



October 12, 2017

American Airlines  
Robert Isom  
President  
Doug Parker  
Chief Executive Officer

Southwest Airlines  
Tom Nealon  
President  
Gary C. Kelly  
Chief Executive Officer

Delta Airlines  
Glen Hauenstein  
President  
Ed Bastian  
Chief Executive Officer

Spirit Airlines  
Robert Fornaro  
President and Chief  
Executive Officer

Hawaiian Airlines  
Mark Dunkerley  
President and Chief  
Executive Officer

United Airlines  
Scott Kirby  
President  
Oscar Munoz  
Chief Executive Officer

JetBlue  
Robin Hayes  
President and Chief  
Executive Officer

Virgin America  
Peter Hunt  
President  
Ben Minicucci  
Chief Executive Officer

Dear Presidents and Chief Executive Officers:

On behalf of Muslim Advocates and the NAACP Legal Defense and Educational Fund, Inc. ("LDF"), we urge your airlines to address the unlawful profiling of Muslims, African Americans, and passengers of color by airlines staff. Specifically, we call on your airlines to implement effective and mandatory anti-discrimination training for all forward-facing airlines staff. Paired with sufficient protocols governing staff conduct when a potential security issue arises, we believe your airlines can significantly reduce the number of racial and religious profiling incidents involving Muslim passengers and passengers of color on airlines. We would welcome the opportunity to work with you to develop this training program and the protocols discussed. As a first step, we call on your airlines to publicly release any anti-discrimination training materials you may currently use, as well as share with our organizations current protocols governing the removal of passengers.

This request is important. Reports show that Muslim passengers, or passengers perceived to be Muslim, are repeatedly and disproportionately ejected from U.S. domestic aircrafts, even after being cleared by airport security. Frequently, law enforcement and airline officials later conclude that the individuals pose no threat to the airline or its passengers. The recent treatment of Professor Anila Daulatzai underscores this problematic and reoccurring issue. Professor Daulatzai, an American Muslim woman of Pakistani descent, was forcibly removed from a Southwest Airlines flight and roughly dragged down the aisle—after she said she had a pet-allergy.<sup>1</sup> A video taken by a passenger on the plane shows Professor Daulatzai repeatedly requesting that law enforcement treat her gently because she was pregnant.<sup>2</sup> Regardless of whether Professor Daulatzai had pet-allergies, her forceful removal from the flight raises serious cause for concern about how certain passengers are treated by airlines and the lack of transparency involved behind such measures.

In other cases, the decision to remove a passenger who is Muslim or perceived to be Muslim is prompted simply by unsubstantiated claims by other passengers or airline employees regarding a passenger's appearance or perceived religion. To provide just one example, a U.S.-based carrier recently removed a couple flying back from their anniversary trip after a flight attendant claimed she felt “uncomfortable” that the passenger, who was wearing a headscarf, was on her phone and had said the word “Allah.”<sup>3</sup>

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<sup>1</sup> Lindsey Bever & Mary Hui, *Southwest said she was removed from the plane over dog allergies. She has a very different story.*, The Washington Post, Oct. 5, 2017, available at [https://www.washingtonpost.com/news/dr-gridlock/wp/2017/10/04/southwest-says-she-was-forced-off-a-plane-over-dog-allergies-the-woman-has-a-very-different-account/?utm\\_term=.d74efbd3a06a](https://www.washingtonpost.com/news/dr-gridlock/wp/2017/10/04/southwest-says-she-was-forced-off-a-plane-over-dog-allergies-the-woman-has-a-very-different-account/?utm_term=.d74efbd3a06a).

