

poverty law **Report**

A REVIEW OF ADVANCES IN THE LEGAL RIGHTS OF THE POOR

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"Brown lung" victim Nat Wilkins.

'Brown lung' lawsuit ready for fall trial

Nat Wilkins's \$15 million damage suit against West Point-Pepperell, Inc. will go to trial the first week in October, nearly four years to the day after the suit was filed in 1979. Discovery for the case will end August 15, by which time both sides are to have exchanged lists of witnesses and documents they intend to use at the jury trial, according to instructions issued recently by Circuit Judge James T. Gullage of Lee County, Alabama.

"You don't know how proud I am to get this thing set," Wilkins said, "to get it to Court." The 61-year-old former card room mechanic has helped organize a Brown Lung Association chapter in Opelika since the suit was filed. "We've stirred up a lot of people in this town with this thing," he said. "And I think a whole lot of people will be coming forward if we win it."

The case was brought by the Southern Poverty Law Center on behalf of Wilkins and other textile workers at West Point-Pepperell's Opelika plant

who developed "brown lung" disease through exposure to cotton dust at the mill. "Brown lung," or *byssinosis*, is an occupational lung ailment similar to emphysema or chronic bronchitis that is caused by breathing cotton dust over a period of time. The U.S. Department of Labor has estimated there are 35,000 victims of the disease in this country.

According to Center attorney Ira Burnim, the outcome of the suit will establish a precedent for other pending cases. Burnim represents Wilkins, and is coordinating efforts in five other cases against West Point-Pepperell filed in the first part of 1982 when Judge Gullage held that Wilkins could not represent a class of "brown lung" victims at the Opelika mill.

"But more importantly," Burnim said, "the outcome of the Wilkins case will determine whether hundreds and maybe thousands of other textile workers in the South who are disabled with brown lung will be able to obtain compensation." Alabama law precludes the filing of a workman's compensation claim for an occupational disease more than one year after a worker's last exposure to the injurious condition — typically one year after a worker leaves the mill.

This provision effectively denies compensation to disabled workers who learn only years after leaving a job of workplace contaminants that caused or contributed to their illness. This frequently occurs because occupational diseases are sometimes mistaken for other illnesses or, as in Wilkins's situation, because an employer concealed the relation an employee's illness has to a substance in the workplace.

The Wilkins suit is an attempt to bypass the state's Workman's Compensation Act, by directly suing individual officials of the company for illegal actions that led to Wilkins' disability. The legal precedent permitting such a suit was established when the Alabama Supreme Court sided with the Center on an appeal of an early dismissal.

Black troopers seek promotions

Eleven years ago, the Southern Poverty Law Center went to federal court with a lawsuit that eventually put blacks, for the first time ever, in the driver's seats of Alabama State Trooper patrol cars.

As this issue was being written, SPLC staff attorney Dennis Balske was preparing to go back to court on May 27 in an effort to move some of those black state troopers from behind the steering wheel to behind supervisor's desks.

Despite a decade of litigation to desegregate the Alabama troopers, no blacks hold supervisory positions above the rank of corporal within the Alabama Department of Public Safety.

This continuing litigation speaks volumes not only about the fight which must be waged to overcome institutional discrimination, but also about

the changed posture of the federal government in its role as a protector of minority rights.

When the SPLC first went to court in 1972, winning a precedent-setting federal court order requiring the state of Alabama to hire blacks and whites in equal numbers — one for one — until the trooper force was 25 percent black, the federal government joined in the case as a plaintiff and *amicus curiae*.

Today, the new promotional requirements sought by Balske have been opposed by the federal government, which under the Reagan administration, is politically opposed to the use of quotas to end employment discrimination.

Balske is arguing, however, that quotas are fair in this case because of the well-documented history of the Alabama Department of Public Safety's

intentional discrimination, as well as a four-year delay in implementing any valid promotional procedures as ordered by the court earlier.

The background of this case is interesting. The Alabama State Troopers gained national attention during the 1960's when they teargassed and beat civil rights marchers at the Edmund Pettus Bridge in Selma, Ala.

Before the SPLC sued in 1972, in *NAACP v. Allen*, there had never been a black state trooper in the 37-year history of the department. The resulting court order, by then-U.S. Dist. Judge Frank M. Johnson Jr., was the first time a federal judge had ever ordered ratio hiring in the South and the decision set a precedent for similar suits nationwide.

