

# Why aren't Boeing executives being prosecuted for the 737 Max 8 crashes?

Bryan Dyne  
4 April 2019

It is nearly a month since the crash of Ethiopian Airlines Flight 302, which slammed into the ground only six minutes after takeoff from Addis Ababa airport, killing all 157 people on board. That disaster came less than five months after the fatal crash of Lion Air Flight 610 only 13 minutes after takeoff from Jakarta airport, killing all 189 passengers and crew members.

Both crashes involved the same airplane, the Boeing 737 Max 8, and both followed wild up-and-down oscillations which the pilots were unable to control.

In the weeks since these disasters, there have been no calls within the media or political establishment for Boeing executives to be criminally prosecuted for what were evidently entirely avoidable tragedies that killed a total of 346 people. This speaks to the corrupt relationship between the US government and the aerospace giant—the biggest US exporter and second-largest defense contractor—as well as the company's critical role in the stock market surge and the ever-expanding fortunes of major Wall Street investors.

Black box recordings and simulations show that in the 60 seconds the pilots had to respond to the emergency, faulty software forced the Lion Air flight into a nose dive 24 separate times, as the pilots fought to regain control of the aircraft before plunging into the ocean at more than 500 miles per hour.

Evidence has mounted implicating in both crashes an automated anti-stall system, the Maneuvering Characteristics Augmentation System (MCAS), which was installed by Boeing in response to the new plane's tendency to pitch upward and go into a potentially fatal stall. On a whole number of fronts—design, marketing, certification and pilot training—information from the black boxes of the two planes points to a lack of concern for the safety of passengers and crew on the part of both Boeing and the Federal Aviation Administration, reaching the level of criminality.

The most recent revelations concerning the March 10 Ethiopian Airlines crash, based on preliminary findings from the official investigation, show that the pilots correctly followed the emergency procedures outlined by Boeing and

disengaged the automated flight control system. Nevertheless, the nose of the plane continued to point downward. This strongly suggests a fundamental and perhaps fatal flaw in the design of the aircraft. Numerous questions have been raised about the design and certification process of the 737 Max 8 and MCAS, including:

- Despite the presence on the plane of two angle-of-attack sensors, which signal a potential stall and trigger the automated downward pitch of the plane's nose, MCAS relied on data from only one of the sensors. This means the standard redundancy feature built into commercial jets to avert disasters resulting from a faulty sensor was lacking. Boeing's main rival to the 737 Max, the European-built Airbus A320neo, for example, uses data from three sensors to manage a system similar to MCAS.

- Boeing Vice President Mike Sinnett admitted last November that cockpit warning lights alerting pilots of a faulty angle-of-attack sensor were only optional features on the Max 8.

- The MCAS system was absent from pilot manuals and flight simulators, including for the well-known flight training program X-Plane 11, which came out in 2018, one year after the first commercial flight of the 737 Max 8.

- Pilot training for the 737 Max 8, which has different hardware and software than earlier 737s, was a single one-hour computer course. Pilot certification for a commercial plane typically requires hundreds of hours of training, both in simulators and in actual flights. Boeing itself is now mandating at least 21 days of training on new Max planes.

There is no innocent explanation for these obvious safety issues. They point to reckless and arguably criminally negligent behavior on the part of Boeing executives, who rushed the new plane into service and marketed it against the Airbus A320neo on the basis of its cost-saving features. Threatened with a loss of market share and profits to its chief competitor, Boeing reduced costs by claiming that no significant training on the new Max 8 model, with the money and time that entails, was necessary for pilots with previous 737 experience.

Such imperatives of the capitalist market inevitably downgrade safety considerations. This is highlighted by a press release the day of the Ethiopian Airlines crash in which Boeing stated that "for the past several months and in aftermath of Lion Air Flight 610," the company "has been developing a flight control software enhancement for the 737 MAX."

In other words, both Boeing and the FAA were aware, possibly even before the October 2018 Lion Air crash and certainly afterward, that a system critical to the safe operation of the aircraft needed to be fixed, and still allowed the plane to continue flying. The wording also suggests that the plane shouldn't have been certified for flight in the first place.

This was aided and abetted by the Trump administration, which shielded Boeing as long as it could by not ordering the FAA to ground the plane immediately after the Ethiopian Airlines crash. There were no doubt immense concerns that such a move would cut into Boeing's multibillion-dollar profits and affect its stock price, which has nearly tripled since the election of Trump in November 2016, accounting for more than 30 percent of the increase in the Dow Jones index since then.

Trump himself received a call from Boeing CEO Dennis Muilenburg two days after the Ethiopian Airlines crash, during which Muilenburg reportedly continued to uphold the Max 8's safety. The FAA finally grounded the plane on March 13, after every other country in the world had done so.

The relationship between Trump and Muilenburg is only a symptom of the much broader collusion between the airline industry and the US government. Starting in 2005 and expanded during the Obama administration, the FAA introduced the Organization Designation Authorization (ODA) program, which allows the agency to appoint as "designees" airplane manufacturers' employees to certify their own company's aircraft on behalf of the government.

As a result, there was virtually no federal oversight on the development of the 737 Max 8. FAA Acting Administrator Dan Elwell told Congress, "As a result of regular meetings between the FAA and Boeing teams, the FAA determined in February 2012 that the [Max 8] project qualified... [a] project eligible for management by the Boeing ODA." This extended to the MCAS system as well.

This is the logical end of the deregulation of the airline industry as a whole that was spearheaded by the Democratic Carter administration, which passed the Airline Deregulation Act in 1978. With the help of liberal icon Edward Kennedy, the legislation disbanded the Civil Aeronautics Board, which up to that point treated interstate airlines as a regulated public utility, setting routes, schedules and fares.

In a rational world, the ongoing Senate hearings and Department of Justice investigations would have already brought criminal charges against Muilenburg, Sinnott, Elwell and all those involved in overseeing the production, certification and sale of the 737 Max 8. This would include the executives at Boeing and all those who have helped to deregulate the industry at the expense of human lives.

Under capitalism, however, Boeing will get little more than a slap on the wrist. Experts estimate the company will likely be fined at most \$800 million, less than one percent of the \$90 billion Boeing expects in sales from the Max 8 in the coming years. As in Hurricane Katrina, the Wall Street crash in 2008, the Deepwater Horizon oil spill in 2010 and Hurricanes Harvey and Maria in 2017, the brunt of this disaster will be borne by the working class.

The Boeing 737 Max 8 disasters point to the inherent incompatibility between safe, comfortable and affordable air transport and private ownership of the airline industry, as well as the division of the world economy between rival nation-states. These catastrophes were driven by both the greed of Boeing executives and big investors and the intensifying trade conflict between the United States and Europe.

The technological advances that make it possible for travelers to move between any two points in the world in a single day must be freed from the constraints of giant corporations and the capitalist system as a whole. Major airlines and aerospace companies must be expropriated on an international scale and transformed into publicly owned and democratically controlled utilities, as part of the establishment of a planned economy based on social need, not private profit.



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