

FOR IMMEDIATE RELEASE

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ELECTED OFFICIALS, ADVOCATES CALL ON PORT AUTHORITY AND U.S. DOT TO ENFORCE U.S. DOT DECISION PROHIBITING KUWAIT AIRWAYS' DISCRIMINATION AGAINST ISRAELI CITIZENS

City Hall - Council Members Rory I. Lancman, David G. Greenfield, Mark Levine and Helen Rosenthal and The Lawfare Project called on the Port Authority and the U.S. Department of Transportation to enforce federal anti-discrimination laws and the anti-discrimination provision of Kuwait Airways' lease with JFK Airport to prevent the airline's discriminatory refusal to sell tickets to Israeli passport holders. The press conference followed a ruling by the U.S. DOT that the airline's actions are in violation of federal law. The Council Members and advocates released a letter to the U.S. DOT and the Port Authority demanding enforcement action or termination of Kuwait Airways' lease and ability to fly out of JFK Airport.

"In a city and a country that welcomes diversity, no one should be denied an airplane ticket because of where they were born," said **Council Member Lancman**. "This blatant discrimination against Israeli passport holders is not only immoral, it's illegal. The Port Authority and the U.S. DOT must take enforcement action against Kuwait Airways immediately."

"The Department of Transportation's decision is crucial step toward the elimination of unlawful discrimination in air travel and the protection of human rights," said **Brooke Goldstein, Director, The Lawfare Project**. "Now, it is imperative that DOT and the Port Authority staunchly enforce this decision such that Kuwait Airways ceases its deplorable conduct. All travelers within the United States should expect to be treated equally in our nation's airports, regardless of their ethnicity or national origin."

In 2013, Eldad Gatt, an Israeli national, was unable to purchase a ticket with Kuwait Airways because he holds an Israeli passport. With assistance from the Lawfare Project, Gatt filed a formal complaint with the U.S. DOT and in September 2015 the U.S. DOT ruled that Kuwait Airways had "unreasonably discriminated" against Mr. Gatt in violation of 49 U.S.C. § 41310. This decision paves the way for a number of enforcement actions. The U.S. DOT must revoke the airline's permit to fly between New York and London if the company continues to refuse to sell tickets to Israeli passport holders.

The Port Authority must also take action against Kuwait Airways. The lease between Kuwait Airways and the Port Authority contains a nondiscrimination clause that explicitly bars discrimination based on national origin. Kuwait Airways continued noncompliance with this lease clause is grounds for termination of the lease. The Port Authority must terminate this lease if the airline does not immediately begin selling tickets to Israeli citizens.

"Discriminating against any race or ethnic group is deplorable. For a large company like Kuwait Airways to discriminate is absolutely reprehensible. I join with Council Member Lancman, the Lawfare Project, and my colleagues in government in strongly condemning Kuwait Airways for this act of deliberate prejudice against Israelis. With the US Department of Transportation's recent ruling that this is a violation of federal law, it is imperative that the Port Authority takes necessary actions in order to enforce this decision," said **Council Member Deutsch**.

"The Port Authority of New York and New Jersey has a long tradition of doing the right thing. Now that US Department of Transportation has determined that Kuwait Airlines' policy of not selling tickets on flights to London to Israeli passport holders violates United States law, we call on the Port Authority to do the right thing here too and enforce the anti-discrimination provisions of its lease with Kuwait Airlines," said **Jeffrey A. Moerdler, Former Commissioner, Port Authority of New York and New Jersey**.

"Any airline that practices discrimination, as Kuwait Airways does in refusing to sell tickets to Israeli passport holders, should not be allowed to fly in or out of New York. Kuwait Airways should be ashamed of itself for these discriminatory practices," said **Council Member Karen Koslowitz**.

"I commend the Department of Transportation on reaching its just conclusion, and urge both the DOT and Port Authority to take all steps necessary to ensure that Kuwait Airways' flagrant discrimination is not permitted in the United States," said **Malcolm I. Hoenlein, Executive Vice Chairman, Conference of Presidents of Major American Jewish Associations**.

"Kuwait Airways' discriminatory treatment against Israeli passport holders is unacceptable. All people deserve fair and equal treatment regardless of their citizenship, and I am grateful to Council Member Rory Lancman for his leadership on this issue," said **Council Member Helen Rosenthal**.

