

# United Airlines dodges government discipline for brutalizing passenger

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United Airlines will face no punishment from the US government for the brutal removal of a passenger from a flight in April.

The man, 69-year-old Dr. David Dao, had been beaten and dragged from his seat by Chicago Department of Aviation police at O'Hare International Airport on April 9. After passengers had boarded the plane and taken their seats, United demanded four passengers voluntarily give up their spots to make room for flight crew. When none did so, four were chosen by a computer program and involuntarily bumped from the flight, with the selection reported to have been based on factors such as the price passengers paid for the seat.

Three of those chosen agreed to disembark in return for financial reimbursement, while Dao refused, stating that he had patients to see in Kentucky the next day. Airport police were then called on board, who proceeded to wrench Dao from his seat, fling him into a hard armrest, and drag him, semi-conscious, up the aisle.

Smartphone video of the event recorded by dismayed fellow passengers was viewed by tens of millions on social media, provoking widespread outrage. The event cast a light on the airlines' frequent practice of "involuntary denied bookings," in which passengers are forced from flights for which they have paid tickets, either because the airline has oversold seats or because they wish to make room for flight crew or VIPs.

In the end, Dao suffered a broken nose, lost teeth, and a concussion. Following an initial insincere apology, United CEO Oscar Munoz provoked further indignation online when a leaked email to employees showed him attacking Dao as "disruptive and belligerent." United later quietly reached a settlement with him for an unknown sum, before he filed a lawsuit.

Last week, a letter was published from the US Department of Transportation (DOT) to United Airlines stating that a DOT investigation had been concluded and that "no enforcement action was warranted at this time." The letter, dated May 12, was only released due to the efforts of Flyer Rights, an airline passenger advocacy group, which filed a Freedom of Information Act request.

"For the Department of Transportation to conclude that United Airlines' conduct did not warrant an enforcement action is a dereliction of duty," said Paul Hudson, Flyer Rights' president.

The letter, one and a half pages long, gives every indication that the investigation was nothing more than a formality, with the outcome preordained.

It states that the DOT investigation nominally examined only whether United complied with the department's overbooking rules and federal anti-discrimination statutes, but not the actions of the airport police who dragged Dao from the plane, saying it was "not DOT's role to investigate police conduct."

The letter dubiously refers to the passengers selected by United to be removed from the plane as having been "involuntarily denied boarding." However, passengers had already boarded the plane and taken their seats by the point at which United began demanding they give up their spots.

Several air law experts have previously questioned whether United's actions were legal even under the permissive DOT rules governing overbooking. A professor at George Washington University Law School, John Banzhaf, told the *Philadelphia Inquirer* in April that United was "citing the wrong federal rule to justify its illegal request to force a passenger already boarded and seated to disembark."

The sole findings of the DOT investigation were that

United complied “with some, but not all, of the requirements of the Department’s oversales rule.” The violations included the fact that United failed to compensate one of the passengers the correct amount for being denied boarding (it is unclear whether this passenger was Dao), and that Dao and his wife were not given a written copy of the oversales notice. In the bureaucratic wording of the letter, this was due to “Dr. Dao and his wife needing to leave the airport to seek medical care for Dr. Dao.”

Additionally, the letter states that investigators found no evidence that Dao or the other passengers bumped from the flight were discriminated against on the basis of “race, color, national origin, religion, sex, or ancestry.”

The letter concludes by stating that the DOT only enforces discipline when a “pattern or practice of noncompliance with the Department’s consumer protection regulations and Federal anti-discrimination statutes” is found, or when there is “one or a few instances of egregious conduct.” Dao’s horrific treatment, which Flyer Rights’ Hudson rightly called “egregious in every sense of the word,” apparently did not rise to this level in the eyes of the DOT.

A separate investigation by the Chicago Aviation Department, which oversees the security personnel who dragged Dao from the plane, concluded in July and resulted in a reshuffling of responsibilities among airport security and the Chicago Police Department (CPD), which, if anything, will only set the stage for escalated abuse and violence against air travelers.

City Aviation Department officers were stripped of their ability to refer to themselves or wear uniforms designating them as “police” and were ostensibly circumscribed in their ability to board planes. Instead, cops from CPD—notorious as one of the most murderous and violent police departments in the country—will now be the first to respond to on-board “disturbances.”

While new Aviation Department rules are touted as limiting the instances in which police or aviation security can board a plane to instances in which “there is an immediate medical issue or imminent physical threat on board with great bodily harm at risk,” the language is broad enough to be meaningless in practice.

The failure of United to face any serious repercussions from the brutalization of Dao once again

demonstrates that the state regulatory organizations nominally tasked with overseeing these gigantic monopolies in fact function primarily to whitewash such incidents of corporate malfeasance and criminality when they become public knowledge, letting the perpetrators get off scot-free.

Dao’s vicious treatment is itself the outcome of intersecting historical processes: the desperate struggle for profits by a dwindling number of giant airline companies; the militarization of airport security under the bogus pretext of the “war on terror”; and the bipartisan deregulation of the airline industry, going back at least to the administration of President Jimmy Carter, a Democrat, in the 1970s.

Such events, along with increasingly unsafe flying conditions, will only recur in frequency and severity, as President Trump has pledged to shred the remainder of “burdensome” government regulations and proposed privatizing the air traffic control system.

Despite the PR fallout from the scandal, United’s large shareholders and investors have continued to rake in the money. The company reported \$818 million in profit in the period from April through June, an increase of 39 percent over the same period last year.



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