

SEPARATION ANXIETY?

Announcer: From our studios in New York, here again is Stone Phillips.

STONE PHILLIPS: You've heard about the problems with Firestone tires. If that's not the brand you drive on, you probably haven't been too worried. But what you may not know is that another manufacturer has also been accused of making defective tires. It's the latest chapter on the public's growing concern with tire safety. Tonight several former employees speak out for the first time on television claiming a well known tire maker put profits above people's safety. Here's Rob Stafford.

Ms. CYNTHIA MILLER: That day I will never forget, May 15th, 1998.

ROB STAFFORD reporting: (Voiceover) Graduation day, a special day for two Arkansas families. Scharlotte Hervey's sister was graduating from Phillips Community College in Helena, Arkansas. But when the diplomas were handed out, Scharlotte and her family were nowhere to be found.

(Cynthia Miller; graduation event)

Ms. MILLER: During the time when I was in the auditorium and it was in line up and, my whole thought was 'Where is she?'

STAFFORD: (Voiceover) A hundred miles away Lane Whitaker's sister Tersa was graduating from high school and she was wondering the same thing about him. First she noticed Lane wasn't with her mother.

(High school field; photo of Lane Whitaker; high school graduating students on playing field)

TERSA: I heard my name again and I spotted my dad and I just noticed that, you know, Lane wasn't with either one of them.

STAFFORD: (Voiceover) Lane would not see his sister graduate. A pastor from the Whitakers' church broke the news to the Whitaker family.

(Tersa receiving diploma; Tersa with gentleman)

TERSA: He just told us that Lane was in an accident and he didn't make it.

STAFFORD: (Voiceover) Scharlotte never made it to her sister's graduation either. A family member told her what happened.

(Diploma)

Ms. MILLER: She didn't say it aloud. She just said 'She's dead.' And at that moment, I just paused for a moment and I looked at her, I said, 'No.'

STAFFORD: (Voiceover) It turns out Scharlotte Hervey and Lane Whitaker collided on an Arkansas highway and the accident would link the two

families in grief and in battle. Scharlotte Hervey was heading eastbound on I-40 when she lost control of the car. It swerved into the median, spun several times and landed in the westbound lane where Lane Whitaker's car plowed right into them at full speed. Scharlotte, her husband Edward, and son, Jamar, were killed. And two other sons were left paralyzed. Lane Whitaker died in the fiery crash as well. His father often thinks about his son's final moments.

(Photo of Scharlotte Hervey and Lane; highway; crash site photos; Scharlotte, Edward and Jamar; Lane; damaged vehicle)

Unidentified Man: How he must have felt than is something I can't handle sometimes.

STAFFORD: So what caused Scharlotte Hervey's car to go so violently out of control? The answer, tire failure. A portion of the rubber on the right rear tire peeled off. It's called tread separation. You've probably heard about this happening on some types of Firestone tires. But the tire on Scharlotte Hervey's car was made by another company, Cooper Tire.

TERSA: Everybody has just always trusted that the tires going to, you know, work, you know. They don't think about something like this could happen, something so big.

STAFFORD: (Voiceover) The two families have now joined forces accusing Cooper of producing a defective tire that led to Scharlotte Hervey's death. Cooper, North America's fourth largest tire company, makes replacement tires, the kinds you buy when the original tires on your car wear out. It makes tires for other companies as well, like Sears and Pep Boys. Lawsuits filed over the past 10 years blame at least 40 deaths on Cooper tires. A lower rate than Firestone, but one that the Hervey's lawyer say is significant. But unlike the Firestone cases, which involve only three model lines, lawsuits allege many different models of Cooper tires may be defective.

(Members of two families; individual in wheelchair; highway; Cooper truck; tire store; shelves with tires; various wreckage sites; damaged tires)

Mr. PAUL BYRD: We've got clients that are in desperate need.

