



Justice Delayed Forever

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In 2023, the families of persons who had died because of Boeing’s lies about safety were told that it was too early to challenge the Justice Department’s deferred prosecution agreement (DPA) with Boeing. Now, in 2026, the same Fifth Circuit says that their challenge is too late.

When was the perfect Goldilocks moment? When was lawyer Paul Cassell supposed to challenge, on behalf of his clients, “the Justice Department’s 2021 deferred prosecution agreement and 2025 non-prosecution agreement (NPA) with Boeing”?

Cassell [reports](#) that several years ago, Boeing “lied to the FAA about the safety of its new 737 MAX

aircraft.” After Justice investigated, it charged Boeing with a criminal conspiracy — yet immediately signed a “sweetheart DPA” that let Boeing avoid a criminal conviction so long as it paid penalties and compensation to the families.

And promised to do better.

In court, the families proved that the Justice Department had hidden the agreement from them even though legally obliged to consult with them. The same judge who acknowledged this in 2022 went on to rule, in 2023, that there was nothing he could do.

Appealing that decision, Cassell was next foiled by the Fifth Circuit, which ruled in December 2023 that any relief for the families was “premature.” Now, many complications later, the Fifth Circuit has “simply ignored its previous promises.”

With Boeing suffering no proportionate consequences for its incompetence and dishonesty about safety, it is just a matter of time before similar cases are repeated.

This is Common Sense. I’m Paul Jacob.