

# THE BOOKSHELF







# WHO GETS TO FLY IN FRIENDLY SKIES

Institutionalized Violence and Excessive Force on Air:  
The New Nudge in the Direction of Volunteer-ism for Minorities

By Aristotle Leung

April 17, 2017

On Sunday, April 9, 2017, 4 passengers on a United Airlines flight from Chicago to Louisville, Kentucky were involuntarily bumped to allow 4 off-duty United employees to board to staff another flight in Louisville. Among the four, allegedly randomly selected, passengers was a Chinese-Vietnamese man, Dr. David Dao, who refused to leave voluntarily, stating: "I'm not getting off the plane. I'm a doctor; I have to see patients in the morning." His refusal to vacate his seat described as "disruptive and belligerent" by United Airlines CEO Oscar Munoz, prompted three Chicago Aviation Security Officers to board the plane. One of the three officers wrestled Dr. Dao out of his

seat where Dr. Dao's face smacked into an armrest, knocking him out. He was then dragged down the aisle by his arms, nose bloodied, glasses down his face and his shirt above his waist as the other officers followed. Later, after frantically running back onto the plane repeatedly saying he needed to get home, **Dr. Dao was removed from the plane in a stretcher. Dr. Dao suffered a concussion, a broken nose and lost two front teeth in the incident.** The Chicago Department of Aviation said in a statement on Monday that the incident "was not in accordance with our standard operating procedure" and that an officer had been placed on leave pending a review of the matter.

## CAN YOU BE INVOLUNTARILY BUMPED ON OVERBOOKED FLIGHTS?

According to the US Department of Transportation, overbooking/oversold flights to compensate for passengers who don't show up is **not illegal** and is often done by airlines. Usually, passengers volunteer to be bumped from the flight for compensation. However, if no passengers volunteer to be bumped, they may be involuntarily bumped and given compensation.

## DOES DR.DAO'S REFUSAL TO COMPLY JUSTIFY THE AMOUNT OF POLICE FORCE ?

According to United's contract for carriage Rule 21: Refusal of Transport, a passenger can be removed and refused transport on the aircraft only for a limited number of reasons including being disorderly, offensive, abusive or violent. However, Dr. Dao was not reported to have been engaging in any conduct violation prior to the incident and **only became disruptive in protest of being de-planed** for reasons with questionable justification.

## DID UNITED OVERBOOK THE FLIGHT AND SIMPLY FOLLOW REGULAR OPERATING PROCEDURES?

Contrary to initial media sources, **whether United had actually overbooked the flight is unclear** given that United bumped the passengers for employees. In the case of overbooked flights and involuntarily bumped travelers, travelers are usually told about the overbooking and then denied boarding at the gate, not after they board the plane as it was in this instance. Thus, **one could argue that Dr. Dao was granted boarding and then involuntarily removed from the airplane, breaching the airline contract.**

## DID UNITED SELECT DR.DAO BASED ON HIS ETHNICITY/RACE?

The Department of Transportation requires airlines to give passengers who are bumped involuntarily a written statement describing their

rights and explaining how the carrier decided who gets on an oversold flight and who doesn't. United spokesperson, Charles Hobart, "**would not say whether the bumped passengers were chosen by a computer, an employee or some combination of the two**" to the NY Times. Although United is critiqued for selecting Dr. Dao based on ethnicity/race, no evidence that can be used to prove that right now.

## WHERE DOES RACE COME IN?

Race comes into play due to the excessive police force used in removing Dr.Dao. According to passenger, Tyler Bridges, after two officers attempted to talk Dr. Dao out of his seat, a third officer yanked Dr. Dao out of his seat, resulting in the disturbing events that outline this incident. Historically the police and justice system have unfairly targeted and failed to protect minorities as listed in the Times:

"i) Murder of Vincent Chin in 1982 who was killed by a Chrysler plant superintendent and his stepson, both white, under the belief that he was Japanese and taking away their jobs in the auto industry

ii) The story of Kuanchang Kao an intoxicated Chinese-American fatally shot in 1997 by police threatened by his "martial arts" moves.

iii) Cau Bich Tran, a Vietnamese-American killed in 2003 after holding a vegetable peeler, which police thought was a cleaver

iv) Fong Lee, a Hmong-American shot to death in 2006 by police who believed he was carrying a gun."

This begs the question, what other communities are unfairly targeted by excessive police force and unprotected by the police and justice system. To what degree? What similarities do they share? Looking towards the various police brutality cases like those of Rodney King, Eric Garner and Freddie Gray while learning more about and supporting the #BlackLivesMatter movement, perhaps we can further explore a solution to put an end to these incidents through solidarity; for **under the same system of oppression, one community's liberation cannot be realized without also supporting all community's liberation.**



## SOURCES

- [http://www.npr.org/sections/thetwo-way/2017/04/10/523275494/passenger-forcibly-removed-from-united-flight-prompting-outcry?utm\\_source=facebook.com&utm\\_medium=social&utm\\_campaign=npr&utm\\_term=nprnews&utm\\_content=20170410](http://www.npr.org/sections/thetwo-way/2017/04/10/523275494/passenger-forcibly-removed-from-united-flight-prompting-outcry?utm_source=facebook.com&utm_medium=social&utm_campaign=npr&utm_term=nprnews&utm_content=20170410)
- <https://www.nytimes.com/2017/04/10/business/united-flight-passenger-dragged.html>
- <https://www.transportation.gov/airconsumer/fly-rights#Overbooking>
- <https://www.theguardian.com/business/2017/apr/16/united-airlines-changes-crew-flight-policy-forcible-removal>
- <http://www.newsweek.com/why-united-were-legally-wrong-deplane-dr-dao-583535>
- <https://www.united.com/web/en-US/content/contract-of-carriage.aspx>
- <http://www.cnn.com/2017/04/10/travel/passenger-removed-united-flight-trnd/>

