

# Evidence mounts of cover-up of deaths related to GM ignition defect

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Evidence is mounting of a massive cover-up by General Motors (GM) and the National Highway Traffic Safety Administration (NHTSA) in relation to an ignition switch defect linked to numerous fatal crashes. Last month GM recalled 1.6 million cars worldwide to correct the problem, which can cause the car engine to suddenly shut down while driving.

Documents made public by General Motors show that as early as 2001 the company knew about the problem, but took no action. Now a study by a consumer advocacy group reveals that 303 people died after air bags failed to deploy in crashes involving two of the six models that were recalled last month. GM had earlier claimed that it knew of only 12 fatalities related to the defect. The airbag failure is linked to the ignition problem.

On March 12, GM released additional documents to the NHTSA. They show that the company discovered a problem with the ignition switch for the Saturn Ion before the start of production of vehicles for sale in 2001. Then, in 2004, GM learned of an incident in which the ignition was jarred out of the “on” position, disabling the airbags. GM employees replicated the problem in test drives.

GM engineers proposed a fix to the ignition defect in 2005, but management rejected it. According to a report in the *Detroit News*, the cost of the replacement part needed to correct the ignition problem could be as little as \$2 to \$5. However, GM customers will not be able to get their cars fitted with the new ignition switches until April. GM has merely advised owners of the recalled vehicles to take extra items off their key chains until then.

In addition GM has offered an insulting \$500 to owners of recalled vehicles toward buying another GM car.

Owners of the recalled vehicles reacted angrily to reports of the cover-up. Typical were the comments of one Cobalt owner posted on an automotive blog. “Me and my fiancé could have been killed a couple of times in her Cobalt but thanks to smart thinking I quickly put the car back in neutral and started it back up. It is a dangerous situation, the first time it happened she was driving and it shut of in the middle of the intersection. And this was months before we ever found out about the recall and other people getting killed.”

Both the US House and Senate have said they will open investigations into the slow recall by GM. The US Justice Department has also launched a criminal probe to see whether the company violated federal laws requiring the disclosure of safety defects. Federal law requires auto manufacturers to report safety defects that could result in fatalities.

The NHTSA has given GM a list of 107 detailed questions about the ignition defect, documents related to the case and the names of people involved in decision making. The company has until April 3 to respond.

The widening scandal also involves the NHTSA, the supposed government watchdog that monitors auto safety. The agency was alerted to the problem in 2007, but instead of ordering a recall it apparently collaborated with GM in the cover-up.

An examination of the NHTSA’s Fatal Analysis Reporting System (FARS) by the Center for Auto Safety (CAS) found that 303 front seat occupants have died in non-rear impact crashes in the recalled Chevrolet Cobalts and Saturn Ions where air bags failed to deploy. The data examined covers the years 2003-2012. If the other models included in the recall had been examined the death toll would have been far higher.

“The FARS data clearly show front seat occupants were being killed in crashes where airbags did not deploy as soon as the recalled vehicles hit the road,” wrote CAS Executive Director Clarence Ditlow in an open letter to the NHTSA. “The number of front seat occupant deaths steadily climbed as more Cobalts and Ions were sold with 43 in 2009 and 47 in 2010 where the airbags did not deploy.”

He continued, “NHTSA could and should have initiated a defect investigation to determine why airbags were not deploying in Cobalts and Ions in increasing numbers.”

The NHTSA was well aware of multiple instances of frontal crashes on GM cars where air bags did not deploy. In August 2005 the NHTSA began an investigation of a Maryland crash involving the non-deployment of an airbag on a Chevrolet Cobalt that led to the death of 16-year-old Amber Marie Rose. When the NHTSA released its Special Crash Investigation (SCI) report in February 2006, it determined that the key was in the “accessory” power mode and the airbag did not deploy.

In March 2007, NHTSA representatives met with GM officials and discussed the Maryland crash. Remarkably, the minutes of the meeting were never made public and no recall was ordered or further action taken.

In November of 2006 NHTSA began a second SCI investigation of a crash in Wisconsin that killed 15-year-old Amy Beskau. Again the report concluded that the airbag on the Chevrolet Cobalt driven by Beskau did not deploy and the ignition switch was in the “accessory” mode at the time of the crash.

During this whole period a steady stream of complaints about the Chevrolet Cobalt and Ion ignition were being received by the NHTSA. Between 2004 and 2012 the agency received at least 51 Early Warning Reports of death claims in the US involving the failure of steering, electrical or unknown components that could relate to the ignition airbag effect. NHTSA rules require automakers to report any safety related incidents, including deaths or injuries, raised in claims against the company.

According to a *New York Times* report, the NHTSA also received more than 260 consumer complaints about the engines of the recalled models suddenly turning off while the car was on the highway, impairing

driving.

Having identified the safety issue involved in the failure of the Cobalt ignition system in 2007, the NHTSA lost interest in pursuing the matter. Death inquiries on the part of the NHTSA into GM’s EWR death claim reports on the Cobalt and Ion dropped sharply after 2007.

Pressure is mounting on GM to rescind provisions of the 2009 bankruptcy agreement holding the reorganized company harmless from liability suits relating to incidents that took place before July 2009. Attorneys representing auto-accident victims suggest that the restructuring agreement is not valid because the company negotiated in bad faith, knowing at the time about the ignition defect but not disclosing it.

GM has refused to reveal how many lawsuits have been filed over the ignition defect, but the number is undoubtedly substantial and will now rise sharply.



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