

DDM Consulting
22357 Columbia Street
Dearborn, MI 48124-3431
313-277-5095
pvs6@cornell.edu

20 January 2017

VIA FEDEX AIRBILL [8007 - 9341 - 6156](tel:8007-9341-6156)

Ms. Kellyanne E. Conway
Counselor to the President
1600 Pennsylvania Ave NW
Washington, DC 20500
202-456-1111

Subject: The Draining of the Swamp: DOT, NHTSA and the DOJ
Reference: Federal Motor Vehicle Safety Standard 207 (FMVSS-207)

Dear Ms. Conway:

We need you help with something very important . . . When I explain the details of the Reference to lay people, typified by jurors, they assume I exaggerate . . . until I present the evidence. And then they are infuriated. For perspective, I am not aware of any FMVSS-207 litigation where auto industry defendant(s) prevailed. None.

I have dealt with the nightmares **caused by The Swamp**, relating FMVSS-207, for over 30 years. One result of my efforts was to be sued for \$82,000,000.00. No individual has been sued for more in history. A motivation of that defense bar ruse was to intimidate me into silence regarding the Subject, especially the DOJ (Please see Attachment 1, and page 3 below).

With this in mind, please take a long look at this little angel . . .



Her name is Crystal Butler. She is no longer with us. She was eight when victimized by FMVSS-207 . . .

At the time of her death, automotive executives were issuing themselves promotions, pay raises and bonus checks . . . later these Detroit executives would descend upon The Swamp groveling to be bailed out by the Obama Administration . . . and taxpayers . . . such as Crystal's mom.

I interviewed with **Fox News** on FMVSS-207. The segment included **Crystal's mother**, pictured here, explaining the nightmare that befell her. With tears falling from eyes she explained:

“And they told me not to expect her to make it through the night . . .”



Everyone survived the low-speed accident . . . except Crystal. She was positioned in the rear seat, directly behind her mother, where the front seat had collapsed; crushing Crystal's aorta. The cost for correcting the front car seat structure that would have kept Crystal alive? \$15.00. The auto company defendant declared the usual defense bar goo: That they “meet or exceed all federal safety standards.”

For a glimpse at the criminality of mere compliance with FMVSS-207, I stated later on CBS News:

“You can buy a lawn chair at a retailer, and apply the 207 seat standard, and it will pass!”

I was being factual. But The Swamp is not merely complicit, they have actively conspired for decades to keep people ignorant regarding the criminality of FMVSS-207. What follows may shock you . . . but it is all factual . . . and that should make you **angry**.

FMVSS-207 and The Swamp - The Collusion of DOT/NHTSA and the DOJ – Attachment 2

An informed person assumes that the Department of Transportation (DOT) is the federal focus of auto safety, especially investigations involving safety defects, the regulatory process and the resulting standards that prevent those defects. Not so.

An informed person would also assume that the group *within* DOT, the National Highway Traffic Safety Administration (NHTSA), is the DOT focus of same. Not so.

No person of integrity anticipated that the Department of Justice (DOJ) would be involved, and “run cover” at these routine levels . . . **until they heard my court room testimony in the seat back failure death case of Flax versus DaimlerChrysler.**

No honest person is unmoved by Attachment 2 . . . or the death its portent caused; such as the **horror** that befell the 8-month boy pictured at left, Joshua Flax.

Hundreds have suffered similar nightmares, while car companies, DOT, NHTSA and the DOJ protest their innocence on the basis of FMVSS-207 compliance.

The cost to protect Joshua: \$15.00. Everyone else in the Flax accident survived with zero injuries.

FMVSS-207: The Relevant Portion of The Swamp – The Issue of Embedding and Inbreeding

My seat back failure death case testimony includes how The Swamp secretly collaborates on FMVSS-207 litigation. A legal report sample follows (Please note yellow highlights below, and in Attachment 3) :

MANAGER LATER FIRED

Sheridan said he was fired a month later. By then, he said, he had informed his superiors that he intended to go to federal regulators with his safety concerns. Sheridan said Chrysler then sued him to prevent him from speaking about the company. Chrysler later withdrew the suit.