"The Arab League boycott, of which Kuwait Airways' reprehensible practices are part and parcel, is discriminatory at its core. Like the modern-day BDS (Boycott, Divestment and Sanctions) movement, the Arab League boycott and its offshoots are expressions of bigotry. This is precisely why the U.S. Congress and state governments have enacted anti-boycott legislation to protect individuals and entities who are singled out for unequal, punitive treatment based not on what they do, but on who they are," said **Professor Richard B. Stone, Former Chairman, Conference of Presidents of Major American Jewish Organizations**.

"Kuwait Airways' refusal to sell tickets to Israeli passport holders is blatant discrimination that should not be tolerated. I urge USDOT and the Port Authority to take swift action to ensure that the airline is held accountable for these illegal actions," said **Council Member Fernando Cabrera**.

"Kuwait Airways' action establishes an intolerable precedent for the airline industry. If an airline stated that it would not accept passengers with Mexican passports, people would justifiably claim

discrimination against Hispanics. If an airline stated that it would not accept passengers with Saudi passports, people would justifiably claim discrimination against Muslim passengers. The same is true here, except that the discrimination is directed against citizens of the Jewish state. The Arab League boycott of Israel is a manifestation of religious intolerance, motivated by the Jewish nature of the State of Israel. The illegal discrimination practiced by Kuwait Airways is inconsistent with our laws and our fundamental values as a nation. By its terms, the permit granted by the Department of Transportation to Kuwait Airways has lapsed because that airline is not in compliance with U.S. law. Therefore, the Department of Transportation must swiftly terminate all Kuwait Airways service between New York and London. Such termination is mandated by statute, and is fully consistent with Article 4 of the U.S.-Kuwait Air Transportation ("Open Skies") Agreement," said **Jeffrey Lovitky, attorney for Eldad Gatt.**

"Kuwait Airways' discrimination against Israeli citizens is unacceptable," said **AJC NY Director Michael Schmidt.** "This attempt to demonize Israel by refusing to sell airline tickets to Israeli citizens cannot be tolerated by the U.S. Department of Transportation and Port Authority of New York and New Jersey. For decades, AJC has been at the forefront of promoting Israel's place in civil society and advancing democratic values across the globe."



THE COUNCIL
OF
THE CITY OF NEW YORK

October 29, 2015

Secretary Anthony Foxx
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, District of Columbia 20590

John J. Degnan, Chairman of the Board of Commissioners
Patrick J. Foye, Executive Director
The Port Authority of New York and New Jersey
4 World Trade Center, 150 Greenwich Street
New York, New York 10007

Gentlemen:

We write today to bring to your attention the troubling and discriminatory practice of Kuwait Airways Corporation ("Kuwait Airways") in refusing to sell tickets to Israeli passport holders — a practice which has already been determined by the U.S. Department of Transportation ("USDOT") to be in violation of federal anti-discrimination law, and is likewise a clear violation of Kuwait Airway's lease with the Port Authority of New York and New Jersey ("Port Authority").

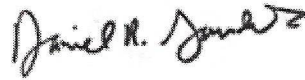
As you know, Kuwait Airways flies out of JFK International Airport, a facility controlled by the Port Authority, and refuses to sell airline tickets to Israeli passport holders. On September 30, 2015, USDOT formally determined that Kuwait Airways' policy is in violation of federal law (49 U.S.C. § 41310), which prohibits a foreign air carrier from subjecting "a person, place, port, or type of traffic in foreign air transportation to unreasonable discrimination." Kuwait Airways' policy is *a fortiori* a material breach of its Port Authority lease, which even more specifically bars discrimination in the provision of services "on the grounds of race, color, creed, national origin, or sex."

• We therefore call on both USDOT and the Port Authority to ensure that Kuwait Airways sells tickets to Israeli passport holders on equal terms as other passengers, or else its lease agreement -- and ability to fly out of JFK Airport -- be terminated. It is intolerable that Kuwait Airways' blatant discrimination and violation of both U.S. law and its Port Authority lease be permitted to continue.

Sincerely,



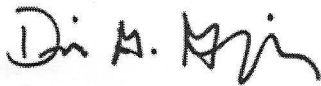
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Council Member
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Daniel Garodnick
Council Member
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Corey Johnson
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District 3



David Greenfield
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District 44



Helen Rosenthal
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Chaim Deutsch
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Karen Koslowitz
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