



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF AVIATION ENFORCEMENT AND PROCEEDINGS
WASHINGTON, DC**

October 12, 2001

**Carrying Out Transportation Inspection and Safety Responsibilities
In A Nondiscriminatory Manner**

This DOT policy statement was e-mailed to major U.S. airlines and aviation associations on October 17, 2001. The Department believes that this guidance could be of benefit to pilots, flight attendants and other customer contact personnel who may have a role in safety or security determinations.

This is a reminder to Department of Transportation (DOT) employees and those carrying out transportation inspection and enforcement responsibilities with DOT financial support of longstanding DOT policy prohibiting unlawful discrimination against individuals because of their race, color, religion, ethnicity, or national origin. The terrorist attacks of September 11, 2001, have raised concerns about intimidation and harassment directed at individuals who are, or are perceived to be, of Arab, Middle Eastern, or South Asian descent and/or Muslim. Federal civil rights laws prohibit discrimination on the basis of a person's race, color, national or ethnic origin, religion, sex, ancestry, or disability. DOT applauds the professionalism and dedication of its safety inspectors and law enforcement investigators and recognizes the enormous challenges we face in ensuring the security of our Nation's transportation system. However, it is important to reemphasize that in performing our critical duties, we may not rely on generalized stereotypes or attitudes or beliefs about the propensity of members of any racial, ethnic, religious, or national origin group to engage in unlawful activity. Protecting the constitutional and civil rights of our constituents/ stakeholders remains one of our highest priorities. This policy is not intended to forbid conduct that is considered legal under U.S. law such as considering citizenship in carrying out port security activities, border control and interdiction missions, and apprehension and detention of illegal drug smugglers. Consistent with DOT's policy, here are several points to keep in mind while doing your important jobs:

- Treat people who may appear to be of Arab, Middle Eastern or South Asian descent and/or Muslim with the same respect you would treat people of other ethnicities and religions, and treat all people in a polite, respectful and friendly manner. To the extent possible and permitted by law, answer questions from persons in a forthright manner.
- Do not subject persons or their property to inspection, search and/or detention solely because they appear to be Arab, Middle Eastern, Asian, and/or Muslim; or solely because they speak Arabic, Farsi, or another foreign language; or solely because they speak with an accent that may lead you to believe they are Arab, Middle Eastern, Asian, and/or Muslim.
- If a search or inspection is necessary for safety or security reasons, whenever possible, provide the person involved a choice of a public or private inspection. Public searches may be viewed as humiliating while private searches may be perceived to be overly intimidating.
- Discriminating on the basis of national origin or religion includes discriminating against someone based solely on an appearance or dress that is associated with a particular national origin or religion. For example, selecting a woman for an inspection solely because her hair is covered or she is wearing a veil, as some Muslim women do, is illegal discrimination. Selecting a man for an inspection solely because he is wearing a long beard or hair covering, as some Muslim men do, is unlawful discrimination. Likewise, selecting a man for an inspection solely because he is wearing a turban, as some Sikh men do, is unlawful discrimination.
- Be aware of inspection/search practices that might be offensive: during an inspection, asking a woman to remove her veil or hair covering may be offensive and could violate her religious tenets and asking a Sikh man to remove his turban could violate his religious tenets.

- Take all available facts and circumstances into account in identifying persons or property that may be a safety or security risk. Although your actions may, at times, offend the person involved, you would continue to be justified in conducting additional questioning, inspections or searches, for safety or security reasons, in certain situations; for example: the driver of a truck containing hazardous material has identification or documentation showing that he or she was born in the United States but the driver does not speak English and appears to only speak Arabic, Farsi, or another foreign language; a person wearing a turban or head dress, while being searched at an airport security checkpoint, triggers the handheld metal detector when it is near his or her head; or a veiled woman shows photo identification to prove her identity but it is difficult to conclude that this woman is the same person as the woman in the photo without checking her face. When it is necessary to verify the identity of a veiled woman, whenever possible, her face should be checked by female safety or security personnel in private or only in the presence of other women so as not to violate her religious tenets.
- Use the “but/for” test to help determine the justification for your actions. Ask yourself, *But for this person’s perceived race, ethnic heritage or religious orientation, would I have subjected this individual to additional safety or security scrutiny?* If the answer is “no,” then the action may violate civil rights laws.

We hope this information is helpful to you. If you are unsure about what constitutes inappropriate behavior, or if you have any other questions, do not hesitate to contact the Department’s Office of Civil Rights or the operating administrations’ civil rights offices. The telephone numbers of DOT’s headquarters civil rights offices are listed below.

Office of the Secretary

United States Coast Guard

Federal Aviation Administration	(202) 366-4648
Federal Highway Administration	(202) 267-1562
Federal Railroad Administration	(202) 267-3254
National Highway Traffic Safety Administration	(202) 366-0693
	(202) 493-6010
Federal Transit Administration	(202) 366-0972
Saint Lawrence Seaway Development Corporation	(202) 366-4018
	(315) 764-3209
Maritime Administration	(202) 366-5065
Research and Special Programs Administration	(202) 366-9638
	(202) 366-1270
Bureau of Transportation Statistics	(202) 366-2994
Federal Motor Carrier Safety Administration	

Issued by the Office of the General Counsel, U.S. Department of Transportation.

This policy statement is intended to clarify the manner in which transportation inspection and safety responsibilities are carried out and does not create any right or benefit by any party against the United States, its agencies or instrumentalities, officers, employees, or any other person.