



DOT ORDERS KUWAIT AIRWAYS TO STOP DISCRIMINATING AGAINST ISRAELIS

News / Airlines



The Transportation Department threatened legal action Thursday against Kuwait Airways for refusing to sell tickets to Israelis.

The department ordered the airline to "cease and desist from refusing to transport Israeli citizens between the U.S. and any third country where they are allowed to disembark," according to a letter from Blane Workie, the department's assistant general counsel for enforcement.

If the airline continues to refuse, Workie said, "the department will have no choice but to pursue further administrative and/or judicial action."

Transportation Secretary Anthony Foxx announced Sep. 30 that the airline broke the law because it refuses to sell tickets to Israelis.

The department investigated after the airline refused to sell Eldad Gatt, an Israeli citizen, a ticket from New York's John F. Kennedy airport to London's Heathrow in 2013.

But Kuwait Airways has said it declined to sell Gatt a ticket to avoid running afoul of Kuwaiti law, which prohibits its citizens from entering "into an agreement, personally or indirectly, with entities or persons residing in Israel, or with Israeli citizenship."

In a response to the department's Sep. 30 letter, Evelyn Sahr, a Washington lawyer representing the airline, said U.S. law doesn't authorize the department to enforce its consumer-protection provisions against Kuwait Airways (KAC).

"KAC cannot lawfully comply with the terms of the Sep. 30 letter and the decision therefore could have significant and far-reaching policy implications," Sahr said.

The latest exchange of letters represents another step in the long-running case.

Jeffrey Lovitky, a Washington lawyer representing Gatt, argued that the airline could drag out the case for years while it continues to fly and profit from discrimination.

He urged federal authorities to seek an injunction in U.S. District Court to prevent Kuwait Airways from flying to the United States, rather than pursuing an administrative enforcement action because those cases often drag on for years.

"Kuwait Airways' action establishes a truly intolerable precedent for the airline industry," Lovitky said. "If Kuwait Airways' conduct is allowed to continue, then other airlines may engage in similarly reprehensible behavior."

Sen. Richard Blumenthal, D-Conn., who wrote a letter in May with five other senators asking for a federal investigation, called the Transportation department letter a "critical first step toward ensuring that we stamp out unlawful and unconscionable discrimination from airlines."

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