



One Hundred Fifteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

August 17, 2018

Mr. John V. Kelly
Acting Inspector General
Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528-0305

Dear Acting Inspector General Kelly:

On August 14th, a local *Fox* affiliate in Charlotte, North Carolina, reported that three former Federal Air Marshals (FAMs) alleged that a supervisor in Orlando, Florida, directed them to target African American travelers for unwarranted scrutiny.¹ The supervisor allegedly stated that doing so would improve FAMs' arrest metrics since African Americans are "the ones who have warrants" and used the n-word when making these orders.² While the alleged incident occurred sometime between 2005 and 2010, the supervisor involved reportedly still works for the Transportation Security Administration (TSA) in a different managerial role.³

These allegations are extremely troubling, especially given the history of allegations regarding misconduct, discrimination, and retaliation within the Federal Air Marshal Service (FAMS). We have long been concerned that the policies of the TSA, which oversees the FAMS, open the door to racial profiling and other forms of discrimination. For the TSA to earn the trust of the American public, non-discrimination policies must be fully enforced, allegations of misconduct must be fully investigated, and substantiated misconduct must be remedied by corrective action.

We appreciate the previous efforts of the Department of Homeland Security (DHS) Office of Inspector General (OIG) to investigate misconduct within the FAMS. As you know, in 2012, the DHS OIG published a report based on "allegations of misconduct and illegal employment discrimination and retaliation in the Federal Air Marshal Service's Orlando field office."⁴ While the review did not support a finding of widespread discrimination and retaliation within the FAMS,

¹ Grant, Matthew, "Former air marshals say they were told to target 'the black people,'" *Fox 46 WJZY*, 14 Aug. 2018, Accessed 16 Aug. 2018, <http://www.fox46charlotte.com/news/local-news/former-air-marshals-say-they-were-told-to-target-the-black-people->.

² *Id.*

³ *Id.*

⁴ Department of Homeland Security Office of Inspector General, "Allegations of Misconduct and Illegal Discrimination and Retaliation in the Federal Air Marshal Service," Jan. 2012, Accessed 16 Aug. 2018, https://www.oig.dhs.gov/assets/Mgmt/OIG_12-28_Jan12.pdf.


the OIG allowed that “individual employees may have experienced discrimination or retaliation” and stated that “employees’ perceptions of discrimination, retaliation, and favoritism are extensive.”⁵ Importantly, the report focused on allegations of discrimination *against* FAMs rather than discrimination *by* FAMs against the traveling public.

As such, we request that you expeditiously investigate allegations that FAMs in Orlando were directed to discriminate unlawfully against travelers based upon race or other factors, including whether such directions were acted upon and whether such discrimination continues today.

If you have any questions about this request, please contact Alison Northrop, Chief Director for Oversight, at (202) 226-2616. Thank you for your attention to this matter.

Sincerely,


BENNIE G. THOMPSON
Ranking Member


VAL BUTLER DEMINGS
Member of Congress


BONNIE WATSON COLEMAN
Member of Congress

⁵ *Id.*