

Boeing's Shortcuts Prove Shortsighted

By Kelsey Miller, J.D. Candidate 2021 | April 8, 2019

The Department of Justice is [investigating Boeing](#) following two crashes of its 737 Max 8 plane six months apart—the first a LionAir flight out of Jakarta, and the second an Ethiopian Airlines flight out of Addis Ababa.

The investigation of the world's largest commercial airline manufacturer relates to Boeing's [business decisions](#) regarding its nearly 400 737 Max 8 models operating around the world. More specifically, the investigation will likely focus on the ways in which Boeing cut costs and skirted FAA scrutiny to expedite its production of 737 Max 8 planes using a slightly modified original design save for a bigger engine. This decision—to only slightly modify the design of the 737 Max 8 so as to accommodate bigger, and more fuel-efficient, engines, rather than re-designing the plane completely—was allegedly the product of fear that Airbus would capture the market. In 2010, Airbus, Boeing's only real competitor in the market for narrow-body commercial planes, had released its new A320neo model with efficient engines that presented a real competitive advantage over Boeing's existing 737 models.

Because the bigger engines in the slightly modified 737 Max 8 design changed the aerodynamics of the plane, Boeing installed a special Maneuvering Characteristics Augmentation System (MCAS), which could override pilot decision-making. The current theory as to why the LionAir and Ethiopian Airlines flights crashed is that [faulty sensors](#) overreacted to the normally high angles of attack the planes assumed for takeoff, triggering the planes' MCAS systems, which forced the noses of the planes down, and ultimately, into the ground.

If these preliminary findings are borne out, Boeing's shortsighted decision to take shortcuts in its pursuit of more fuel-efficient engines—which has already cost the company [\\$40 billion](#) in market capitalization and has mired it in a public relations nightmare—could expose it to massive criminal liability.

