

Texas woman exonerated 10 years after fatal crash

GM acknowledges vehicle defect to blame

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A Texas court on Monday exonerated a woman wrongfully convicted of negligent homicide in the death of her fiancé in a crash involving a now-recalled General Motors vehicle.

The court cleared Candice Anderson in the death of Gene Erickson, age 25, in a crash that occurred in November 2004 when Anderson lost control of her Saturn Ion and hit a tree. The airbags did not deploy in the crash and Erickson, a passenger in the car, died at the scene. Anderson also suffered serious injuries, including a lacerated liver.

The action came after General Motors finally acknowledged that a vehicle malfunction, not driver error, likely caused the accident. The ignition switch on the Saturn Ion and several other low-end models can be easily jarred out of the “run” position, killing power to the engine and disabling power steering, power brakes and airbags. Earlier this year, GM belatedly recalled 2.5 million vehicles with the problem.

At the time, Anderson was accused of impaired driving because investigators found a trace of the prescription anti-anxiety medication Xanax in her blood. Under pressure from prosecutors, Anderson entered a guilty plea in a deal that allowed her to avoid jail time. Instead, she served five years probation and paid \$10,000 in fines and restitution.

Anderson’s parents were forced to liquidate their retirement savings in order to hire an attorney for her defense.

For years, Anderson lived with guilt, falsely believing that she had caused her fiancé’s death. However, documents now reveal that five months before Anderson entered her guilty plea, General Motors had secretly concluded that a defective ignition switch

caused the accident.

GM did not disclose its finding regarding the cause of the crash in a death inquiry it submitted to the National Highway Traffic Safety Administration (NHTSA), falsely claiming it had not assessed the cause of the accident. If Anderson’s defense had known of the defect, it would have explained the otherwise inexplicable, sudden loss of vehicle control that led to the accident.

The district attorney who prosecuted Anderson wrote a letter in her support in July, after details of the GM recall became public. In the letter, he declared: “Had I known at the time that GM knew of these issues and has since admitted to such, I do not believe the grand jury would have indicted her for intoxication manslaughter.”

Facts that emerged in the wake of the recall show that GM knew of the ignition defect as early as 2001, but did not issue a recall or warn drivers. In 2005, engineers proposed a fix, but GM rejected it as not cost-effective. In 2007, GM quietly redesigned the part but did not issue a new part number in an attempt to cover its tracks.

Earlier this year, GM, in a filing with NHTSA, listed Erickson’s death as one of 13 likely tied to the ignition defect. However, it did not make the admission public. Erickson’s family learned of the connection between the death of their son and the ignition defect only after they contacted NHTSA at the suggestion of the *New York Times*.

It wasn’t until Monday that GM publicly came forward to link the fatal crash to the vehicle defect. The exoneration came only hours after GM sent an email to Anderson’s attorney saying the ignition defect likely

“contributed to the frontal air-bag non deployment in the crash.”

To date, the victims’ compensation fund set up by GM has agreed to pay claims involving 35 deaths. The real death toll related to the ignition defect is likely much higher. So far, the fund has received 255 death claims, 139 claims for catastrophic injuries, and 1,816 for other, less severe, injuries.

Erickson’s family has already been ruled eligible for a minimum \$1 million payout from the fund.

Anderson has said she will seek compensation from GM as well. She explained that she had experienced severe emotional stress and suffering from the impact of the conviction on her planned career in nursing. In order to be accepted in a nursing school, Anderson had to pay for a psychiatric examination to demonstrate her mental stability. Her conviction would have barred her from many kinds of work after graduation.

More evidence of GM’s deliberate cover-up in the ignition scandal came to light last week with the release of an email by auto parts supplier Delphi. The document was released as part of evidence in a collection of lawsuits brought against GM.

In the email, a Delphi official complains of pressure from GM to continue producing an ignition switch that did not meet GM’s own minimum specifications. Rather than order a recall and replace the part, GM sought a low-cost, quick fix.

The official writes that GM wanted to keep producing the switch even though it “was never able to cut it.” While the email does not specifically reference the low torque issue related to engine cutoff, it is a further indication of GM’s disregard for public safety. It came at a time when problems with the defective ignition switches had come to light in unfavorable reviews of GM vehicles.

Under these conditions, the claim that no senior GM officials were aware of the defect or the attempts at cover-up are not credible. Nevertheless, while the cover-up of the ignition defect has resulted in incalculable grief and suffering, not a single GM official has been prosecuted.

The GM ignition scandal has also revealed NHTSA, the nominal government watchdog, to be a compliant tool of the auto companies. The agency knew of fatal crashes involving GM vehicles linked to the defect as early as 2007, but did not act. The public learned of the

defect only as the result of a series of lawsuits by accident victims’ families, who established the link between the cutoff of the ignition switch and airbag nondeployment.

NHTSA launched an investigation only after the initial recall. It resulted in a derisory \$35 million fine, less than one day’s revenue for GM.

The GM admission in relation to the Anderson case came at the same time that carmaker Honda conceded that it failed to report 1,729 death and injury incidents to NHTSA over an 11-year period as required by law. Honda vehicles have been linked to fatalities involving a defective airbag produced by Japanese parts manufacturer Takata. NHTSA initially acceded to the pressure of auto manufacturers to order only a partial recall of vehicles equipped with the airbags, limiting it to a handful of states where high humidity made malfunction more likely.



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