STAFFORD: (Voiceover) Paul Byrd is part of a team of attorneys representing the Hervey and Whitaker families.

(Attorneys)

Mr. BYRD: And if one tire is made with shotty construction due to over-production pressures that kills a mother driving her children down the highway, that's one tire too many.

STAFFORD: (Voiceover) The investigation surrounding the tire on Scharlotte Hervey's car led her lawyers to Tupelo, Mississippi, where Cooper cranks out 42,000 tires a day, including the one on Scharlotte's car. And they say what they found there may be a new chapter in the

growing issue of tire safety.

Mr. ROCKY PICKERING: They would preach quality, quality, quality. But when they got out on the floor and began work they demanded quantity, quantity, quantity.

STAFFORD: (Voiceover) These former Cooper Tire workers agreed to their first on-camera interview with DATELINE. Rocky Pickering says he was fired over a worker's compensation dispute. And Rodney Dallas, now a police officer, says he was let go for not producing enough tires. Martin Mayhan, a plant foreman, and Doug Eaton left the company on their own. Cooper declined to comment on their work records other than to say all four men are disgruntled former employees.

(Former Cooper Tire workers; Rocky Pickering; Rodney Dallas; Martin Mayhan; Doug Eaton)

Mr. DOUG EATON: My biggest fear that we were going to have a massive recall, or even worse than that, a catastrophe where people would be killed on some of the tires.

STAFFORD: (Voiceover) The former employees said Cooper placed such a high premium on productivity that there was always a financial incentive for line workers to build more tires.

(Former Cooper Tire workers; inside tire factory)

Mr. MARTIN MAYHAN: Their job was to produce a hundred tires a shift and they produced a hundred and fifty. Well, then, they would get a bonus check for that fifty tires.

STAFFORD: The more tires you make the more money you make.

Mr. MAYHAN: Right.

STAFFORD: (Voiceover) But it wasn't just how many tires Cooper produced that worried these men. They say it was how they were made that became the talk of the plant. For instance, the former workers all say that old, dried out rubber, originally rejected as substandard by inspectors, was put back into the system when supplies ran low. They say that increased the risk of tread separation. And, they say, break downs on the assembly line led to defects imbedded inside finished tires.

(Tires stored; inside tire factor)

Mr. MAYHAN: I've seen everything from time cards to chicken bones to aluminum foil to pop cans to watches.

STAFFORD: Caught inside the rubber on a tire?

Mr. MAYHAN: Yeah, cured into the sidewall.

STAFFORD: (Voiceover) Tire inspectors are the last line of defense for preventing a defective tire from leaving the plant. But former workers say the task could be overwhelming.

(Tire)

Mr. MAYHAN: He's looking for blisters. He's looking for things like knife cuts. There's a knife cut right there. He's looking for dirty mold. He's looking for foreign material. He's got less than 18 seconds to do all this.

STAFFORD: Is that enough time?

Mr. MAYHAN: Personal opinion, no.

STAFFORD: (Voiceover) Although some industry experts say inspecting a tire in 18 seconds is not that unusual, Mayhan says it worried him.

(Mayhan inspecting tire; former Cooper Tire workers)

Mr. MAYHAN: I thought we needed more inspectors. I continually went to my boss everyday said, 'Look, we're killing these guys out here.'

STAFFORD: (Voiceover) Ex-workers say one company, which no longer sells Cooper-made tires, routinely sent its own inspectors to supplier plants, including Cooper facilities.

(Tire on car; Cooper sign; inside factory)

STAFFORD: Did the inspectors from other companies get a accurate view of what really was going on at Cooper?

Mr. MAYHAN: Oh, no, sir.

STAFFORD: (Voiceover) Mayhan says the pressure was so great to sell tires that he was told to mislead those outside inspectors.

(Tires)

Mr. MAYHAN: I had the--the auditor that was oh, doing the inspection for the private label brand look at the same tire more than once. I've done it as many as 30 times.

