

# United States Senate

WASHINGTON, DC 20510

July 26, 2021

The Honorable Christopher A. Wray  
Director  
Federal Bureau of Investigation

The Honorable David P. Pekoske  
Administrator  
Transportation Security Administration

Dear Director Wray and Administrator Pekoske:

My office recently became aware of at least one individual who may have been inappropriately placed on the Transportation Security Administration's (TSA) watch list, after peacefully engaging in first amendment protected activity in Washington, D.C. on January 6, 2021. This individual reported that he or she traveled by plane to Washington, D.C. on January 4 to attend the January 6 rally that occurred at the Ellipse. According to this individual, on January 6, he or she went to the Ellipse to peacefully exercise his or her first amendment rights at the rally, walked to Pennsylvania Avenue and 9<sup>th</sup> street, and then walked to his or her hotel. This individual asserted that he or she was never in or near the U.S. Capitol building on January 6. This individual left the Washington, D.C. region on January 7.

According to information obtained by my office, this individual was recently flagged by "Law Enforcement/Federal Air Marshal Service" and assigned a special mission coverage (SMC).<sup>1</sup> TSA documents connected to this individual noted that the reason TSA needed to assign an SMC to this person is because he or she "unlawfully entered the United States Capitol Building on 1/06/2021." Further, my office was told that the category code assigned to this individual was for a suspected domestic terrorist.

If the individual's account of his or her activities on January 6 is true, it appears that TSA assigned an SMC to this individual based on false information. Further, this report raises serious concerns about whether TSA or law enforcement has assigned other individuals SMCs for merely attending the January 6 rally and participating in first amendment protected activity.

I respectfully request a briefing from your offices on this alleged incident and also request that you provide the following information by no later than August 9, 2021:

1. Is TSA/FBI placing individuals who attended the rally on the Ellipse on January 6, 2021 and did not violate the law on a watch list? If so:
  - a. Why is TSA/FBI adding these individuals to a watch list?

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<sup>1</sup> This type of coverage could include TSA assigning personnel to surveil travelers that TSA "deemed to be high risk according to certain travel patterns and other intelligence-based factors." See *Facts about the "Quiet Skies"*, Transportation Security Administration, Aug. 22, 2018, <https://www.tsa.gov/blog/2018/08/22/facts-about-quiet-skies>.

- b. How many of these individuals have been added to this watch list since January 6, 2021?
    - c. How many of these individuals have been assigned a category code for a suspected domestic terrorist?
  2. How is TSA/FBI determining:
    - a. Whether individuals attended the rally on January 6, 2021?
    - b. Whether individuals who attended the rally on January 6, 2021 breached the U.S. Capitol?
  3. Is TSA/FBI aware of individuals that have been inappropriately flagged in its database as unlawfully entering the U.S. Capitol on January 6? If so:
    - a. How many individuals have been inappropriately flagged?
    - b. What steps are TSA/FBI taking to correct this error?
  4. Is TSA assigning SMCs to individuals who attended the rally on January 6, but did not breach the U.S. Capitol? If so, how many SMCs have occurred?
  5. If individuals are assigned an SMC for allegedly breaching the U.S. Capitol on January 6, are those individuals also assigned a category code for a suspected domestic terrorist?
  6. Did the FBI request and receive the flight manifests for flights arriving at Ronald Reagan Washington National Airport, Washington Dulles International Airport, and Baltimore/Washington International Thurgood Marshall Airport from January 1, 2021, to January 10, 2021?

Should you have questions, please contact Senator Johnson's Subcommittee staff at 202-224-3721. Thank you for your attention to this matter.

Sincerely,



Ron Johnson  
Ranking Member  
Permanent Subcommittee on Investigations

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cc: The Honorable Michael E. Horowitz  
Inspector General  
Department of Justice

The Honorable Joseph V. Cuffari  
Inspector General  
Department of Homeland Security