Sheridan said the committee also reviewed other safety complaints against minivans, which prompted an agreement involving Chrysler, the National Highway Traffic Safety Administration and the Justice Department. As part of that deal, Sheridan testified, NHTSA agreed that it would reject requests for information about minivan safety defects made under the federal Freedom of Information Act and Justice Department attorneys would defend NHTSA's refusal to release the requested material.

NHTSA's current general counsel, Jacqueline Glassman, formerly worked in the general counsel's office at Chrysler, Sheridan testified. According to Butler, NHTSA's former rulemaking chief, Barry Felrice, is now working at DaimlerChrysler.

The “requested material”? It included NHTSA crash test videos showing FMVSS-207 **seat back failures**.

Perspective on “Proactive Safety” Diversions/Machinations of the Obama Administration

At the 2016 International Automobile Show in Detroit, Michigan, the heads of DOT, NHTSA and eighteen auto companies signed the document, Proactive Safety Principles 2016.

The fact that this condominium was compelled to parade this “proactive” concept as something unique or timely, speaks to an industry/regulatory interface that is wrought with long-standing corruption . . . They have admitted that, historically, auto safety has been anything *but* “proactive.” FMVSS-207 is exemplar.



For those that accuse me of being “disgruntled” I offer **FIVE DECADES** of horror that is directly attributable to FMVSS-207 . . . I offer the screenshots on pages 1, 2 and 3 above . . . I offer the portent of Attachment 2 . . . and on . . . and on . . . and on . . .

On the first page of their Proactive Safety Principles 2016 the co-signers pictured above alleged a ‘Statement of Principles.’ In paragraph 1 they declare:

1. Enhance and Facilitate Proactive Safety

Objective

Continue to emphasize and actively encourage processes that promote steady improvement in vehicle safety and quality within our respective organizations, across the industry, and with other stakeholders.

Centered is DOT Secretary Anthony Foxx, and to his right NHTSA Administrator Mark Rosekind. During their tenure I had written to them three times regarding FMVSS-207. Their “proactive safety” expertise was also repeatedly solicited by the media. How many on-camera interviews did Obama Administration officials offer on FMVSS-207? Zero. They are indisposed regarding FMVSS-207 and seat back failures that notoriously involve the death of our children . . . but are readily available for photo-ops with future revolving-door employers at auto shows?

How many children died in year 2015 alone due to seat back failures? FIFTY! That is more than the deaths, over several years, attributed to the Takata air bag and GM ignition switch defects combined!

So . . . after five decades of FMVSS-207 related nightmares, these stakeholders have the audacity to proclaim that they “facilitate proactive safety” ?!

Contextual Background for Formal Request

There is extensive context in support of my Formal Request on page 10 below. For now I focus on four:

1. The refusal of DOT/NHTSA to defend and advocate *their own safety standard* (FMVSS-207)!
2. The well-promoted media and political myth that it is the Democratic/Liberal Party establishment (as opposed to the Republican/Conservative) that cares about our safety & well-being (little people such as Crystal Butler and Joshua Flax . . . or Mr. Balde Gonzalez pictured below).
3. The historical and ongoing basis for a criminal investigation regarding FMVSS-207.
4. The mere luck currently enjoyed by the Trump and Conway households, in relation to FMVSS-207.

Formal Request Context #1 : Obama Administration Confirms ZERO Confidence in their FMVSS-207

I have written to DOT Secretary Foxx and NHTSA Administrator Rosekind, not once, not twice, but three times regarding FMVSS-207. Those letters (with receipt SPODs) are available here:

<http://pvsheridan.com/Sheridan2Rosekind-2-30March2016.pdf>

<http://pvsheridan.com/Sheridan2Rosekind-3-7July2016.pdf>

<http://pvsheridan.com/Sheridan2Rosekind-4-10August2016.pdf>

My letter of March 30, 2016 was ignored. My later letters provoked a response; a pusillanimous diversion that confirmed the vulnerability of DOT/NHTSA, as derived from their complicity with the criminality of FMVSS-207 (Attachment 4).

