

Cole Gives Goals as Rights Commissioner

Contractors Need a Fair Shake

CONCORD — The reason Richard H. Cole wants to be on the state Human Rights Commission is that he doesn't think contractors get a fair shake when the commission hears discrimination cases against them.

Cole is president of the E.D. Swett company, whose treatment of a black worker was the subject of a landmark discrimination case in New Hampshire. Cole's nomination, announced Wednesday, has drawn sharp criticism, and the governor has suggested it might be withdrawn.

Meanwhile, Cole said one of his goals as commissioner would be to prevent what happened to his company from happening to other contractors.

The commission ruled that E.D. Swett discriminated when it refused to hire Leonard

Briscoe, a black man who had worked for the company previously, and continued to seek applicants with the same qualifications as Briscoe. The company had a policy of giving preference to former employees in hiring.

Briscoe was awarded \$2,338 in back pay and \$750 in attorney's fees, but the state Supreme Court struck down a \$1,000 damages award for mental suffering and humiliation.

"They got me for gross racial discrimination, and we don't discriminate. It goes against all my feelings," he said. Cole, who has been president of E.D. Swett since 1957, said the company has long had a policy of hiring minorities.

"We probably were guilty of a procedural error in hiring, but it had nothing to do with race," he said. "One of the rea-

sons I was willing to go on the commission is to see that both sides have their say, that both sides are treated fairly, and I don't think we were."

The case of Briscoe versus E.D. Swett was precedent setting because it culminated with a Supreme Court decision that upheld the commission's powers to determine whether incidents of discrimination had occurred and to award back pay and legal fees. However, the court said it was not clear the law allowed the commission to make damage awards.

Nancy Richards-Stower, a Concord attorney, was chairman of the commission during Briscoe versus E.D. Swett. She was outraged by Gov. John H. Sununu's nomination of E.D. Swett's president to a board that decides cases of sex and racial discrimination on the job

and in housing.

"I'd like to give up my pacifism for a minute and go over and deck Sununu," Richards-Stower said.

"The women in the Republican Party ought to rise up and tell him where to get off," Richards-Stower, a Democrat, said. "It's obvious what he's trying to do is assist those who wish to discriminate in New Hampshire. This kind of appointment tells the officers of companies that they need not worry about discrimination."

State Rep. Edward D. