



"There is nothing so powerful as truth" - DANIEL WEBSTER

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Discrimination Found in Baby-or-Job Case

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CONCORD — The owners of the Stationery Shop in Wolfboro were found guilty of discriminating against a single, pregnant store clerk whom they fired in 1981 and, as her landlord, forced her from her apartment.

The New Hampshire Human

Rights Commission in a unanimous decision released Thursday said that Leona J. Samuelson, then 23, unmarried and pregnant, was the victim of marital, sexual, employment and housing discrimination by Raymond and Carolyn Sanborn, owners of The Stationery Shop Inc.

The commission ordered

the Sanborns to pay Samuelson's legal fees as well as more than \$3,900 in lost wages, financial loss because of housing discrimination, interest on lost pay and out-of-pocket expenses.

Nancy Richards-Stower, commission chairman, stated in a concurring opinion that she was "compelled to comment

that these discrimination charges have brought before this commission the most egregious situation ever heard by the commission during my seven years' tenure.

"Simply put," Richards-Stower wrote, "had complainant aborted her child, respondents would neither
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have fired her, nor forced her from her apartment. Respondents, in control of two of the most important factors of anyone's life — employment and housing — used their power on a single pregnant woman without economic resources shamefully, cruelly and illegally."

Richards-Stower wrote that because of the Sanborns' initial threats to fire Samuelson (which were carried out), if she decided to continue her pregnancy, "they were, in fact, forcing the complainant to choose between her job and an abortion."

Samuelson, who has since married and now uses the surname Cram, was hired as a part-time store clerk and stock person in Sept. 1980. She worked an average of 34 hours a week at the rate of \$3.70 an hour.

On May 12, 1981, Samuelson told Mrs. Sanborn that she was pregnant. According to testimony at May's commission hearing, Sanborn told Samuel-

son she would have to leave her job if she "decided to have her baby because she was not married and she did not want an unwed pregnant employee waiting on customers."

When Samuelson told Mrs. Sanborn that that action was illegal, Mrs. Sanborn response was "that if complainant planned legal recourse, she should leave her job immediately."

After that, Cram's hours were cut from 34 hours a week to about 16 to "encourage the complainant to terminate her employment" Mr. Sanborn testified. After June 15, 1981, Samuelson found herself unemployed as no work hours were scheduled for her at the shop.

While employed by the Stationery Shop, Samuelson rented an apartment from the Sanborns which was above the store. Prior to Samuelson becoming pregnant, her rent was \$200 a month.

At the time Mr. Sanborn in-

formed Samuelson her hours were being cut, he also told her that her rent would be \$485 for the summer season and that he also required a \$250 damage deposit.

Samuelson said yesterday that she was a "little overwhelmed" by the decision.

"I'm happy, of course," she said. "I always felt that I did the right thing in pursuing it. I feel very strongly that more women who find themselves in discriminating circumstances should pursue the rights they have."

"Otherwise," she said, "discrimination will continue. People think they can intimidate females and run their lives and they'll continue to do so until they're made aware that discrimination is illegal."

Samuelson, who gave birth to a son, Alexander, on Dec. 27, 1981, said that she was overwhelmed at the media's interest in the case.

"I wanted it to have this kind of impact but never really thought it would," she said.

Attorney Carol Ann Conboy of the McLane, Graf, Raulerson & Middleton law firm in Manchester represented Samuelson in the case.

Conboy said that she was very pleased with the decision because she believed all along that the Sanborns' actions were "absolutely contrary in regards to discrimination and retaliatory action under New Hampshire law." The facts of the case, Conboy said, were very simple.

"We had a pregnant, unmarried girl who as a result of this was forced out of employment and housing," she said.

The one disappointment in the case, she said, was that the commission does not have the power to award punitive and compensatory damages.

What has happened, Conboy said, is that the commission cannot compensate Samuelson for "any of the pain and mental

anguish" she endured for four years until the ruling was made.

Samuelson, however, can bring the matter to Superior Court requesting compensatory and punitive damages. Conboy said that her client has not decided whether to do so or not.

Richards-Stower, in the concurring opinion, wrote that she would have awarded compensatory damages if the commission had that power.

"Unfortunately, this commission currently lacks the authority to award compensatory damages and therefore, inevi-

tably lacks the authority to award punitive damage," Richards-Stower wrote.

"For in view of the outrageous actions of these respondents, both types of damages would have been awarded by this commissioner. . . . This case of graphic discrimination provides a glaring example of how the Commission's hands are tied relative to the granting of relief to discrimination victims, and the carrying out of the statute. Hopefully, the legislative and judicial bodies of this state will soon look anew at the remedies authorized."