', written in a cursive style.

Scott J. Bloch

Enclosures