A tale of two cases in US “war on terror”: Jose Padilla and Chiquita Brands

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24 March 2007

Two recent cases prosecuted by the US Justice Department involving charges of providing material aid to a foreign terrorist organization have led to startlingly different results for the defendants.

In the first, the accused was seized by federal agents at a US airport, vilified as a mass murderer by the US attorney general in a nationally broadcast press conference and then held in solitary confinement without charges or the right to see a lawyer or have contact with family members for more than three years. During this period, he underwent sensory deprivation and outright torture that, his lawyers argue, left him mentally damaged and incompetent to stand trial.

While federal prosecutors now portray the defendant as merely a low-level courier, working for others, they still want to jail him for life.

In the second instance, the individual defendants have never even been named, much less publicly denounced by the attorney general. The sole mention of the ultimate punishment for their crime came in the form of a discreet posting on the Justice Department web site.

The defendants in this second case are part of a major multinational operation and admit to funneling millions of dollars abroad to finance a murderous terrorist organization. Yet they were allowed to reach a pre-trial plea bargain that included as the penalty a fine amounting to 0.55 percent of their annual revenue. The organization that financed the foreign terrorists has boasted publicly that its global operations have not been affected in the slightest.

What is to account for this apparently gross disparity? The answer is simple. In the first case, the defendant was Jose Padilla, born in Brooklyn and raised in a Chicago ghetto before converting to Islam in prison. In the second, the defendants are multimillionaire executives of a multibillion-dollar US-based transnational corporation with a long history of political influence and a prominent role in US foreign policy—Chiquita Brands International, Inc.

By any objective scale, the crimes to which the corporation pleaded guilty are far more serious than the rather vague conspiracy allegations made by the government against the former “enemy combatant” Padilla.

In November 2005, faced with a potential ruling by the US Supreme Court challenging the administration’s claim that it is empowered to detain both US citizens and foreign nationals indefinitely without charges on the sole say-so of the US president that they are “enemy combatants,” the Justice Department criminally indicted Padilla.

Gone were the lurid claims made three and a half years earlier that he was involved in a plot to detonate radioactive “dirty bombs” in US cities. Instead, he was accused of a “conspiracy” involving the raising of funds for Islamic movements in places like Bosnia, Chechnya and Kosovo, with the amounts of money listed ranging from $1,000 to $5,000. No charges whatsoever were presented that Padilla was involved in any terrorist activities in the US itself.

Chiquita, on the other hand, acknowledged financing right-wing paramilitary death squads in Colombia to the tune of more than $1.7 million between 1997 and 2004. This organization, the United Self-Defense Forces of Colombia (known by its Spanish acronym AUC), has been involved in the massacre, assassination, kidnapping and torture of tens of thousands of Colombians, most of them peasants and workers, as well as trade unionists and left-wing political figures.

On September 10, 2001, a day before the attacks on the World Trade Center and the Pentagon, the US State Department formally designated the AUC as a “foreign terrorist organization,” making it illegal in the US to provide it with material support.

According to the announcement of the plea deal posted on the Justice Department’s web site, Chiquita made more than 100 monthly payments to the AUC through its wholly owned Colombian subsidiary, “Banadex,” which was the corporation’s most profitable division. The payments were arranged following a meeting in 1997 between a senior company executive and the leader of the AUC, Carlos Castaño.

“Chiquita’s payments to the AUC were reviewed and approved by senior executives of the corporation, including high-ranking officers, directors and employees,” the Justice Department reported, without naming any names. The company listed these payments in its records as being for “security services.” Beginning in 2002, it began making direct cash payments to the death squad, in order to better conceal the relationship.

Fully half of these payments—totaling $825,000—were made after the US designation of the AUC as a terrorist organization. The Justice Department uncovered records of communications between the corporation and its outside counsel in 2003 in which the lawyers insisted emphatically that Chiquita should immediately halt the payments and unload its Colombian operation in order to avoid prosecution for aiding a terrorist organization.

The Chiquita board of directors took the decision to continue the payments, while disclosing the practice to the US Justice Department. The attitude of company officers was expressed to their lawyer as, “Just let them sue us, come after us.”

The Justice Department, according to its own account, took an extraordinarily lenient approach, describing the practice as “complicated” and only a “technical violation.” Nonetheless, it maintained that the payments were illegal and could not continue.

Chiquita’s management, however, continued to flout the law, paying the right-wing paramilitaries for almost another year, giving them another $300,000. During that year, the AUC was accused of

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carrying out 16 massacres, 362 assassinations and 180 kidnappings, all of these crimes financed in part by the US food giant.

