

US Congressional committee gives GM a pass on deadly ignition defect

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The appearance of General Motors CEO Mary Barra and attorney Anton Valukas before a Congressional committee Wednesday was notable primarily for empty posturing and feigned outrage. Despite the occasional overblown rhetoric, no one asked any truly probing or penetrating questions.

The US House of Representatives Energy and Commerce Subcommittee on Oversight and Investigations held the hearing. It followed the release of a 300-page internal report by Valukas on the recent recall of General Motors' vehicles with defective ignition switches tied to numerous fatal crashes. While the report predictably exonerated top GM officials, it presented a devastating picture of corporate indifference to health and safety. It documented that GM knew about problems with faulty ignition switches on the Chevrolet Cobalt, Saturn Ion and other vehicles for more than a decade but did not order a recall or warn customers.

Congressman Tim Murphy, a Republican from Pennsylvania, set the tone. In his opening remarks he largely accepted the line of the Valukas report that the long failure to issue a recall was a product of "incompetence" and "neglect," not a deliberate cover-up on the part of GM.

Other House members followed in the same line, accepting at face value Barra's claims that "cultural" problems at GM were now being resolved. While some suggested the facts pointed to a broader cover-up on the part of company officials, no one proposed that GM or its executives be held criminally to account.

Perhaps the most telling comment was that of Texas Congressman Joe Barton who told Barra, "We are both on the same side."

For their part both Barra and Valukas stuck to the absurd story that GM officials did not realize for the

better part of a decade that unexpected engine cutoff in the Cobalt and other recalled vehicles due to the ignition defect was a safety issue. According to the Valukas report, no one in a position of responsibility in the GM organization seems to have known that engineers designed the vehicle so that killing power to the engine would disable the protective airbags in the event of a crash.

At the same time Barra and Valukas attempted to shift all responsibility for the decision to use an ignition switch that did not meet the company's own specifications to one man, engineer Ray DeGiorgio, who GM fired in the wake of the report's release.

No one asked Barra several obvious questions. For example why, according to the Valukas report, were GM employees apparently told not to take notes at meetings nor record attendance? Why did GM discourage employees from using words such as "stall," which might suggest a safety issue? Why did GM set up a structure designed to shield top management from any responsibility?

Clarence Ditlow of the consumer group Center for Auto Safety called the Valukas report "a whitewash." In a letter to Valukas on the eve of the House hearing he pointed out that the claim by GM that it did not recognize engine stalls as a safety issue was untrue. The report, wrote Ditlow, "Repeatedly omitted materials that show GM at its highest levels of management considers stalling to be a safety defect." In a letter to congressional investigators, Ditlow cited documents about a stalling case brought by federal regulators in 1977. He also pointed out that in 2004 the National Highway Traffic Safety Administration ordered at least one recall for stalling related issues.

The hearing followed the announcement by GM that it was recalling another 3.16 million vehicles with an

ignition problem similar to that of the Cobalt. The vehicles include the 2005-2009 Buick Lacrosse, 2006-2014 Chevrolet Impala, 2000-2005 Cadillac Deville and several other models. However, GM said it is not repairing the defective ignitions. It is merely redesigning the key and telling drivers of the affected vehicles to remove extra items from their key chains.

According to press reports, a GM employee, Laura Andres, told GM engineers nine years ago that her 2006 Impala shut off after she went over a bump in the road and warned that the problem appeared to be with the design of the ignition switch. She advised engineers to “seriously consider changing this part,” adding, “I’m thinking big recall.” As with the case of the Cobalt, GM ignored the warning.

A report in *Bloomberg Businessweek* details the case of another GM employee, Courtland Kelley, who in 2003 filed a whistleblower lawsuit against the company alleging it was slow to act on addressing safety issues in its vehicles. Kelley had been the quality manager on the Cavalier, the predecessor of the Cobalt. GM succeeded in quashing the lawsuit and Kelley was transferred to a less responsible position.

GM is meanwhile continuing to press the claim that its 2009 bankruptcy shields it from lawsuits stemming from events before that date. Lawyers for the family of Brooke Melton are seeking to reopen their wrongful death lawsuit against GM. They say the company is trying to move their case into federal court in order to take advantage of the bankruptcy shield. Melton was killed in a 2010 crash of her 2005 Cobalt after losing control when the engine cut off. Her death is not counted as part of GM’s official tally.

Research by the Meltons’ attorneys played a crucial role in exposing the GM cover-up of the defective ignition switches. By examining the ignition switches on newer and older models of the Cobalt, they proved that GM had changed the design of the switch without changing the part number, a clear indication of a cover-up.

It later emerged that GM engineer Ray DeGiorgio apparently lied when he testified in a deposition taken by the Meltons’ attorneys that he had not authorized or known of any changes to the switch. A document was later produced showing he had authorized a change in 2006. Armed with that information the family is seeking to reopen its case based on the claim that GM

concealed critical evidence.

GM is still insisting the Cobalt and other vehicles with the ignition defect are safe to drive if extra items are taken off the key ring. This is despite reports of several crashes involving vehicles subject to the recall involving sudden engine cutoff. To date GM has repaired only five percent of the recalled vehicles, with all repairs not expected to be completed until October.



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