Referencing Attachment 4, contrary to their pusillanimity, I never proposed that Foxx/Rosekind advocate for or against litigants. What I **did** propose, in the subject line, is that they defend their own standard! They refused. Context #1 confirms the routine fraud of the “proactive” agenda that Foxx/Rosekind promoted in behalf of their suitors at the 2016 Detroit Auto Show (See page 4 above).

Please peruse my letter of March 30, 2016; it begins with the seat back horror that killed a father of three:



Some have called my March 30, 2016 letter a “*treatise on 207.*” Please note quote atop its page 17.

Formal Request Context #2 : Democratic/Liberal Establishment is NOT the Bastion of Auto Safety

NHTSA Administrator Mark Rosekind (Democratic Party establishment official) rudely shuns CBS News when merely asked to discuss FMVSS-207:



In my hard-won professional opinion, it is a myth that the Democratic/Liberal Party establishment is the primary political bastion of auto safety. Attachment 2 is a portion of my evidence, with the torrid history of FMVSS-207 offered as a symptom. It is well-known that that the portent of **Attachment 2 went all the way to the top of the Clinton DOJ; all the way to Attorney General Janet Reno for approval . . .** this document confirms a Clinton Administration DOT/DOJ criminal conspiracy, secretly in-play during a time when its execution was known to be causing horror on our highways.

But the Left versus Right polemic promotes the notion that the Republican Party, and therefore the Trump Administration, has no inclination toward the consumer . . . or public safety . . . or “*small town America*” . . . the very large constituency that voted for our new president (Attachment 5).

To their credit, two Democratic Party senators are allegedly planning hearings in 2017 regarding the Reference. Their staffs have already contacted me.

In addition to the obvious, correcting FMVSS-207 represents an opportunity for President Trump, as well as the incoming secretary of the DOT, the new head of NHTSA, and the new DOJ Attorney General.

Since lives are at stake, I am unrepentant in my adamancy . . . **we need to correct FMVSS-207.**

Formal Request Context #3 : Historical / Ongoing Criminality of FMVSS-207

Throughout the news cycle leading to the election of Mr. Trump and Mr. Pence, reports described two major automotive industry criminal scandals:

- A. The Takata air bag defect.
- B. The Volkswagen (VW) diesel emissions non-compliance/cheating issue.

In a January 11, 2017 letter to Attorney General Loretta Lynch, Mr. Ralph Nader writes:

“Takata’s defective airbags have been linked to at least 11 deaths and more than 180 injuries in the United States.”

But as I mentioned on Page 4 above, this Takata statistic involved many years of use. In that same letter, Nader discussed Item B:

“These diesels emit up to 40 times the amount of emissions that they are allowed to. And, it’s very fine particulates that are coming out of the diesel. It’s nitrogen oxides. And, it’s going into the lungs of individuals, and if you’re particularly sensitive you are quite likely to suffer disease and illness and ultimately death.”

No deaths have been linked to the VW emissions scandal. Regardless, Nader demanded:

“To bring justice to the victims of the Takata and VW criminal actions, I ask that you not just fine the companies and agree to deferred prosecution agreements, or a guilty plea against some subsidiary of the company – but bring the full weight of the criminal law – against both the parent company and responsible executives.

The recent trend of settling major corporate crime cases with deferred or non-prosecution agreements has undermined the criminal justice system and sent a message that we live in a society with a two tier system of justice – deferred and non-prosecutions for the powerful, guilty pleas and jail for the powerless.”