<sup>2</sup> *Id.*

<sup>3</sup> Mark Curnutte, *Muslim Couple Removed from Delta Flight: 'It Was Humiliating'*, USA TODAY, Aug. 8, 2016, available at <https://www.usatoday.com/story/news/nation-now/2016/08/05/muslim-couple-removed-delta-flight-humiliating/88306878/>. This incident is just one example of an airline's unwarranted discrimination against passengers who are Muslim or perceived to be Muslim. See, e.g., Karen Jordan, *4 Passengers Removed from Chicago-Bound Flight in Baltimore, Officials Say*, ABC7, Nov. 17, 2015, available at <http://abc7chicago.com/news/4-passengers-removed-from-chicago-bound-flight-officials-say/1088067/> (four passengers of “Middle Eastern descent” were removed from a Spirit Airlines flight after a passenger reported suspicious behavior that included watching news on a phone); Karen Araiza, *Philly Pizza Shop Owner Calls 911 After He Says He Was Profiled on Flight Home*, NBC10, Nov. 20, 2015, available at <http://www.nbcphiladelphia.com/news/local/Philly-Pizza-Shop-Owner-Profiled-Southwest-Airlines-351944441.html> (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); Michelle Gallardo, *Flight from Midway to Houston Delayed, Passengers Removed*, ABC7, Nov. 18, 2015, available at <http://abc7chicago.com/news/flight-from-midway-to-houston-delayed-passengers-removed/1090031/> (six Muslim passengers were removed from a Southwest Airlines flight after asking passengers to switch seats so they could sit together); Laura Ly, *3 Muslims, Sikh Kicked Off Flight Because of Their Looks, Lawsuit Says*, CNN, Jan. 18, 2016, available at <http://www.cnn.com/2016/01/18/us/muslims-sikh-sue-airline/> (three Muslim and one Sikh passenger were removed from an American Airlines flight after the captain and crew reportedly “felt uneasy about their presence on the flight”); Hugh Morris, *Muslim Women Removed From Plane After 'Staring' at Flight Attendant*, THE TELEGRAPH, Mar. 9, 2016, available at <http://www.telegraph.co.uk/travel/news/muslim-women-removed-from-plane-for-staring-at-flight-attendant/> (two Muslim women were removed from a JetBlue Airlines flight after a crewmember was concerned about the way they were “staring at her”); Janet Weinstein, *Arab-American Family Says They Were Removed from Flight for Being Muslim*, ABC, Apr. 1, 2016, available at <http://abcnews.go.com/ABCNews/arab-american-family-seeks-correction-action-removal-airplane/story?id=38084762> (Muslim family with two children was removed from a United Airlines flight after a dispute about a child safety seat); Liam Stack, *College Student Is Removed from Flight After Speaking Arabic on Plane*, N.Y. TIMES, Apr. 17, 2016, available at <http://www.nytimes.com/2016/04/17/us/student-speaking-arabic-removed-southwest-airlines-plane.html> (Muslim passenger was removed from a Southwest Airlines flight after a

We have also seen a pattern of discrimination by airlines against passengers based on the passenger's perceived race or ethnicity.<sup>4</sup> For example, in May 2016, an Italian passenger "with dark, curly hair, olive skin and an exotic foreign accent" was removed from a domestic flight after another passenger found the math equation he was working on suspicious.<sup>5</sup> Similarly, in May 2017, a U.S.-based carrier redirected an African-American woman who had purchased a first-class seat to the back of the flight because supposedly no first-class seats were available. Meanwhile, the airline upgraded her travel partner, who is white and was seated in an economy seat.<sup>6</sup>

The problematic incidents described above underscore the need for U.S. airlines to implement effective anti-discrimination training and remedies for all personnel. Federal law prohibits airlines from discriminating against passengers on the basis of their race or religion.<sup>7</sup> Furthermore, given the heightened discrimination these groups face in the current political climate, it is critical that effective measures be implemented to ensure the equal treatment of all passengers.

Our groups are not alone in being concerned about these incidents. Congress is currently considering an amendment to the Federal Aviation Authorization bill that would require the Government Accountability Office ("GAO") to scrutinize carriers' employee training policies on racial, ethnic, and religious nondiscrimination and task the Secretary of Transportation with developing and disseminating best practices for improving nondiscrimination training practices based on the GAO's investigation results.<sup>8</sup> This legislative effort makes apparent that there is still much more work to be done to combat discrimination on airlines.

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fellow passenger complained about his use of Arabic; after clearance by security, Southwest Airlines refused to allow him to board the aircraft or reschedule him on a later Southwest flight); Rachel Revesz, *Muslim Woman Kicked Off Plane as Flight Attendant Said She 'Did not Feel Comfortable' with the passenger*, INDEPENDENT, Apr. 15, 2016, available at <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> (Muslim passenger was removed from a Southwest Airlines flight after a flight attendant would not allow her to switch seats with another passenger).

<sup>4</sup> Christine Hauser, *Black Doctor Says Delta Flight Attendant Rejected Her; Sought 'Actual Physician'*, N.Y. TIMES, Oct. 14, 2016, available at <https://www.nytimes.com/2016/10/15/us/black-doctor-says-delta-flight-attendant-brushed-her-aside-in-search-of-an-actual-physician.html> (Delta Airlines' crew refused to believe African-American passenger was a physician, despite her attempts to provide her valid credentials; instead, the crew stated that they were "looking for actual physicians" and allowed a white male to provide medical assistance without first requesting his credentials); Cristen Conger, *Another Doctor Says Delta Snubbed Her Medical Credentials Because She's Black*, REFINERY29, Oct. 15, 2016, available at <http://www.refinery29.com/2016/10/126514/delta-black-woman-doctor-discrimination> (Delta Airlines' crew rebuffed African-American physician offering her services, despite her producing her medical credentials, while allowing two white nurses to tend to the patient instead).

