

# The New York Times

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THE NEW YORK TIMES **EDITORIAL/LETTERS** SATURDAY, APRIL 7, 2007

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## A Chance to Be Heard

Jack Cline, an Alabama industrial chemist, was exposed to benzene on the job and developed leukemia. When Mr. Cline tried to sue, he ran into a surreal glitch in Alabama law: any time he filed his lawsuit would have been either too early or too late. Mr. Cline's widow, Martha Jane Cline, is asking the United States Supreme Court to review the case. The court should grant review, and rule that Alabama's laws violate the Constitution.

Mr. Cline worked at a manufacturing plant in Bessemer, Ala., until about 1987, in a job that kept him in close proximity to large amounts of benzene. He was found to have acute myelogenous leukemia, which is closely associated with benzene exposure, in 1999. Within two years of the diagnosis, he sued the benzene manufacturers, but his suit was thrown out. The courts ruled that the state's two-year statute of limitations ran from his last exposure to the benzene, which made his claim too late.

But if Mr. Cline had sued within two years of leaving the job, his case would have been dismissed as premature. Alabama law says there is no right to

sue until the victim has a "manifest, present injury" — in other words, when his cancer developed. Alabama is the only state that counts the statute of limitations from when a person was last exposed, rather than when the injury manifested itself.

The Alabama Supreme Court, shamefully, refused to do anything about this bizarre situation: There is never a legally acceptable time for people who are exposed to slow-acting poisons to file suit against the company or person who poisoned them.

Whether or not this rule violates Alabama law, it should violate the United States Constitution. The Supreme Court has long held that the due process clause requires state courts to give injured parties a meaningful opportunity to have their claims heard. A statute of limitations like Alabama's, which precludes a significant class of cases, clearly violates this principle. The Supreme Court should reverse the Alabama Supreme Court's remarkably unjust decision and allow Mr. Cline's widow to proceed with her case.