

May 11, 2016

**Kathryn Thomson**  
General Counsel  
U.S. Department of Transportation  
1200 New Jersey Ave, SE  
Washington, D.C. 20590

Dear Ms. Thomson:

Muslim Advocates and the NAACP Legal Defense and Educational Fund, Inc. write in response to the recent string of racial and religious profiling incidents involving Muslim passengers on U.S. domestic airlines. Since September 11, 2001, the unlawful profiling of Muslim passengers, airline passengers of color and those perceived to be either, has become increasingly common. The increasing frequency of, and seemingly arbitrary grounds for, the removal of Muslims, Sikhs, African Americans and passengers who appear to be of color from U.S. domestic airlines demands swift action by the Department of Transportation (“Department”). Muslims and people of color, like all other law-abiding travelers, have the right to utilize U.S. domestic airlines without being subjected to unfair and unlawful discrimination on the basis of their race and/or religion.

Muslim Advocates is a national legal advocacy and educational non-profit organization that works on the frontlines of civil rights to guarantee freedom and justice for Americans of all faiths. For over a decade, Muslim Advocates has worked to combat racial and religious profiling through lawsuits challenging discriminatory laws and policies, as well as through policy and legislative advocacy. The NAACP Legal Defense & Educational Fund, Inc. (LDF) is a non-profit organization that was established to assist African Americans and other people of color in securing their civil and constitutional rights through the prosecution of lawsuits challenging racial discrimination. LDF has long been concerned about the influence of race on the administration of the criminal justice system in particular and with laws, policies, and practices that impose a disproportionate negative impact on communities of color more generally.

Reports to our organizations and in the media show that Muslim passengers and passengers of color (or who are perceived to be) who have been cleared by airport security are repeatedly and disproportionately ejected from U.S. domestic aircrafts, or prevented from boarding. In each case, police and airline officials have concluded that the individuals posed no threat to the airline or its passengers. All too frequently, these decisions are prompted by unsubstantiated claims raised by other passengers or airline employees based on a passenger’s appearance.

Within the past six months alone, eleven racial and religious profiling incidents have been reported, including five since April 1, 2016. Below are some examples that have garnered public attention:

- November 17, 2015: Four passengers of “Middle Eastern descent” were removed from a Spirit Airlines flight after a passenger reported suspicious behavior, which included watching the news on a phone.<sup>1</sup>
- November 18, 2015: Two Muslim passengers were asked to step aside before boarding a Southwest Airlines flight after a fellow passenger claimed they appeared suspicious for speaking Arabic.<sup>2</sup>
- November 18, 2015: Six Muslim passengers were removed from a Southwest Airlines flight after asking passengers to switch seats so they could sit together.<sup>3</sup>
- December 8, 2015: Three Muslim passengers and one Sikh passenger were removed from an American Airlines flight after the captain and crew reportedly “felt uneasy and uncomfortable with their presence on the flight[.]”<sup>4</sup>
- December 17, 2015: A Muslim passenger and her two children were removed from a United Airlines flight after a dispute with another passenger about switching seats.<sup>5</sup>
- March 9, 2016: Two Muslim women were removed from a JetBlue Airlines flight after a crewmember was concerned about the way they were “staring back at her.”<sup>6</sup>
- April 1, 2016: A Muslim family with two children was removed from a United Airlines flight after a dispute about a child safety seat.<sup>7</sup>

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<sup>1</sup> Karen Jordan, *4 Passengers Removed from Chicago-Bound Flight in Baltimore, Officials Say*, ABC7 Eyewitness News, Nov. 7, 2015, <http://abc7chicago.com/news/4-passengers-removed-from-chicago-bound-flight-officials-say/1088067/>.

<sup>2</sup> Karen Araiza, *Philly Pizza Shop Owner Calls 911 After He Says He Was Profiled on Flight Home*, NBC10.com, Nov. 15, 2015, <http://www.nbcphiladelphia.com/news/local/Philly-Pizza-Shop-Owner-Profiled-Southwest-Airlines-351944441.html>.

<sup>3</sup> Michelle Gallardo and Stacey Baca, *Flight from Midway to Houston Delayed, Passengers Removed*, ABC7 Eyewitness News, Nov. 18, 2015, <http://abc7chicago.com/news/flight-from-midway-to-houston-delayed-passengers-removed/1090031/>.

<sup>4</sup> Laura Ly, *3 Muslims, Sikh Kicked Off Flight Because of Their Looks, Lawsuit Says*, CNN, Jan. 18, 2016, <http://www.cnn.com/2016/01/18/us/muslims-sikh-sue-airline/>.

<sup>5</sup> Complaint of Farva Rizvi, Jan. 17, 2016, filed with Aviation Consumer Protection Division (copy on file with Muslim Advocates).

<sup>6</sup> Hugh Morris, *Muslim Women Removed from Plane After Staring at Flight Attendant*, THE TELEGRAPH, Mar. 9, 2016, <http://www.telegraph.co.uk/travel/news/muslim-women-removed-from-plane-for-staring-at-flight-attendant/>.