STAFFORD: So, you're saying that you showed the same tire to the auditor 30 different times.

Mr. MAYHAN: Yes, sir.

STAFFORD: And he thought he was looking at 30 different tires.

Mr. MAYHAN: Correct.

STAFFORD: But you showed him one perfect tire.

Mr. MAYHAN: Right.

STAFFORD: (Voiceover) Ex-workers testifying against Cooper in another tread separation lawsuit have made similar allegations about another

company plant. But in depositions in the Scharlotte Hervey case, the workers made what her family's lawyers insisted was a startling revelation. A procedure that involved poking holes in brand new tires, through the tread and the steel belts.

(Cooper sign; awling being demonstrated)

Mr. MAYHAN: (Testifying) It would actually penetrate the two steel belts and...

STAFFORD: (Voiceover) This tool is called an awl and the ex-workers say they used it to remove pockets of trapped air or blisters on the inner liner of a tire rather than tossing it in the scrap pile, thus saving the company money.

(Graphic of awling)

Mr. MAYHAN: Locate the blister, pierce the tread, the first belt, the second belt, the first ply and the second ply, just like I'm doing right here.

STAFFORD: They went out of the factory like that?

Mr. MAYHAN: Yes, sir.

STAFFORD: With holes in them?

Mr. MAYHAN: Yes, sir. I went to my boss here ago--again. I said, 'You know, this is going to come back and get us some day.'

STAFFORD: How often did you do that?

Mr. EATON: Oh, my--very, very many times. Now, we were allowed to do this eight times per tire.

STAFFORD: Was this something done secretly at the plant or...

Mr. EATON: No, sir. This was common practice throughout the plant.

STAFFORD: Were you told to do it?

Mr. EATON: We were told to do it.

STAFFORD: (Voiceover) Eaton says awling took place every day at the plant.

(Awl)

STAFFORD: Is that a dangerous practice?

Mr. BILL HUDSON: It's a very dangerous practice.

STAFFORD: (Voiceover) Bill Hudson is a veteran in the tire industry. Once a design engineer at Uniroyal and a tire failure analyst at Michelin, now he works for a private consulting company and you should

know he's often hired by attorneys suing tire companies. As for awling through the tread...

(Bill Hudson walking; Hudson; awl through tread)

Mr. HUDSON: That should never happen. That should never be.

STAFFORD: Why not?

Mr. HUDSON: Because now you're doing the same thing as you'd do if go ahead ride down the road and get a nail puncture. You actually cause a major problem.

STAFFORD: (Voiceover) Here's why. Tires are made of layers of rubber and steel. Hudson says holes, even small ones, allow moisture and air inside those inner layers and eventually can weaken the tire and cause the tread to separate.

(Graphic of tire)

STAFFORD: And if you're going at 70 miles an hour out on a highway and that happens, what happens?

Mr. HUDSON: You're going to have an accident or some go--going roll over or something drastic is going to happen under certain circumstances. Unless you are an absolute great driver.

STAFFORD: (Voiceover) In fact, lawyers for Scharlotte Hervey's family claimed the tire on her car failed in part because an awl hole allowed air and moisture into the tire. Not surprisingly, Cooper disagrees.

(Wrecked vehicle; tire)

Ms. MELANIE HEIR: This accident was a tragedy, but it was not the fault of the tire.

STAFFORD: (Voiceover) Attorney Melanie Heir represents Cooper Tire in the Scharlotte Hervey lawsuit.

(Melanie Heir walking)

Mr. HEIR: There are many reasons treads separate on tires which have nothing to do with the manufacturer or the design of the tire.

STAFFORD: (Voiceover) Heir and Cooper spokesperson Pat Brown say awling is a safe procedure that was authorized for use by trained Cooper technicians between 1990 and 1995. They say awling was done infrequently for cosmetic repair only and primarily not through the tread. And they say now tires are set aside until the blisters subside on their own. Cooper denies allegations that it demanded quantity over quality, says it never used rubber more than a half day old or substandard, insisted there is no set time limit for inspections, and that contaminated tires never left the plant. Finally, the company denies lying to outside auditors.