However, despite the court order,

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Judge sets deadline in mental health case

A federal judge has given Alabama Gov. George Wallace's legal advisor until July 31 to present a comprehensive plan for meeting earlier court-ordered standards for the conditions and treatment within the state's mental institutions and mental retardation facilities.

This deadline is the latest development in a 10-year legal fight to improve the Alabama mental health system. SPLC staff attorney Stephen J. Ellmann entered the case in 1978 when the private attorneys who represented the plaintiff class requested assistance.

At stake were the rights and welfare of virtually all of Alabama's institutionalized mentally retarded and mentally ill persons, with the exceptions of those who were wealthy enough to afford private care.

The case has been one of the most complex and time consuming ever undertaken by the SPLC. After a three-day trial in January, the court record consisted of more than 20,000 pages of testimony, depositions and other documents.

After the trial, U.S. Dist. Judge Myron Thompson issued a decision finding substantial noncompliance with the court-ordered standards and with a "Plan of Compliance" which the state had presented to the court in 1980.

Subsequently, Thompson replaced former Gov. Fob James (who had left office) as the court-appointed receiver for the mental health system, appointing in his place an interim receiver nominated by Ellmann for the plaintiffs.

The state then appealed and a higher court stayed Thompson's order in light of the state's promise that it would fully cooperate in implementing the court orders.

That is when Wallace's legal advisor was appointed as the new receiver. He then prepared a new plan of implementation of the court's orders, but Ellmann says that plan is vague and unclear and calls for a large budget without showing that the funds will actually be obtained.

Meanwhile, Judge Thompson still has under consideration the other

issues raised in the January trial, including whether to end the court monitoring of the mental health system, as the state had asked.

Alabama electrocutes prisoner

Alabama became the most recent state to execute a death row inmate when in April John Louis Evans was electrocuted. The execution drew widespread attention to Alabama's criminal justice system, particularly since the electric chair malfunctioned, requiring three separate 1,900-volt charges of electricity before doctors pronounced Evans dead.

SPLC Legal Director John Carroll was once Evans's attorney, and was successful in 1979 in getting a stay of execution only hours before Evans was scheduled to die at that time. Evans later obtained a new attorney, but Carroll continues to represent Wayne Ritter, who was convicted with Evans for the 1977 robbery and murder of a pawnbroker.

The representation of Evans and Ritter was a part of the SPLC's Death Penalty Defense Project (see box), which had its beginnings in 1976 after the U.S. Supreme Court decisions clearing the way for the resumption of capital punishment in the United States.

SPLC attorneys have represented dozens of defendants in death penalty cases at the trial level or on appeal and currently represent 10 inmates who are under death sentence. The SPLC's work in this area has been based on the beliefs that the death penalty is morally wrong, is not a deterrent, and is much more likely to be used against poor people, especially minorities.

Carroll said he believes Alabama has suffered in the eyes of the nation due to the execution of Evans, especially because of the nature of electrocution as a method of carrying out a death sentence.

The details of Evan's death were widely reported in the media throughout the world. Reporters described in graphic detail the smell of Evans's burning flesh, the continued move-

Ellmann to teach law

Stephen J. Ellmann, an SPLC staff attorney since 1977, is resigning in July to take a position as associate professor of law at Columbia University in New York.

"Steve has made major contributions to all areas of the Center's legal work," said Legal Director John Carroll. "He is a tireless worker and he's had a big theoretical impact on the cases we've been doing."

Other Center attorneys praise Ellmann's exceptional legal writing and analytical skills. He is a graduate of Harvard University and Harvard Law School and, before joining the Southern Poverty Law Center, was a law clerk to Elbert Tuttle, the distinguished senior judge of the U.S. 11th Circuit Court of Appeals.

At the SPLC, Ellmann's cases have included a voting rights challenge to the election system in Opelika, Ala.; a suit on behalf of an interracial couple attacked by four white men; a criminal defense case in which he convinced the jury to give a life sentence rather than the death penalty; suits to improve conditions to jails, and numerous others.

Even when he was not lead counsel, he also took a significant role in many other SPLC cases, including several recent anti-KKK lawsuits, one of which resulted in a federal injunction barring paramilitary camps in Texas.



ELLMANN

Ellmann also wrote a package of model anti-Klan statutes which have been widely used throughout the United States.

His most important single case since 1978 has been the representation of patients of Alabama's mental health system. Most recently, he has litigated against an effort by the state to weaken or remove court-ordered standards in mental institutions and mental retardation facilities.