<sup>7</sup> Janet Weinstein, *Arab-American Family Says They Were Removed from Flight for Being Muslim*, ABCNews.go.com, Apr. 1, 2016, <http://abcnews.go.com/ABCNews/arab-american-family-seeks-correction-action-removal-airplane/story?id=38084762>.

- April 6, 2016: A Muslim college student was removed from a Southwest Airlines flight after a fellow passenger complained about his use of Arabic. The student was then searched publicly while a crowd in the terminal watched.<sup>8</sup>
- April 15, 2016: An African-American reverend was removed from a flight after he verbally responded to another passenger who stated “he had problems with ‘those people’.”<sup>9</sup>
- April 15, 2016: A Muslim passenger was removed from a Southwest Airlines flight after a flight attendant would not allow her to switch seats with another passenger.<sup>10</sup>
- May 5, 2016: An Italian passenger “with dark, curly hair, olive skin and an exotic foreign accent” was removed from an American Airlines flight after a passenger found the math equation he was working on suspicious.<sup>11</sup>

The Department of Transportation is authorized to prevent and seek redress for acts of discrimination.<sup>12</sup> Under 49 U.S.C. § 40127a, an airline “may not subject a person in air transportation to discrimination on the basis of race, color, national origin, religion, sex, or ancestry.” *See also* 49 U.S.C. § 41310(a) (“An air carrier or foreign air carrier may not subject a person, place, port, or type of traffic in foreign air transportation to unreasonable discrimination.”). The pattern of incidents described above demonstrates that Muslims, people of color, and persons perceived to be either are frequently being discriminated against by U.S. airlines and an immediate response from the Department is required. To prevent future incidents of profiling, we ask that your office:

- ***Fully investigate and publicly report on investigation findings regarding all alleged instances of racial and religious profiling involving Muslim passengers,***

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<sup>8</sup> Liam Stack, *College Student Is Removed from Flight After Speaking Arabic on Plane*, N.Y. TIMES, Apr. 17, 2016, <http://www.nytimes.com/2016/04/17/us/student-speaking-arabic-removed-southwest-airlines-plane.html>.

<sup>9</sup> T. Keung Hui, *State NAACP Leader Removed from Flight*, CHARLOTTE NEWS & OBSERVER, Apr. 16, 2015, <http://www.newsobserver.com/news/politics-government/state-politics/article72285527.html>.

<sup>10</sup> Rachel Revesz, *Muslim Woman Kicked Off Plane After Flight Attendant Said She ‘Did Not Feel Comfortable’ with the Passenger*, INDEPENDENT, Apr. 15, 2016, <http://www.independent.co.uk/news/world/americas/muslim-woman-kicked-off-plane-as-flight-attendant-said-she-did-not-feel-comfortable-with-the-a6986661.html>.

<sup>11</sup> Catherine Rampell, *Ivy League Economist Ethnically Profiled, Interrogated for Doing Math on American Airlines Flight*, WASH. POST, May 7, 2016, <https://www.washingtonpost.com/news/rampage/wp/2016/05/07/ivy-league-economist-interrogated-for-doing-math-on-american-airlines-flight/>.

<sup>12</sup> *See* Letter from Blane A. Workie, United States Department of Transportation, to Evelyn D. Sahr, Counsel for Kuwait Airways Company, Sept. 30, 2015, <https://lettersblogatory.com/wp-content/uploads/2015/10/Kuwait-Airways-Letter-Sept-30-2015.pdf> (finding Kuwait Airways violated federal law by refusing to sell a ticket to an Israeli citizen).

including those incidents listed above and those reported in the media that may not have been formally filed with the Aviation Consumer Protection Division;

- **Require any air carrier found to have profiled passengers on the basis of their race or religion to take appropriate remedial action**, including but not limited to, appropriate financial compensation for the victims and the institution of training, protocols, and monitoring to ensure that such incidents do not occur again;
- **Implement regulations requiring airline personnel to undergo discrimination training** on anti-racism and implicit bias, as well as the implementation of strong anti-discrimination policies concerning racial and religious profiling, with a particular focus on profiling of Muslims and those perceived to be Muslim; and
- **Track and publish monthly summaries of the discrimination complaints filed against U.S. airlines and the action taken by the Department in response** in the monthly air travel consumer report, similar to the summaries of complaints regarding animal travel issued by the Office of Aviation Enforcement and Proceedings, to increase the public visibility of discrimination claims filed each month.

We would also appreciate the opportunity to meet with representatives from your office, as well as the Office of Aviation Enforcement and Proceedings and/or the Federal Aviation Authority to discuss our concerns about U.S. airlines' discriminatory treatment of the Muslim community and people of color. Please contact Brenda Abdelall at [brenda@muslimadvocates.org](mailto:brenda@muslimadvocates.org) or 202-765-4249 at your earliest convenience to schedule this meeting.

Sincerely,



Farhana Khera  
President & Executive Director  
Muslim Advocates



Sherrilyn Ifill  
President & Director-Counsel  
NAACP Legal Defense and Educational Fund, Inc.