

## EXECUTIVE SUMMARY

The Federal Air Marshal Service (FAMS) traces its history to the anti-hijacking initiatives of the 1960s, and was drastically built up after the attacks of September 11, 2001. While undergoing this rapid build-up and deployment of air marshals, the Service has encountered numerous problems that severely impact morale and, potentially, national security. The Committee on the Judiciary initiated an inquiry into the FAMS and has discovered that while many of the problems facing the management of the FAMS could be easily remedied, they remain unaddressed. This report outlines key problems and provides recommendations.

## HISTORY OF THE FEDERAL AIR MARSHAL SERVICE

Created in 1961, the U.S. Sky Marshal Program (the legacy name of the FAMS) was a reaction to the increased number of hijackings, which occurred when the Castro regime took control of Cuba in 1958, and were further exacerbated after the failed Bay of Pigs invasion in 1961. In the beginning stages of the program, marshals were placed upon aircraft at the request of either a commercial air carrier or the Federal Bureau of Investigation (FBI). The program was an initial success as the number of hijackings dramatically decreased between 1962 and 1967.<sup>1</sup>

In 1968, however, the trend reversed and the U.S. suffered 19 domestic hijack attempts on U.S. flights to Cuba. The trend continued into 1969 and after eight hijackings to Cuba in January alone, the Federal Aviation Administration (FAA) created the Task Force on the Deterrence of Air Piracy (Task Force). One of the hallmarks of the Task Force was the creation of the "hijacker profile." By 1970, five air carriers were utilizing the "hijacker profile" system in

---

<sup>1</sup> See <http://www.ice.gov/graphics/fams/history.htm>.

duty.

- 2.) The Committee requests an explanation by FAMS management as to why it continues to enforce ADM 3700 that its own Office of Professional Legal Advisor has found unenforceable for lack of constitutional permissibility.
- 3.) The Committee requests a list of all media activities FAMS management has sanctioned, authored and/or participated in since 2002.

### **CONCLUSION**

Certainly the FAMS has come a long way since 9/11, but, as this report demonstrates, there are necessary steps to be taken to make the Service the elite law enforcement agency it should be. DHS, TSA, and FAMS management should address the obvious shortcomings in order to make FAMS a better agency. Ensuring the anonymity of Federal Air Marshals should be a top priority of the organization. Steps should begin immediately to ensure that policy initiatives are rapidly implemented to achieve this goal.

## Sensitive Security Information

Transportation Security Administration  
Response to House Committee on the Judiciary Draft Report  
*"In Plane Sight: Lack of Anonymity At The Federal Air Marshal Service Compromises  
Aviation and National Security"*

### Introduction

The Federal Air Marshal Service (FAMS) is an important and effective part of the Transportation Security Administration's (TSA) mission to secure America's transportation system. Since returning to TSA in October 2005, the FAMS has integrated into the Office of Law Enforcement and the rest of TSA operations, and the resulting synergies have significantly bolstered the level of security in aviation operations.

TSA is very proud of the work of the FAMS and Federal Air Marshals (FAMs), who provide a fast, nimble, elite law enforcement capability that can detect, deter and defeat hostile acts.

TSA recognizes the Committee's concerns and shares the policy objectives regarding the issues raised in its draft report. TSA and OLE-FAMS will continue to remedy any outstanding issues. TSA would also note that the report references numerous FAMS policies that are no longer applicable. Examples which will be discussed in detail in the Findings and Recommendations section include:

- FAM Boarding: Changes have already been instituted (7-25-05)
- Dress Code & Grooming: Changes have already been instituted (4-28-05)
- Lodging Policy: Changes have already been instituted (8-17-04); improvement project ongoing
- Employee Standards of Conduct: Changes have already been instituted (August 26, 2005).

These policies were recently provided to the Committee. TSA and OLE-FAMS continually re-assesses its policies in order to ensure that procedures and practices keep pace with the evolution of the organization. Specific instances of this re-assessment, including ongoing projects and proposals, are cited in the body of its response. Since the Committee conducted their investigation of the FAMS, several significant changes have

## Sensitive Security Information

occurred, including the transfer of FAMS to TSA as well as a change in leadership at FAMS. TSA looks forward to working with the Committee and Congress to achieve our shared objectives.

### **Current Initiatives**

Since the integration of the FAMS into TSA, the new Office of Law Enforcement-Federal Air Marshal Service (OLE-FAMS) management has initiated significant outreach to all levels of the organization, is listening to feedback and suggestions, and is implementing appropriate changes which will result in an established, stable organization. Employees at all levels have been invited to participate in 13 working groups, which address topics such as Workforce Satisfaction, Recruitment and Retention; Quality of Life, Scheduling and Transfers; Process Management; Operational Management; and, Communications. Additionally, a series of 12 Listening Sessions is being hosted by the Assistant Administrator and Deputy to offer an opportunity for groups of eight representatives from each of the four major position categories within OLE-FAMS to present their issues and concerns. On a weekly basis, Assistant Administrator for OLE-FAMS Dana Brown meets in an informal setting with FAMS selected at random and transiting through the Washington area.

OLE-FAMS is implementing a management process which is understandable and responsive to its workforce. For example, OLE-FAMS maintains an e-mail box for employees to provide specific feedback for consideration by the working groups and OLE-FAMS will soon have an anonymous internet box where employees can submit concerns. Website access and broadcast message updates are regularly provided to inform employees of their professional investment in this process. TSA and OLE-FAMS leadership review and consider all feedback and, in many cases, constructive change is implemented. We would be pleased to provide the Committee with a briefing on interim findings and final results of the review upon completion of this process.

TSA has provided FAMS with next generation Personal Digital Assistants (PDAs), which provide voice and data transmission capabilities across a wireless network. The Committee report states that some FAMS have reported technological problems with the PDAs. TSA believes these incidents were resolved by provision of the next generation PDAs. The Federal Aviation Administration (FAA) has certified this device for use aboard aircraft in all phases of flight. The PDA will also function as the principal device for air-to-ground communications for [REDACTED]

## Sensitive Security Information

TSA also supports the Committee's position that unauthorized disclosures of SSI cannot be tolerated and warrants further inquiry.