<sup>5</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>6</sup> Helen Coffey, *American Airlines Accused of Racism for Sending Black Woman with First Class Ticket to Back of Plane*, INDEPENDENT, May 16, 2017, available at <http://www.independent.co.uk/travel/news-and-advice/american-airlines-flight-black-woman-racism-back-of-plane-first-class-a7737986.html>.

<sup>7</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.").

<sup>8</sup> *Senate Committee Adopts Booker Amendment to Get Tough on Racial, Ethnic, and Religious Profiling of Airline Customers*, June 29, 2017, available at [https://www.booker.senate.gov/?p=press\\_release&id=620](https://www.booker.senate.gov/?p=press_release&id=620).

Therefore, we renew our demands—as outlined in our previous correspondence and statements on this issue<sup>9</sup>—that all forward-facing airlines employees participate in annual anti-discrimination training that, at a minimum, consists of the following key components.

First, trainings must address implicit bias. Implicit bias refers to attitudes or stereotypes that affect a person’s understanding, actions, and decisions in a virtually automatic manner. Such biases can lead service providers to treat otherwise identical passengers differently depending upon the passenger’s race, religion, or ethnicity. Accordingly, it is not surprising that while the majority of airlines employees may be committed to the fair and equal treatment of passengers, there have been a disturbing number of incidents involving racial and religious profiling. Fortunately, recent studies have identified specific practices that can override the biases that may interfere with positive passenger interactions.

Second, for a training to be sufficient, it must address the role and effects of “racial anxiety” on airlines staff and passengers. Racial anxiety refers to the heightened levels of stress and emotion that individuals confront when interacting with people of other races. Studies have shown that interracial interaction can cause physical symptoms of anxiety and that our non-verbal behaviors—for example, making eye contact or using welcoming gestures or a pleasant tone of voice—can also be affected. Thus, incidents that may otherwise be resolved easily, such as an airline attendant not understanding a passenger’s request for water or to switch seats, may unnecessarily escalate. Fortunately, as with implicit bias, studies have identified practices that can help prevent behaviors triggered by racial anxiety.

Third, trainings must substantively address “stereotype threat.” Stereotype threat is the concern that an individual’s behavior will confirm a negative stereotype about the identity of the group to which an individual belongs. For example, a Muslim passenger may fear that they will be perceived as dangerous; accordingly, they may act overly cautious, and thus, arouse suspicion. Given the frequency with which these issues arise during airline travel—and the serious concern that behavior caused by stereotype threat leads to the inconsistent and subjective removal of certain individuals from flights—any effective training program must address stereotype threat. Over the past decade, an array of institutional practices have emerged that can limit the effects of stereotype threat.

Fourth, to be thorough and effectual, these trainings must include assessments evaluating their effectiveness. In other words, such trainings should not serve a merely cursory function, but have a real impact on their participants.

Finally, effective trainings must be paired with protocols governing employee conduct in situations in which there is a danger of discrimination. For example, staff should have clear

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<sup>9</sup> Letter from Farhana Khera, Muslim Advocates, and Sherrilyn Ifill, NAACP Legal Defense and Educational Fund, Inc., to Kathryn Thomson, U.S. Department of Transportation, May 11, 2016, *available at* [https://www.muslimadvocates.org/wp-content/uploads/Final-Letter-to-DOT-051116\\_MA-NAACP-LDF.pdf](https://www.muslimadvocates.org/wp-content/uploads/Final-Letter-to-DOT-051116_MA-NAACP-LDF.pdf). For a summary of Muslim Advocates’ and LDF’s statements on the issue, please see <http://www.naacpldf.org/press-release/ending-racial-profiling-muslims-airlines>.

direction as to those non-discriminatory behaviors to observe, as well as the specific measures to be taken before an individual is questioned or removed from a flight.<sup>10</sup>

To ensure that we may be able to provide substantive guidance, we call on your airlines to publicly share the non-discrimination trainings you currently utilize, as well as to share with our organizations the applicable policies and protocols governing passenger removal. We thank you for your commitment to ensuring that all consumers can travel safely and respectfully. We look forward to hearing from you.

Sincerely,



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<sup>10</sup> As we have previously noted, such protocols include when staff may question a traveler regarding his or her behavior; what factors staff may consider when determining whether a traveler should be questioned and what questions may be asked; when staff may remove a traveler from a flight, including what factors staff may consider; who may make these decisions; whether staff should consult with other employees before making these decisions; and the proper protocol to be followed after a person is subjected to questioning or removed from a flight.