"Steve will obviously be greatly missed," Carroll said, "both because his legal talents will be hard to replace and because he is genuinely one of the nicest people we've ever had the pleasure of working with."

ment of his body following the first jolt of electricity, and the fourth-degree burns that were found on the body during a post-execution autopsy.

Evans's flesh was burned at the temples all the way to the skull and on his legs all the way to the bone, said Carroll, who has seen the autopsy report and photographs.

The method of execution will thus be the focus at a June 1 hearing before U.S. Dist. Judge Brevard Hand in Mobile, Ala., where Carroll will argue in favor of a stay of execution for Wayne Ritter, Evans's co-defendant.

Carroll's argument will go straight to the heart of the issue of whether the death penalty is "cruel and unusual

punishment" in the context of the Eighth Amendment of the U.S. Constitution.

"You hear a lot of people say, what about the man Evans and Ritter killed, that what happened to him was cruel, too," said Carroll. "Well, there's no argument on that. I don't know anyone who doesn't have sympathy for the victims of violent crime."

"But that's not the issue here. The issue is whether Alabama is going to endorse the concept of killing and set an example of killing," Carroll said.

There are some 1,400 persons on death rows in the U.S. now, and hundreds are approaching the ends of their appeals.

Tools for defense

One of the Southern Poverty Law Center's major national activities for the past few years has been the Death Penalty Defense Project, which directly aids a selected few indigent defendants and indirectly helps many others through education for attorneys.

The education is carried out primarily through seminars and publications.

A lawyer's guide to voir dire for the capital case, based on actual cases tried by Center attorneys, was first published several years ago and will be reissued during the summer in an updated form.

This publication, *Speak the Truth: A Lawyer's Guide to Voir Dire for the Capital Case*, will be available in July from the SPLC for \$5.

A new publication, *The Better Defense: A Team Guide for Defend-*

ants and Lawyers in Death Penalty Cases, will be available at the same time but the price had not been set at this writing.

The latter is by Maureen McLaughlin, a Georgia-based jury consultant who has participated for the defense in more than 40 capital trials.

Seminars on the defense of capital cases are used by SPLC attorneys to pass along the techniques and strategies they have developed through actual trial and appeal work.

For example, SPLC Legal Director John Carroll has taught in recent weeks at the Texas Criminal Defense Lawyer's Association Death Penalty Seminar in Austin, Texas, at the National College of Criminal Defense's trial advocacy course in Houston, Texas, and at a seminar for private attorneys and public defenders in Boston, Mass.

A 2-year report from KLANWATCH

Since late 1980, one of the most visible Southern Poverty Law Center activities has been its KLANWATCH project, created to combat organized hate groups through litigation, education and monitoring.

The SPLC realized the need for the project after defending Curtis Robinson, a black man who in self-defense shot a Klansman in Decatur, Ala., in 1979 in an incident where 100 Klan members armed with sticks, clubs, axe-handles, guns and other weapons attacked a peaceful black protest march.

(Mr. Robinson was convicted, by an all-white jury which heard, among other things, the testimony of a police officer who worked part-time for a known Klansman; SPLC attorneys are appealing Mr. Robinson's conviction.)

The Robinson case led directly to the creation of KLANWATCH because, to defend Mr. Robinson, SPLC attorney Morris Dees had to prosecute the Ku Klux Klan, which at the time probably had more members per capita in Decatur, Ala., than any other place in the nation.

In the course of that trial, SPLC attorneys and investigators discovered the extent to which the KKK had rebounded after its decline in the late 1960s — by 1971, the KKK was estimated at only 1,500 members nationwide. But beginning in the mid-70s the Klan grew rapidly, and by 1979-80 there were as many as 10,000 to 12,000 active members.

North Alabama and north Mississippi were particular hotbeds of KKK activity. Scores of crossburnings, beatings, shootings, and other incidents occurred between 1978 and 1980, and in only a few cases were there arrests and prosecutions. The attitude of many in positions of authority seemed to be that if the problem was ignored maybe it would go away.

But because of the evidence collected during the Robinson case, this view was rejected by the SPLC staff, which felt that action against the Klan had to be taken immediately before the situation got even more out of control. This was the background behind the formation of the KLANWATCH project.