In June 2004, Chiquita sold its Colombian subsidiary, Banadex, for about $43.5 million.

The company has defended its action by describing the financing of the AUC as "protection payments," made, in the words of Chiquita chairman and chief executive Fernando Aguirre, out of "our good faith concern for the safety of our employees."

While apparently the company did make such payments to left-wing guerrilla movements, including the Revolutionary Armed Forces of Colombia (FARC), before 1997, the relationship between the fruit company and the right-wing paramilitaries was something quite different. In their original meeting in 1997, AUC leader Castaño sought and secured funding from the corporation for a military campaign to drive the FARC out of the regions where Chiquita had its banana operations.

While Chiquita's executives have been given virtually a free pass by the US Justice Department, prosecutors in Colombia are pursuing a separate investigation and have indicated that they are preparing to seek the extradition of at least eight Chiquita executives.

In addition to the payments to the AUC, the executives are under investigation in connection with the shipment of 3,000 Israeli rifles and millions of rounds of ammunition to the right-wing paramilitaries in 2001. The weapons were brought into Colombia through the port facility operated by Banadex, Chiquita's subsidiary, and stored on the company's docks before being distributed to the death squads.

Even Colombia's right-wing President Alvaro Uribe—Washington's closest ally—has voiced support for extradition of Chiquita officers, apparently in part to divert public attention from a massive political scandal engulfing his administration. Top ruling party politicians, as well as his foreign minister and former secret police director, have been arrested or forced to resign because of ties to the AUC death squads.

The Bush administration's supposed zeal for its "global war on terror" notwithstanding, there is little danger that millionaire executives are going to be sent to Colombia to stand trial for financing and arming terrorists.

In announcing the Chiquita plea bargain, US Attorney for the District of Columbia Jeffrey Taylor made the following curious statement: "Funding a terrorist organization can never be treated as a cost of doing business. American businesses must take note that payments to terrorists are a whole different category. They are crimes.... American businesses, as good corporate citizens, will find ways to conform their conduct to the requirements of the law and still remain competitive."

Clearly implied in this statement is that Chiquita's financing of the death squads in Colombia was a means of increasing its competitiveness and its profits.

How does this work? Quite simply, the right-wing terrorists earn their money by terrorizing the workers, murdering those who seek to organize struggles for higher wages or improved conditions and threatening the rest that the same will happen to them if they don't submit.

Indeed, over the past six years, more than 800 union officials and organizers have been assassinated in Colombia—and more than 4,000 since 1986—with virtually no one punished for any of these killings. It is routine for employers to utilize the right-wing paramilitaries as hit-men against their own rebellious employees.

A concrete example of this process involving another US multinational is working its way through the legal systems in both the US and Colombia. Colombian prosecutors have opened a formal investigation against the Alabama-based coal producer Drummond Co. Inc. on charges that company paid a paramilitary leader to carry out the death squad murders of three union officials at its coal mine in the northeast of the country. The company is being sued in a civil case involving the same charges in Alabama, where Drummond is headquartered.

Such methods of terror, violence and murder against the working class are, as the statement from the US attorney suggests, a common business practice, dedicated to improving the bottom line. To "conform their conduct to the requirements of the law and still remain competitive," as the prosecutor suggests, can be accomplished as simply as finding or organizing new death squads that are not on the State Department's official terrorist list.

No doubt, Chiquita is more than up to such a task. The company, which is the successor to the United Fruit Company, has more than a century of experience in organizing invasions, right-wing coups, massacres and assassinations.

Through much of the twentieth century, the operations of the government and United Fruit in Central America, Colombia and elsewhere in Latin America were tightly integrated—as in the organization of the CIA-backed coup in Guatemala that overthrew the reformist government of Jacobo Arbenz in 1954.

Given the Justice Department's kid-gloves treatment for Chiquita, there is every reason to believe that this relationship continues, and that the company's financing—and apparent arming—of the AUC took place with the approval of the Bush administration in Washington.

This is the reality of Washington's so-called "war on terrorism." It is utilized as a propaganda tool for justifying unprovoked wars of aggression abroad and terrorizing the American people and attacking their democratic rights at home. For this purpose, "terrorists" must be discovered and prosecuted, in their vast majority hapless victims of FBI entrapment operations. Meanwhile, real terror remains a vital instrument for imposing the dictates and interests of US-based transnational corporations and banks all over the world, and those who practice it are protected by the government.

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