That is, it is as though Mr. Nader extracted a page from your campaign strategy book. In the final days of the campaign, in the **“Donald Trump’s Argument for America”** ad, Mr. Trump declared:

“Our movement is about replacing a failed and corrupt political establishment with a new government controlled by you, the American people. The Establishment has trillions of dollars at stake in this election. For those that control the levers of power in Washington, and for the global special interests, they partner with these people that do not have your good in mind . . . and put that money into the pockets of a handful of large corporations and political entities.”

With this in mind, let us review the ‘Gross Criminal Negligence’ statute:

“Gross negligence” is culpable or criminal when accompanied by acts of commission or omission of a wanton or willful nature, showing a reckless or indifferent disregard of the rights of others, under circumstances reasonably calculated to produce injury, or which make it not improbable that injury will be occasioned, and the offender knows or is charged with knowledge of the probable result of his acts; “culpable” meaning deserving of blame or censure.

No auto safety scandal is more ripe with “acts of commission or omission of a wanton and willful nature” than FMVSS-207.

But it is the institutionalized complicity of the Swamp that led to Takata and VW in the first place! For historical comparison, FMVSS-207 has gone unrevised since 1967 . . . **it is FIVE DECADES OLD!**

Formal Request Context #4 : Luck Protecting Us versus FMVSS-207 ?

The lay person has no idea that FMVSS-207 has absolutely no engineering or technical connection to their well-being. Victims are repulsed when confronted with its history, especially its prior victims. Frequently the next victim admits that they had lived under the presumption: ***"It will never happen to me . . . it only happens to the other guy/gal."***

With that naïve presumption in mind, please review the following photographs:

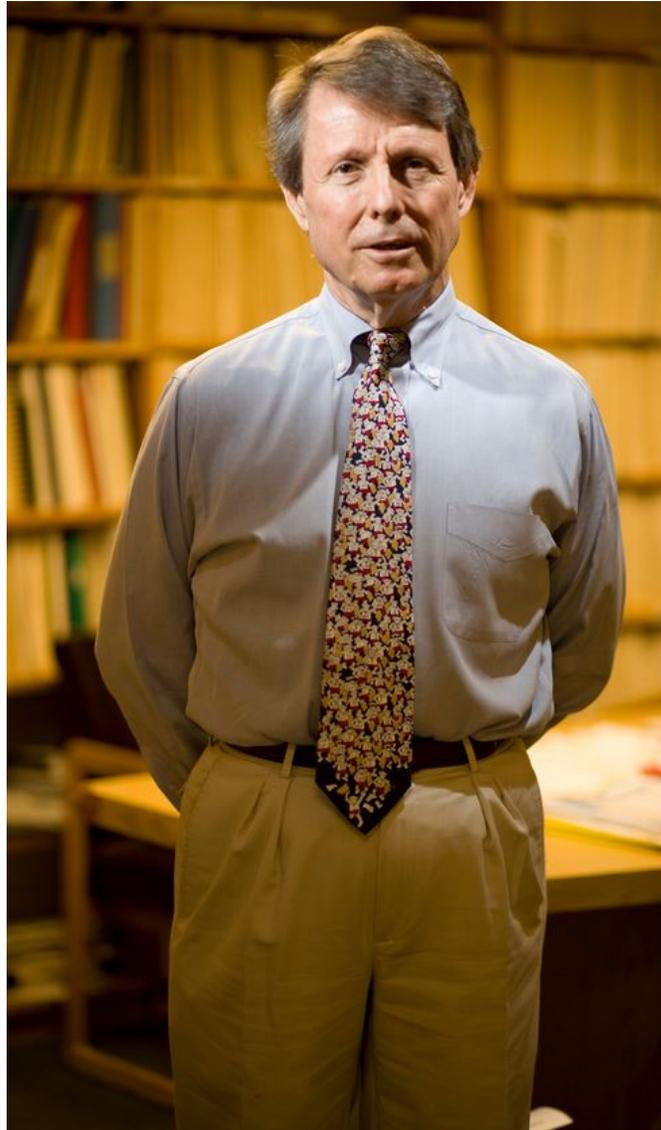


In my work I emphasize, to the point of being militant, that luck has no place in transportation safety, and that we should forcefully delete that operative from the regulatory process, and the safety standards that protect us from accidental catastrophe. **Astonishingly**, The Swamp has formally disagreed with me on the luck issue for over thirty years, especially as luck relates to FMVSS-207 (Attachment 6).