(Heir and Pat Brown speaking with Rob Stafford; awling; outside plant;

tire; awling; tire; inside factory; Cooper Tire plant)

Ms. PAT BROWN: To imply that--that those practices were going on at any of our plants is just so outrageous it's beyond belief.

STAFFORD: Are you saying that these former workers are lying?

Ms. BROWN: I'm saying I--I don't know what their motivation is for speaking out in such a way.

STAFFORD: (Voiceover) In fact, Brown points out several of the former workers drove on Cooper tires.

(Brown and Heir; Eaton)

STAFFORD: If you were so concerned about the way Cooper tires were made, why did you put them on your own car?

Mr. EATON: Well, for one simple reason is that we could buy them through the company store with no interest. And also, I could inspect those tires before they went on that vehicle.

STAFFORD: (Voiceover) Cooper says it sold more than 300 million tires in the last decade with only a few dozen complaints to the government. So what went wrong with Scharlotte Hervey's tire? Cooper lawyers say actually nothing was wrong with the tire and that is was never awled.

(Cooper Tire sign; tires; vehicles on road; tire)

Ms. HEIR: And when it left the plant six years before this accident, it was a good, safe tire.

STAFFORD: (Voiceover) Cooper says the tread separation was caused by a puncture on the road and that the real problem was the driver, Scharlotte Hervey, who the company says was negligent for failing to maintain control of her car.

(Tire; photo of Hervey; wrecked vehicle)

STAFFORD: What could she have done to keep that car on the road that she didn't do?

Ms. HEIR: Rob, we think that's what the evidence, which is going to be presented to a jury, is going to show. A tread separation in and of itself does not lead to loss of vehicle control in most circumstances.

STAFFORD: (Voiceover) But DATELINE has learned that for years Cooper Tire itself has been warning drivers that tread separation can, in fact, lead to a loss of vehicle control. Since 1971, Cooper has issued more than 100 recalls, many for potential tread separations. And in dozens of recall bulletins, it has warned that tread separation may result in a loss of steering control and a vehicle crash.

(Documents)

STAFFORD: On paper to the federal government during the recall, as you have said, these problems can lead to tire failure, which can lead to a crash.

Ms. BROWN: Correct.

STAFFORD: How can you then turn around and go into court and say the failure in the Hervey's case was their fault not yours?

Ms. BROWN: I think that's a clear issue of our approach to consumer safety, and if there's any possible way a tire can become disabled we pull it back in.

STAFFORD: (Voiceover) Brown says the recall accident warnings are just a precautionary measure.

(Brown and Her speaking with Stafford)

Ms. SCHARLOTTE HERVEY: (From tape) Scharlotte Hervey from Little Rock, Arkansas.

STAFFORD: (Voiceover) More than money, the truth is what the family of Scharlotte Hervey claims they're after. Scharlotte, her husband and son, are remembered by the two other sons who will be confined to wheelchairs for the rest of their lives. As for Lane Whitaker, his family has chosen to bury him beneath the following words, "A modern renaissance man killed by a tire company who wanted quantity over quality."

(Video of Scharlotte; headstone; men in wheelchairs; headstone)

STAFFORD: You think there was a reason why Lane was killed?

TERSA: There has to be a reason. I think it's to, you know, help and save other people.

PHILLIPS: DATELINE has learned that Cooper Tire, without admitting any wrongdoing, has settled at least a dozen lawsuits in the last 10 years. So far the company has no plans to settle the Hervey case and accuses the plaintiffs lawyers of exploiting a tragic situation. The trial is set for May. Meanwhile, the federal government tells DATELINE it is not investigating Cooper Tire but does continue to monitor the company's operations.

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