



EXHIBIT 11



**U.S. Department
of Transportation**
Office of the Secretary
of Transportation

GENERAL COUNSEL
JANUARY 14, 2009

400 Seventh St., S.W.
Washington, D.C. 20580

Ms. Nadhira Al'Khalili
Acting National Legal Director
Council on American-Islamic Relations
453 New Jersey Avenue, SE
Washington DC 20003

Re: US Airways Removal of the Imams from Flight 300

Dear Ms. Al'Khalili:

This letter is to report to you the result of our investigation of the Council on American-Islamic Relations' (CAIR) discrimination complaint against US Airways, Inc. (US Airways) on behalf of Imam Ahmad Shqeirat, Imam Mohamed Said Mitwally Ibrahim, Imam Didmar Faja, Imam Omar Ahmad Shahin, Imam Mahmood Sulaiman and Imam Marwan Sadeddin (collectively, the "Imams") arising from their planned travel from Minneapolis to Phoenix on November 20, 2006. We appreciate the time CAIR took to address the Imams' concerns and apologize for the delay in advising you on the outcome of our investigation. Among a number of actions taken in response to the complaint, this office has obtained an explanation and documentation from US Airways regarding the removal of the Imams from the aircraft and the carrier's refusal to place the Imams on a later US Airways flight.

Based on a close review of the available information, including documents that CAIR and US Airways provided, it does not appear that US Airways subjected the Imams to discrimination on the basis of their religion, race, ethnicity, and/or national origin by removing them from a US Airways flight. While we acknowledge the actions of US Airways' personnel could be perceived by some as discriminatory in this circumstance, we find the decision to remove the Imams from the aircraft was based on information available to the captain at the time and was reasonable. This information included the observation of a passenger who gave an unsolicited handwritten note to a Flight Attendant describing six suspicious Arab men spaced out in seats throughout the cabin referring to Allah and making anti-U.S. comments, the observations of a Flight Attendant that two of the six passengers requested seatbelt extenders, which can also be used as restraining devices or weapons, even though only one passenger appeared to need the device as an extender, concern by this same Flight Attendant about the unusual movement throughout the cabin of one of these passengers, and data from the Passenger Name Record (PNR) that mistakenly led the pilot to believe that three of the six passengers were traveling on one-way tickets. Although the captain was clearly aware of the religion and ethnicity of the Imams prior to his decision to remove them from the aircraft, nothing in the record indicates that



race or ethnicity played a role in his decision. It appears that the captain decided to remove the Imams because of security concerns as a result of the sum of the Imams' actual and perceived behavior, not their race or ethnicity. The fact that the captain's concerns were not borne out in hindsight does not make the action that he took discriminatory.

Notwithstanding our finding of no discrimination with respect to the removal of the Imams, we are very concerned that US Airways did not allow the Imams to rebook on a later flight after law enforcement officials released them from custody and determined that they were not a security threat. The carrier acknowledges that one of the Imams, when told that they could not be rebooked without clearance, offered to have an FBI agent present with him speak directly to the reservation agent on the phone to verify that the Imams had been cleared to travel by law enforcement. The carrier also acknowledges that a Federal Air Marshall (FAM) called its reservations department and asked that US Airways allow the passengers to travel in the morning. According to the carrier, it did not rebook the Imams despite these and other attempts to rebook their travel later that evening and the following morning because its Corporate Security Department had not been properly notified that the Imams had been cleared by law enforcement. However, US Airways also states that it does not have a policy or procedure for rebooking passengers denied transport from a flight for a security reason after they are cleared by law enforcement personnel, handles such requests for rebooking on a case-by-case basis, and often relies on the judgment of its front-line employees in making decisions regarding such requests. By copy of this letter, we are putting US Airways on notice of our concerns and warning it that more formal action will be taken if it does not establish written policies and guidelines with respect to expeditiously rebooking passengers removed from a flight due to security concerns who are later cleared by law enforcement personnel. In our view the failure to have such procedures and any resultant denied rebooking would constitute an unfair practice prohibited by 49 U.S.C. § 41712.

For your information, as we have also previously advised you, we have entered your clients' complaint in our computerized industry monitoring system, and US Airways' discrimination complaint totals in our monthly *Air Travel Consumer Report* reflect their complaint. Our monthly report is made available to the aviation industry, the news media and the general public so that both consumers and air travel companies can compare the overall complaint records of individual airlines, including the number of discrimination complaints filed against particular carriers. This system also serves as a basis for rulemaking, legislation and research.

Moreover, we also routinely monitor our complaint records to determine the extent to which carriers are in compliance with Federal anti-discrimination statutes and to track trends or spot areas of concern which we feel may warrant further action. This ongoing process also enables us to ensure prompt corrective action whenever we determine that an airline's policies or procedures are not in compliance with Federal law. Your clients' complaint will be among those considered in the context of this overall process.



I hope this further information is useful. Thank you again for taking the time to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Samuel Podberesky', is written over a horizontal line.

Samuel Podberesky
Assistant General Counsel for
Aviation Enforcement and Proceedings

cc: US Airways