Dedications

Before I present my Formal Request, I offer dedications:

1. The first is to the historical and upcoming victims of FMVSS-207, many of whom did not, or will not, survive their first birthday.
2. The second dedication is to my close professional colleague of over twenty-two years, Mr. Clarence Ditlow:



Clarence was Director at the Washington, DC based Center for Auto Safety for over forty years. He passed on November 10, 2016. Clarence was there for the rest of us, in any way he could. I will be in-attendance at The Carnegie Institute on the evening of January 26, 2017 for the formal tribute ceremony. We all miss him dearly . . . he would have wanted us to continue pursuing the FMVSS-207 issue . . .

In fact, he and I shared his very last television news interview (with CBS News LA) . . . wherein I offer the page 2 quote (above), and Clarence confirms the “**Fifty!**” discussed on page 4 (above):

<https://www.youtube.com/watch?v=olZ84r-AgDM>

<http://www.autosafety.org/nhtsa-urged-to-warn-parents-of-seat-back-failure-dangers-to-children-in-rear-seats/>

Formal Request

In a Fox News interview you hear Crystal's mom sadly declare:

“My eight-year-old daughter should not be dead in a fender-bender!”

<https://www.youtube.com/watch?v=8uaPvqT1qQQ>

I would like to speak to you, or President Trump, or anyone you deem appropriate to addressing the simple updates to FMVSS-207 that will render basic safety. Let us be clear:

Under current compliance requirements no such safety exists or can be claimed to exist.

One alternative to a meeting with you, would be to forward this material to incoming Secretary Elaine Chao of the DOT, and the incoming Attorney General Jefferson Sessions of the DOJ.

The Swamp is infested with those responsible for the horrific history of FMVSS-207. Attachment 7 contains my direct report to DOT/NHTSA (in 1995), which reveals that I had led a discussion at my former employer on how to correct FMVSS-207: A **dynamic test protocol**, but a protocol that is enhanced versus one that German auto makers have deployed for decades.

Conclusion

This issue presents the Trump Administration with a significant opportunity, at many levels; ranging from compassion to pragmatics to the Left-versus-Right polemic.

You cannot make “America Great Again” without correcting FMVSS-207 . . .

Please do not hesitate to contact me at any time.

Respectfully,

Paul V. Sheridan

Attachments

ENDNOTES SECTION**Personal Note**

Some might declare that my inclusion of Attachment 1 is motivated by personal reasons. In truth, and well-documented in history, it is the detractors that divert from objective facts and instead are compelled to resort to personal matters/attacks. The lawsuit for “**\$82,000,000 in damages**” against me, secretly filed by ex-President of the Michigan Bar Association Thomas Kienbaum, was timed to precede two major product liability death cases, each of which were to involve Attachment 2 !! Both cases went before juries. In both, the jury members were infuriated by Attachment 2 . . . with record verdicts (against defendant Chrysler) of \$262,000,000 and \$105,000,000 respectively.

Prior to these trials, just how *low* did detractors descend in their effort to intimidate my testimony? Out of nowhere, during 1998 and 1999, the professorial and clerical staffs at my alma mater, [Cornell University](#), began enduring abusive/intrusive telephone investigations of my person and standing at the Cornell. I have already testified under-oath regarding this history. I also discussed these intimidation events atop page 3 in my letter of October 3, 2016 to Ms. Sally Q. Yates, the Obama Administration Deputy Attorney General (See ‘Other Notes’ below, second link):

- At the time that Attachments 1 and 2 were in-play, the Democratic/Liberal Party establishment, its former Clinton Administration, was in power. Their Attorney General was Ms. Janet Reno. And where did Ms. Reno attend university? **Cornell University**.