Now, after two and a half years of operation, here is a report on KLANWATCH's efforts:

Monitoring

The monitoring aspect of KLANWATCH was necessary to develop the facts about the Klan resurgence. The information we have collected has been used in lawsuits by the SPLC and other attorneys, in educational projects by KLANWATCH and other anti-Klan groups, and has made its way into news reports, legislative hearings, law enforcement investigations, and other forums.

KLANWATCH monitoring is conducted through a variety of research and investigative methods. However, we do not infiltrate the Klan.

The monitoring program has developed a reputation for accuracy, credibility and comprehensiveness. Knowledgeable law enforcement officers have observed that KLANWATCH's files and knowledge of current KKK



These Ku Klux Klansmen waited to attack . . .

activity and membership are the most extensive in existence with the possible exception of the FBI.

Litigation

Few anti-Klan tactics have proven as immediately effective at halting Klan violence and harassment as direct prosecution or private civil litigation. KLANWATCH has been involved so far in four anti-Klan lawsuits and is considering filing others. Briefly, the cases are:

1. *Peoples Association of Decatur v. Invisible Empire, Knights of the Ku Klux Klan*. This was the first class action lawsuit filed against the Klan since the 1960s, and it grew directly out of the Klan attack on peaceful black demonstrators on May 26, 1979, in Decatur, Ala.

SPLC attorneys, paralegals and investigators have spent thousands of hours working on this lawsuit, which seeks an injunction and punitive damages from the Klan. For almost two years after it was filed, the case was stalled in federal court. But last fall, SPLC attorney Morris Dees brought to the witness stand an ex-Klansman who testified about the conspiracy to attack the black demonstrators and a subsequent coverup to lie to the police and the FBI about the incident.

Since that hearing, the case has moved ahead. Numerous Klansmen have been deposed and each week KLANWATCH investigators identify more Klansmen who participated in the conspiracy. The case will likely go to trial in late 1983.

Meanwhile, the lawsuit has helped cripple the Invisible Empire in north Alabama and has substantially reduced Klan harassment and intimidation in the area.

2. *Vietnamese Fishermen's Association v. Knights of the Ku Klux Klan*. This lawsuit, filed in federal court in Houston, Texas, in March 1981 was an emergency response to a campaign of harassment waged by the Klan against immigrant Vietnamese shrimp fishermen on the Texas Gulf Coast.

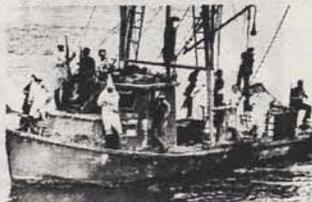
Prior to the filing of the lawsuit, there had been months of harassment, including threatening letters and phone calls, crossburnings, shrimp boat arsons, incidents where guns were pointed at Vietnamese, and one "boat patrol" where a load of heavily armed Klan members cruised menac-



. . . these peaceful demonstrators in Decatur, Ala.

ingly by the waterfront homes and docks of the Vietnamese.

The filing of the lawsuit caused an immediate change in the Klan's behavior and ended most of the direct intimidation. After six weeks of court



Texas Klansmen on a "boat patrol" against Vietnamese.

hearings and investigation, U.S. Dist. Judge Gabrielle McDonald granted the motion filed by SPLC attorney Morris Dees and Texas cooperating attorneys John Hayslip, David Berg and Philip Zelikow for an injunction against the Klan. That injunction is still in force.

3. *Texas Paramilitary Case*. A follow-up to the Vietnamese Fishermen's Association lawsuit mentioned above asked Judge McDonald to close several camps used by the Texas Klan for training of its private, paramilitary army. Among the witnesses heard in this case was a military expert who testified that the Klan army was sufficiently organized and trained in Texas to carry out actual military operations. This case was argued for the SPLC by Morris Dees and Steve Ellmann, and Texas Attorney General Mark White

(now Governor) also joined in the case against the camps. The Anti-Defamation League also filed an amicus brief. Judge McDonald responded with a further order declaring that the paramilitary camps were in violation of Texas law and would have to be closed. This injunction is also still in force.

4. *Reed v. Handley*. The Texas injunction against the Klan's private armies was granted in June 1982. Within a few days after that decision, SPLC attorney Morris Dees filed suit against a similar Klan military training operation in north Alabama. Members of this Klan paramilitary group had been among the Klansmen who attacked the demonstrators in Decatur in 1979.

This case is moving toward a trial date, which will probably be in late 1983. The investigation, collection of evidence, and depositions of Klan "soldiers" are continuing. Readers may have read or seen news reports about this Alabama Klan training in 1980, when Klansmen allowed reporters to film them firing weapons and training on obstacle courses. The Klansmen stated that they were preparing for a "coming race war."

