Abused Disabled Iowa Plant Workers Awarded $240M

RYAN J. FOLEY, Associated Press

IOWA CITY, Iowa (AP) — For decades, the lives of 32 mentally disabled Iowa turkey processing plant workers were controlled by their Texas-based employer, which profited handsomely by hiring them out.

Regardless of sickness or injury, they were driven from the dilapidated, bug-infested bunkhouse where they were housed to their 41-cents-an-hour jobs removing the slaughtered birds' innards. Day and night, at work and at home, their overseers subjected them to verbal and physical abuse that left them with "broken hearts, broken spirits, shattered dreams, and ultimately broken lives," a government attorney said.

On Wednesday, they made history when a federal jury in Davenport awarded them $240 million — the largest verdict in the 48-year history of the Equal Employment Opportunity Commission, which sued on their behalf.

It's unlikely the men's former employer, the now-defunct Henry's Turkey Service, of Goldthwaite, Texas, has anywhere near enough remaining assets to cover the $7.5 million in damages each man was awarded. But federal officials vowed to recover every last cent they could for the men, who had been "virtually enslaved" for many years, according to developmental psychologist Sue Gant, who interviewed them at length for the EEOC.

"That discrimination caused them such irreparable harm, and the jury got that. They understood," said Gant, an expert on the care of people with intellectual disabilities. "The amount of the award just appears to be overwhelming. I think it goes to the degree of injustice here."

An attorney for Henry's didn't respond to a message seeking comment. But the company's president, Kenneth Henry, told the Quad-City Times after the trial that he planned to appeal, calling some of the evidence "terribly exaggerated."

"Do you think I can write a check for that?" Henry, 72, told the newspaper.

The jury determined that Henry's violated the Americans with Disabilities Act by creating a hostile environment and imposing discriminatory conditions of employment, and acted with "malice or reckless indifference" to their civil rights.

U.S. Sen. Tom Harkin of Iowa, who was an architect of that law, said the ruling sends a powerful message to employers throughout the U.S. that all workers deserve to be treated with respect.

During an interview following the verdict, Gant ticked off some of her findings from her review of the men's treatment. Rain entered their bedrooms through failing windows and made their beds wet. Supervisors forced them to walk in circles carrying heavy weights as punishment and picked on a man who had a brace on his leg, often pushing him down. Another man had been kicked in the groin and was found with "testicles that were quite swollen." Others were often locked in their bedrooms at night, she said.

"If these men had not been virtually enslaved, they could have enjoyed productive lives with the support of community," she said.

State officials told the court that the abuse was uncovered in 2009, when they received a tip about neglectful conditions at the bunkhouse from a sister of one of the men. They inspected the building, which is several miles from the West Liberty Foods turkey processing plant where they worked, and found it was falling apart, infested with rodents and full of fire hazards.

They found many of the men in need of immediate medical care, including one man who couldn't chew a waffle because of severe dental problems and another whose hands were infected from constant contact with turkey blood.

Social workers said the men described how the Henry's supervisors who oversaw their care forced them to work long hours to keep the processing line moving, denied them bathroom breaks, locked them in their rooms, and in one case, handcuffed one of them to a bed.

Henry's began employing men in the 1960s who had been released from Texas mental institutions. Hundreds were eventually sent to labor camps in Iowa and elsewhere, where they were supplied on contract as workers to employers including West Liberty Foods, which signed its deal with Henry's in the 1970s and was not accused of wrongdoing in the case.

The EEOC says that by 2008, Henry's was being paid more than $500,000 per year by West Liberty Foods, but was still paying the men the same $65 per month that it always had. The company docked the men's wages and Social Security disability benefits, claiming it was to pay for the cost of their care and lodging, and it never applied for medical care or other services for which they were qualified. Last year, a judge ordered Henry's to pay the men a total of $1.3 million in back pay.

During the trial, Henry's officials argued that their arrangement had benefited the men and said the company had received praise early on for giving them opportunities. EEOC lawyers called that argument outrageous, saying the standards for caring for the disabled had changed dramatically since then.

After the hearing, the EEOC's head attorney on the case, Robert Canino, said the verdict sends a message that their lives matter.

"If ever there was a case where the human story needed to be told, the full story, not just financial exploitation, but the devaluation of human life that can happen

under the control of an employer, it was this case," he said.

The jury awarded each man $5.5 million in damages for pain and suffering and $2 million to punish the company for knowingly violating the law.

The EEOC will examine "all sources of moneys and tangible assets" that could be seized to pay toward the judgment, including more than 1,000 acres of land in Texas worth up to $4 million, Canino said.

"We will work tirelessly to secure the most that we can for these men," he said.

The state shut down the bunkhouse following the 2009 inspection, and new living arrangements were made for the men. Some live in nursing facilities in Texas, others moved in with family and some now live in homes under the care of Exceptional Persons, Inc., in Waterloo, Iowa, where spokeswoman Kate Slade said they now have choices about how to live and work.

"The men are enjoying their new lives and take full advantage of all this community has to offer," she said.

State and federal prosecutors declined to bring criminal charges against those responsible for the abuse. Geoff Greenwood, a spokesman for the Iowa Attorney General's Office, said the higher legal standard for proving criminal charges made the prospect of winning convictions unlikely, but that the decision shouldn't be seen as indifference.

"Our prosecutors were troubled then, and remain troubled to this day, by the inexcusable conditions and treatment surrounding the employment and housing of disabled men working for Henry's Turkey Service," he said.

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