List of Attachments**Cover Letter Page Ref**

Safety Expert Sued for \$82,000,000.00	1	1
DOT/NHTSA, Chrysler and DOJ Criminal Conspiracy	2	3, 4, 6, 11
\$105,000,000 Verdict in Flax versus DaimlerChrysler	3	3
DOT/NHTSA Response Letters Refusing to Defend FMVSS-207	4	5
Insulting Letter from Senator Orin Hatch	5	6
NHTSA “defects trend” (i.e. luck) letter	6	8
Sheridan News Report on Seatback History and NHTSA report	7	10
Insulting Response Letter from Department of Justice	8	FYI
Letter from Geneva Massey Plaintiff Attorney James Lowe	9	FYI
Letter from Arizona Sheriff Joe Arpaio	10	FYI
Cornell University Ethics Letters	11	FYI
Civil Justice Foundation, National Champions Award	12	FYI

FVMSS-207 Update Petitions (Small Historical Sampling . . . Ignored by DOT/NHTSA)

<http://www.autosafety.org/nhtsa-urged-to-warn-parents-of-seat-back-failure-dangers-to-children-in-rear-seats/>

http://arcca.com/wp-content/uploads/2015/09/Petition-to-NHTSA-on-FMVSS-207-ARCCA_2015.pdf%20

http://pvsheridan.com/KJS_NHTSA_Petition_10-29-14.pdf

<http://pvsheridan.com/Hogan-2-NHTSA-207-petition.pdf>

News Report Videos on FMVSS-207 - Paul V. Sheridan Interviews

<https://www.youtube.com/watch?v=8uaPvqT1qOQ>

<https://www.youtube.com/watch?v=VDwLoGsCdRA>

<https://youtu.be/u7OAKEaTuPM?t=4m38s>

<https://www.youtube.com/watch?v=34ajMfqwtdg>

<https://www.youtube.com/watch?v=olZ84r-AgDM>

News Report Videos on FMVSS-207 - General and Historical

<https://www.youtube.com/watch?v=YeTHbDKPyc8>

<https://www.youtube.com/watch?v=FXIVHwX-rvQ>

<https://www.youtube.com/watch?v=b9WAaAKT8W8>

<https://www.youtube.com/watch?v=fF11SuWu-2A>

<https://www.youtube.com/watch?v=6gCSgPG3Cc0>

<https://www.youtube.com/watch?v=iQkHX7Ep91I>

<https://www.youtube.com/watch?v=QzObGkir4ZQ>

<https://www.youtube.com/watch?v=P4Kkx5v-NJk>

<http://www.cbsnews.com/videos/deadly-car-defect-threatens-backseat-passengers>

Senatorial Inquiry - Letters to Automakers on FMVSS-207:

<http://www.markey.senate.gov/letters-to-automakers-on-seatback-safety>

<http://www.cbsnews.com/news/cbs-news-investigation-of-seat-back-failures-sparks-action-by-congress/>

Other Notes

Original Letter to Attorney General Janet Reno (Includes DOJ response):

<http://pvsheridan.com/Chrysler-DOJ-NHTSA-plus-response.pdf>

<http://pvsheridan.com/Sheridan2Yates-1-3October2016.pdf>

<http://www.butlerwooten.com/Results/Top-Ten-Verdicts/Flax-Verdict.shtml>

<https://blog.nader.org/2017/01/10/open-letter-to-attorney-general-lynch-prosecution-or-guilty-pleas-for-corporate-crime/>

<https://www.transportation.gov/sites/dot.gov/files/docs/ProactiveSafetyPrinciples2016.pdf>

<http://pvsheridan.com/DizeOrder.pdf> (The "Dize Order")

http://pvsheridan.com/GM_TohtMemo_SeatBacks.pdf (The internal GM "Toht Memo")