

Argentine victims of dirty war to sue Daimler Benz in US Court

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A US Federal Appeals Court in San Francisco ruled on May 18 that a lawsuit filed against German carmaker Daimler Benz Corporation over its role in the savage repression of the working class under the Argentine dictatorship may go forward.

The company is accused of complicity in the kidnapping of 17 workers from its Buenos Aires plant in 1976, during the so-called dirty war against the working class.

This decision by a three-judge panel of the Ninth District Circuit Court of Appeals is the latest outcome of a process that was initiated seven years ago by relatives of the disappeared and by three workers who survived the kidnapping and torture. It reverses a 2007 decision by a San Jose judge, who ruled in Daimler's favor that the Argentine group could not sue in US courts.

The quest for justice was initiated in Argentina in 1984 by one of the survivors, Héctor Ratto, who had been held captive in a secret detention facility in the Campo de Mayo army base, but it was blocked at the time by Argentine immunity laws. In 2002, following the modification of those laws, the suit was reinitiated but held up by the Argentine courts.

The plaintiffs next turned to the US court because Daimler Benz then owned a controlling share of US automaker Chrysler Corporation and because a US law dating back to 1789—the Alien Torts Claim Act—grants access to the US federal courts to foreign victims of human rights abuses.

One reason for the long delays in the case is the impact that it will have in both Argentina and Germany. It touches on the roles played by the Argentine Labor Ministry, the Peronist trade union bureaucracy and by Daimler Benz and other corporations in the kidnapping, torture and killing of militant workers at Mercedes Benz and many other victims of the “dirty war”—the name given to the one-sided civil war against the working class that began in 1973 during the government of Juan and

Isabel Perón and continued on after the military coup of March 24, 1976.

It is estimated that government-organized death squads (The Triple A, under the command of Perón's Welfare Minister, José Lopez Rega) killed 1,500 union militants and socialists in 1974 and 1975. The repression escalated after March 1976, with an estimated total victim count of 30,000 by 1983. Officially, the Argentina government has only acknowledged 13,000 victims.

The facts of the Daimler Benz case are well known in Argentina. In October 1975, 4,000 workers of the Mercedes Benz plant in Cañuelas, located in the industrial suburbs of the city of Buenos Aires, went on strike.

The union that officially represented the strikers—the Union of Automotive Mechanics and Related Workers (SMATA)—refused to support the strikers. In collusion with the SMATA bureaucracy, the Labor Ministry declared the strike illegal. Under the terms of an “anti-terrorist” government decree, the company then sacked 115 militant workers for their role in the strike. The fired workers included members of the workers' committee that had led the 1975 strike, all of whom were arrested in 1976. Fourteen of them “disappeared.” They are still missing and presumed dead.

Most of the Mercedes Benz militants were supporters of the TAM (Tendencia de Avanzada Mecánica) faction within SMATA, which was connected with the PRT (Revolutionary Workers Party). TAM had supporters in other auto plants, including Citroen, and Chrysler, and was seen as a threat to the SMATA bureaucracy.

In 2003, as part of the Truth Commission (Juicio de la Verdad) that took place in La Plata, Argentina, German journalist Gabriela Weber introduced a 1976 memo in which Daimler Benz executive Hanns Martin Schleyer admitted that the company had always “collaborated” with the Labor Ministry and with the bureaucracy of the Peronist SMATA trade union to “combat subversion.”

Schleyer had been an SS officer in Germany during the Nazi era, and in all likelihood was no stranger to the fascist methods being employed by the Argentine military dictatorship at the time.

The Mercedes Benz memo says that the request for the firing of the 115 militants had come from the Labor Ministry and from SMATA. During his testimony at the La Plata Commission in 2003, then Labor Minister Carlos Ruckauf denied any complicity in the firing of the Cañuelas workers or in the disappearance of the 18 in 1977. On the contrary, he said that he opposed the firings, which, he claimed, were the work of SMATA and Mercedes Benz.

In a 1976 letter to the International Federation of Metal Workers Unions, Schleyer confirmed the Mercedes Benz memo but insisted that SMATA and the Labor Ministry had ordered the sackings, with Daimler Benz playing a passive role.

However, the evidence is clear that Mercedes Benz and SMATA did conspire to destroy the rank and file committee inside the plant and to prevent the workers from fighting for their rights.

In this regard, the La Plata Commission revealed that the company's 1975 collective bargaining agreement with SMATA included a clause that committed the union to the "eradication of negative elements that may disturb the normal functioning of the labor process." For these services, Daimler agreed to pay SMATA one percent of sales revenues from the plant.

In 2003, when asked about his organization's role in the arrests and kidnappings, SMATA leader José Rodríguez refused to testify, claiming memory loss. Rodríguez, died in 2009 after leading the criminally corrupt and class collaborationist SMATA for 36 years.

According to testimony by Gabriela Weber, most of the Mercedes Benz workers were kidnapped in the middle of the night and after a period of torture, were bundled into airplanes and dropped to their deaths over the Atlantic Ocean. Survivor Héctor Ratto, who together with another survivor, was arrested at his place of work, informed Weber that he had personally witnessed the plant manager giving the police the address of a co-worker, Nuñez, who was taken that very same night and never heard from again.

Ratto was taken to a police station in San Justo, where he was interrogated, beaten and tortured before being transferred to Campo de Mayo. At San Justo, the man in charge of the tortures—Rubén Luis Lavallén—went on to become in 1978 head of security at the Mercedes plant.

He left Mercedes Benz in 1984 with a generous severance package, undoubtedly as recompense for services rendered.

The Mercedes plant is not an isolated case. The Perón government and the Videla dictatorship both targeted the auto industry. The list of disappeared after the 1976 coup included 24 workers, virtually all the union rank and file delegates, at the Ford Pacheco plant, also in suburban Buenos Aires. Some of the workers were taken and held in a clandestine detention facility within the plant itself, where they were beaten and tortured. With the elimination of these militants and with SMATA firmly in control, the company was able to slash wages and benefits and worsen working conditions.

Were they to win their civil suit, the plaintiffs have declared their intention to use their monetary award, expected to be in the millions, to build a hospital in the town of Gonzalez-Catán, near the Mercedes plant.

In addition to the money, the plaintiffs are demanding that the company release all its files pertaining to its role during the dirty war and issue a public apology.

This civil suit is also expected to have an impact on ongoing criminal trials in Argentina against the military authorities that ran the Campo de Mayo detention center and against those who were involved in the kidnappings, including Lavallén, who has already served one sentence in connection with the illegal kidnapping of a child of two disappeared persons.

Daimler Benz has a long history in Argentina. Its 1951 assembly plant was the company's first non-German plant. German war criminal Adolph Eichmann, one of the leading organizers of the Holocaust, was given a job at the plant, and eventually promoted to foreman, before being kidnapped by Israeli agents and taken to Israel to be tried for his crimes.



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