

COLUMBIA JOURNALISM REVIEW

The future of media is here

WSJ editorial page brazenly ignores Toyota's own admissions

Holman Jenkins isn't entitled to his own facts

By Ryan Chittum

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Four years ago, at the height of the Toyota sudden-acceleration debacle, Holman W. Jenkins of *The Wall Street Journal* editorial page, pooh-poohed the “scare,” writing that “overwhelming evidence that the real menace to drivers is their own right foot stamping the gas instead of the brake.”

Megan McArdle, noting that the age of the drivers skewed high, wrote, “you don't usually make a profit by killing your customers. It's too risky, in this age of nosy regulators and angry consumer activists.”

The problem with these contrarian pieces was they ignored compelling evidence available at the time that Toyota's reported problems were far more extensive than those of other carmakers.

Okay. Nobody's perfect.

But then last week, Toyota agreed to not a civil but a *criminal* settlement in which it agreed to a 12-page statement of facts. In it, Toyota admitted its own design problems were squarely at fault and that it engaged in an extensive cover-up to avoid recalls and to hide these problems from the public and from federal regulators.

Normally, op-ed writers whose hunches are proven wrong by an extensive criminal investigation, including corporation admissions, would do the normal thing, which is to ignore the new revelations and find something else to write about. And that, McArdle, to her credit, one supposes, has done.

Jenkins, though, courageously ignoring what is now an established record, demonstrates that no amount of evidence, again, including a corporate admission, can change opinions on *The Wall Street Journal* editorial page.

Let's look at the record.

In the settlement Toyota admits that it knew about not one but two accelerator design problems, which it repeatedly and actively concealed from regulators and consumers.

The carmaker knew that it had a serious problem with the positioning of its accelerator pedal, which was so low to the floor that it could become entangled with floormats. It ordered a

redesign for future models, but resisted implementing recalls for at least two years after it knew about the problem. As a cost-saving measure, those redesigns were delayed until the model's next full redesign, which come every three to five years.

Toyota then discovered a second, unrelated accelerator problem, what it referred to as a “sticky pedal” and quietly ordered a redesign. Several months later, as its sudden-acceleration PR crisis grew, the facts statement says, it “decided to suspend the pedal design changes in the United States, and to avoid memorializing that suspension, in order to prevent NHTSA from learning about the sticky pedal” and later “decided to characterize the changes as minor to prevent their detection by NHTSA.”

And even after Toyota finally agreed to recall five models, the statement says, it knew that three other models had similar problems, but didn't inform regulators and didn't plan to recall them.

As the press forced Toyota's hand on the sticky-pedal problem, the carmaker misled federal regulators about the seriousness of the issue. As the statement says:

The presentation that TOYOTA gave to NHTSA on January 19, 2010 downplayed the seriousness of reports of sticky pedal in Europe. When, after the presentation, a TOYOTA employee who attended the presentation reviewed the actual reports from Europe, and saw that they included such phrases as “out of control” and “safety issue,” he was said to exclaim “Idiots! Someone will go to jail if lies are repeatedly told. I can't support this.”

Toyota finally agreed to NHTSA pressure to recall the remaining three models, but then debated how to conceal its earlier knowledge of their problems, with one quality-control leader saying in an email that Toyota shouldn't admit that it already had known about the problem. “...[I]f we say, ‘Everything is the same as Camry, etc.’, they may come after us by saying ‘Why didn't you report when we agreed last time?’”

In short, this is the very picture of a company endangering its customers to preserve its margins.

So it's odd, to say the least, to see Jenkins revisit the issue in the wake of these damning admissions and essentially contend, based on basically nothing, that the problem was all about floor mats, that dealers or drivers were basically responsible, and that Toyota panicked and took the blame (emphasis mine):

The 2009 crash that set off the Toyota panic was laid almost immediately to an improper, ill-fitting floor mat incorrectly installed in a loaner car by a San Diego Lexus dealer. This week the company agreed not to contest a single count of “wire fraud” related to **supposedly failing to alert the public about the danger posed by floor mats—though Toyota in 2007 had already warned dealers about the problem and recalled floor mats in certain Toyota and Lexus vehicles.**

The single “wire fraud” count also covers **Toyota's supposed reluctance to recognize a “sticky pedal” problem**—though the “sticky pedal” clearly emerged because Toyota ransacked its files

for any “defect” it could “fix” in order to calm a public hysteria. To this day, no accidents or deaths have been tied to the sticky pedal.

Never mind that extensively documented coverup Toyota just admitted committing, how many scare quotes can fit into two paragraphs? I count six, plus a “panic,” a “supposedly,” a “supposed,” a deceptive framing, and a red herring.

Look closer at Jenkins’s line about “recalled floor mats in certain Toyota and Lexus vehicles,” a classic example of *Wall Street Journal* editorial page misdirection. This wasn’t just about floormats. It was about *pedal design*, as Toyota itself admits and which it has long since fixed. And to say that Toyota did the right thing by recalling “certain” vehicles in 2007 is nonsense. It recalled all of 55,000 cars, and under duress. The final figure, after the scandal broke? More than *10 million cars* recalled from 2009 to 2011, replacing floormats *and* reconfiguring the pedals.

It’s just bizarre, given what we know today, that Jenkins claims—contrary to the statement of facts that Toyota itself signed—that Toyota went scrambling to find a defect to shut up the panic. That defect was well known to Toyota, again, by its own admission, a year before the crash that kicked off the uproar.

Doubling down, Jenkins then takes this shot at the *Los Angeles Times*, which led the reporting on the Toyota’s sudden-acceleration story:

After the horrific San Diego floor-mat crash, the Los Angeles Times fed the furor with a series of articles pushing the electronic bug theory. For a laugh, check out its stories this week on the Toyota settlement in which the paper continues to pat itself on the back for its “investigation” even while acknowledging that, aside from two floor-mat crashes, driver error is the only explanation ever found for Toyota sudden-acceleration mishaps.

Needing a laugh, I went searching for these stories that acknowledged only two floor-mat crashes. I couldn’t find them. I did find that the LAT reported that Toyota has agreed to settle 131 injury and wrongful death cases so far with at least 300 more in the works. It also reported that Toyota admits to five deaths, while the Nader-founded Center for Auto Safety estimates there were hundreds of injuries and deaths.

The Jenkins column wasn’t even the most misleading WSJ piece. That title goes to Cato’s Walter Olson, who wrote this:

The Justice Department’s Unjust Toyota Fine

Cost of safety violations: 0. Cost of paperwork violations: \$1.2 billion.

Paperwork violations.

The LAT’s Michael Hiltzik writing earlier on a different subject, talked about agnotology, the cultural production of ignorance. That’s what’s going on at *The Wall Street Journal* editorial page.

