

The Deep Roots of the Chiquita Verdict

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On June 10, Colombian civilians, banana workers, and their families won a historic victory against Chiquita Brands International and its former subsidiary, Banadex. The 17-year-old case stemmed from secret and illegal payments totaling [\\$1.7 million](#) that Chiquita made to the United Self-Defense Groups of Colombia (Autodefensas Unidas de Colombia, AUC) between 1997 and 2004. [AUC](#), a right-wing paramilitary and drug trafficking death squad allied with Colombian state forces, massacred, tortured, and displaced thousands of Colombians—especially trade unionists and social activists.

In 2007, the U.S. Department of Justice won a [significant victory](#) against Chiquita for giving money to AUC, which had been placed on the U.S. terrorist watch list in 2001. Colombian refugees and survivors brought [another lawsuit](#) against the U.S. multinational corporation and have been engaged in the legal process ever since. That is, until last Monday's stunning victory.

To understand the gravity of this legal victory requires examining Chiquita's roots in its parent company, the United Fruit Company (UFC). UFC was the largest U.S. multinational corporation operating in Latin America and the Caribbean through much of the 20th century, until the 1960s. In countries where it operated, UFC earned the ominous moniker, "El Pulpo," or the octopus, because its business tentacles not only gripped banana plantations but also extended control over a [country's railroads, electricity grids, telegraph and phone lines, and steamship ports](#) under generously low-tax and tax-exempt leases.

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After a series of mergers, new corporate managers, and name changes in the 1970s and 1980s, much of UFC transformed into Chiquita Brands International in the 1990s under a new name, building on its globally popular brand of "[Miss Chiquita](#)" [banana](#). Not all of UFC's former banana plantations came under the control of Chiquita, as [Del Monte](#) largely bought its Guatemalan holdings.

Two aspects of United Fruit's corporate power in its heyday bear close resemblance to Chiquita's. First, United Fruit relied on third parties to carry out violence against workers, often tarnishing them as communists or Bolsheviks to justify violence against them. Second, United Fruit finessed the law to avoid financial and moral responsibility for this violence. Knowing this longer history reveals the duplicity of U.S. capitalism in Latin America and the Caribbean.

Citing decades of precedence, Chiquita's attorneys have long [argued](#) against its culpability, citing jurisdiction issues, the specificity of the allegations, causation, the inapplicability of U.S. laws, lack of standing, and so on. At least one of these legal arguments Chiquita's attorneys made harks back to United Fruit's old playbook. In cases such as [American Banana v. United Fruit \(1909\)](#) and [William George v. The United Fruit Company \(1914\)](#), United Fruit's lawyers convinced U.S. judges to dismiss suits because the actions involved foreigners and occurred outside of U.S. sovereignty and jurisdiction.

In the latter case, William George, a Black Caribbean employee of the United Fruit Company, was crushed by a train while doing his job. He sued United Fruit for negligence and damages. Tried in the U.S. District Court for the Canal Zone, United Fruit's defense made special note of George's status as a "non-resident alien" who "filed his complaint solely for the purpose of obtaining a trial by jury against the defendant which would be denied him in the Republic of Panama."

A century later, UFC's descendant company made a similar argument against the Colombian refugees who fled terror it sponsored. In their [2010 Memorandum](#) supporting the dismissal of the case, Chiquita's lawyers concluded, "There is no justification for allowing these non-resident aliens to take advantage of U.S. courts to sue for injuries allegedly perpetrated in their own country by their fellow citizens."

Perhaps the most infamous case of UFC violence, publicized by Colombian novelist Gabriel García Márquez's *One Hundred Years of Solitude* (1967), came from Colombia's own history: the 1928 Ciénaga Massacre or Banana Massacre (*Masacre de las Bananeras*).

In October 1928, banana workers from UFC plantations in the Magdalena zone assembled and created a list of demands under the labor union Magdalena Workers Union (Unión Sindical de Trabajadores del Magdalena, USTM). Their demands were modest, ranging from higher pay and insurance to the discontinuance of company stores. The most important demand, however, was the recognition of UFC employees as formal company workers entitled to the full protections of Colombian labor law.

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United Fruit's general manager, Thomas Bradshaw, balked. He refused to recognize and negotiate with the USTM. Bradshaw relied on a shrewd reading of Colombian labor law: only formally employed workers, not *contract* workers, had the legal standing to negotiate with United Fruit. As such, Bradshaw was under no obligation to discuss labor demands. The Colombian Minister of Labor, Alberto Martínez, intervened and tried to pressure United Fruit to negotiate in good faith, to no avail.

The stage was set for a contest between the largest U.S. multinational corporation and worker power. The local community stood with the workers, ensuring they had food and supplies to wage a strike. More than [30,000 people](#) participated in the strike over three weeks. Meanwhile, United Fruit hired strikebreakers to continue operations. Striking workers fought back. They destroyed the bananas they had harvested and blocked the UFC-owned railroads from completing deliveries by having women and children lie on the tracks.

Bradshaw was furious. He telegraphed Colombian President Miguel Abadía Méndez and demanded national intervention. After failed negotiations, the government sided with United Fruit and allowed the company to continue employing strikebreakers. Desperate workers, now described in Bradshaw's words as "[gangs of Soviets scaring the peaceful workers in the plantations](#)," struggled to regain control over the harvesting and packaging operations.

In a final effort, crowds of workers gathered at Ciénaga to talk with the governor and United Fruit. Neither the governor nor a UFC representative ever arrived, but by nightfall, General Carlos Cortés Vargas, now armed with a new decree to restore order, demanded the crowd disperse and return home. When workers refused, the general's soldiers lit the plaza up with gunfire. "[They fired upon anything that moved. They even killed donkeys that night](#)," an observer lamented. No historian knows for sure how many died that night, as many bodies were dumped into the sea.

Following the massacre, there was no trial for Cortés Vargas, Bradshaw, or any soldier involved, though Cortés Vargas suffered the minor humiliation of [demotion](#). Instead, the 1928 Banana Massacre that blazoned headlines in its day became buried in history, kept alive by a few Colombian journalists who wrote accounts of it, as well as stories passed down locally generation to generation. It joined a long list of affairs in which U.S. multinational corporations inflicted violence in Latin America to their ends, with the knowledge of it quietly disappearing from popular memory in the United States.

Yet the 1928 Banana Massacre raised urgent and persistent questions about U.S. corporate responsibility for the deaths of trade unionists, banana workers, and activists. Because U.S. capital moves and exercises its own types of sovereignty over space, it has often been unclear whether U.S. multinational corporations can be held liable for the violence they cause through indirect means outside of U.S. territorial jurisdiction.

Just as Cortés Vargas ordered his soldiers to fire upon striking workers in 1928, AUC specifically targeted labor leaders and banana workers who refused to comply with its demands at the turn of the 21st century. UFC's descendant company has obfuscated its role in causing violent harm and injury by arguing, among other things, that U.S. courts lack the power to hear the case.

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But in contrast to the past, Colombian victims, many of their identities anonymized in *Doe v. Chiquita Brands International*, have achieved a small fraction of justice for themselves and their deceased loved ones.

Even in this moment of triumph, a Chiquita appeal is likely and the outcome uncertain. Globally, activist groups have tried to hold U.S. corporations, from *Coca-Cola* to *Chevron*, accountable for their role in violent conduct occurring outside of the United States. Many, if not most, of these cases have been decided in favor of U.S. corporate power, though the legal precedent is unsettled and evolving.

And yet, the legal triumph of Colombian refugees against Chiquita earlier this month was no small feat. In the face of repeated episodes of U.S. corporate violence and intimidation, the workers won.

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