5. *Adams v. Kilgore*. Technically speaking, this case, brought by SPLC attorney Steve Ellmann, does not involve the KKK. The lawsuit is based on the attack by four white men in north Alabama on an interracial couple and the couple's small child. The testimony showed that the white men met the couple in the highway, became enraged that a white woman would be



Members of an Alabama Klan paramilitary unit.

in the car with a black man, chased their car, and then attacked the couple.

One of the defendants said that while he was not in the Klan, he would join if there were a Klan chapter in his town. At the time of the attack, the Klan had been active in that area of north Alabama and the attack was in keeping with the style of the Klan.

Ellmann won a judgment which included damages and attorneys' fees against the attackers. KLANWATCH investigators assisted with the case, which is important because of its deterrent effect.

Education

KLANWATCH has placed high priority on educational efforts for two major reasons: First, the public as a whole has not been aware of the extent or the seriousness of the current Klan resurgence. Second, the Klan is a phenomenon which attracts widespread attention but about which the truth is often obscured. KLANWATCH has addressed each of those concerns through four major educational efforts:

1. **KLANWATCH Intelligence Report.** This newsletter was established in March 1981 and is sent to reporters, prosecutors, legislators, community leaders, educators and other key people across the United States, but particularly in the 20 states where the Klan has been most active since 1977. The newsletter contains accurate, objective accounts of Klan incidents nationwide, as well as occasional background reports on specific Klan topics such as youth corps recruiting, paramilitary training, etc.



KLANWATCH has given more than 1,500 press interviews over the past two years in an effort to shift the reporting done on the Klan from myth and sensationalism to an emphasis on the Klan's continuing violence, its racist, anti-Semitic and anti-American philosophies, and the increasing coalition between Klansmen and Nazis and other militant right-wing hate groups. The *Intelligence Report* also helps educate the media, and thus the public, on these matters.

2. **The Ku Klux Klan: A History of Racism and Violence.** This 70-page illustrated "mini-textbook" was prepared primarily for high school social studies students. The special report traces the history of the Klan and then gives a thorough explanation of today's KKK activity and the reasons behind the resurgence. The report has been widely praised by historians and other educators and more than



100,000 copies have been distributed. Single copies are available for \$1.50 from KLANWATCH.

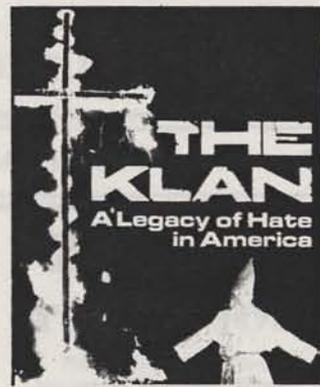
3. **The Klan: A Legacy of Hate in America.** This half-hour documentary film is the single most widely recognized KLANWATCH achievement, largely because the film was nominated for an Academy Award in the best short documentary category this year. The film did not win the Oscar, but the nomination gave it widespread attention.

The film has been seen on more than half of the public television stations in the nation and has been purchased by numerous schools, churches and community organizations.

"The Klan" was made by Guggenheim Productions of Washington, D.C., after being commissioned for the

job by KLANWATCH. The film concept was the brainchild of Morris Dees, and several other KLANWATCH staff members participated in the research, resource collection and documentation which went into the film.

The success of the film, however, must be credited to the skill of Werner Schumann, Charles Guggenheim, Nancy Sloss and others on the film production staff. "The Klan" has won the following awards: Best in Category at the Houston and San Francisco Film Festivals, Chris award at the Columbus Film Festival (a prestigious educational films event), C.I.N.E. Golden Eagle, and the Academy nomination. The film has won at least first in its



Troopers *From Page 1*

the state of Alabama stalled in every way possible. Two years later, the Center returned to court and charged that Gov. George C. Wallace, in violation of the court decree, had personally interfered with the hiring of black troopers. The court found the governor and all other defendants to have intentionally impeded hiring for racially discriminatory reasons.

The defendants were enjoined from such future conduct and in 1975 the first black troopers graduated from the training academy and began patrolling Alabama highways.

However, the rate of hiring of blacks still lagged behind the standards Judge Johnson had ordered. Alabama's population is about 25 percent black, and Johnson had ordered that one black be hired for each white hired until the trooper ranks were also about 25 percent black.

Today, blacks are routinely hired as state troopers, but most of them remain at the lowest rank and do not progress up the promotional ladder as white troopers do.

For example, there are 67 corporals on the Alabama trooper force, but only four are black. There are no black sergeants, lieutenants, captains or majors.

Further, wrote Balske in a recent brief filed with the court, "although four blacks have held the position of corporal for four years, they are not on the current promotion list because defendants do not have a valid promotion procedure.

"That is, they have been kept from the sergeant promotion list, because there is no valid procedure by which they could have gotten onto it. Meanwhile, defendants have apparently promoted a number of whites to the position of sergeant from the old, all-white promotion list, thereby creating the present critical shortage of corporals. Defendants have thus stayed a step

ahead of plaintiffs, to the extent that once blacks are promoted to corporal, there will be no sergeant slots available."

Because of such continued discrimination, Balske has asked the court to impose a temporary promotional quota. This suggestion is vigorously opposed by attorneys for the Department of Public Safety and, as noted above, is also opposed by the U.S. Justice Department. In addition, four white troopers have also intervened in opposition to the request.

But Balske believes the request is not only fair, but that it does not go as far as the original 1972 decision required.

Balske said, "If the defendants promote 20 employees to corporal, of which 10 are black, there will be 87 corporals, 14 of them black, or 16 percent black. If the defendants promote 18, of which nine are black, there will be 85 corporals, 13 black, or 15 percent black. Either way, the percentage of black corporals will still fall well below the 25 percent figure ordered by Judge Johnson for the entire trooper force."

Balske said he felt the plaintiffs would be justified in seeking much more sweeping promotional relief, but instead they are merely asking the Court to see that defendants uphold their end of two previously entered bargains.

Brown lung *From Page 1*

sal of the Wilkins suit by Judge Gullage.

"Nat Wilkins did not develop 'brown lung' by accident, rather it was the result of a deliberate industry attempt to conceal, and later obscure, the danger textile workers faced every day in the mill from cotton dust," Burnim explained. West Point-Pepperell's top management and medical personnel have been named as defendants in the suit, along with Liberty Mutual

category at every film festival entered so far except the Birmingham Film Festival.

Other Projects

Two other KLANWATCH projects now in progress are intended to fill gaps in the anti-Klan movement. The first is a joint project with the National Anti-Klan Network to develop a handbook of model community responses to the Klan. This work was made possible by a grant from the Needmor Fund of Toledo, Ohio, and is meant to answer the question that KLANWATCH and NAKN frequently hear, "The Klan is coming to my town next week. What do we do?"

KLANWATCH staffer Bill Stanton was the coordinator on this project which surveyed more than 500 communities where the Klan has been active in recent years. The result will be published soon and will describe strategies and reveal tactics which have been successful in meeting the Klan threat.

A similar handbook, but being designed expressly for attorneys, is being developed by KLANWATCH research director John Furman. The end product will be an invaluable resource to the private attorney undertaking anti-Klan or similar litigation involving racist or anti-Semitic attacks, harassment or intimidation.

Insurance Company, West Point-Pepperell's former workmen's compensation insurance carrier.

Documents uncovered in an 18-month investigation of the textile industry by the Center indicate that textile companies were involved in a conspiracy to suppress knowledge of, and research into, "brown lung" disease. This conspiracy began as early as the 1950s and extended to the boardrooms of the nation's largest textile corporations, and to Liberty Mutual, the nation's largest workmen's compensation insurer.

Officials at West Point-Pepperell have, however, denied any knowledge of the disease prior to the late 1960s, when two studies linking cotton dust to an occupational lung disease were published in American medical journals. This is also when the national trade organization, the American Textile Manufacturers Institute, and other textile companies, claims it learned of the disease.

After these studies were published, and federal regulation of the textile industry was threatened, textile companies initiated medical surveillance programs to monitor employees exposed to cotton. This response did not protect workers, however, according to Burnim, because companies failed to inform employees whom they had identified as reacting to the dust of their health condition or of the danger that they could become disabled as a result of their continued exposure on the job.

"The textile industry has gone unchallenged in this state for years," Burnim said, "and sick mill workers have never had a chance to make the industry pay for past decisions to ignore the disease. If we prevail in Mr. Wilkins's suit, we will not only have brought that callous policy to light, but we will have demonstrated that damage suits are viable, and will have established a framework for future legal action."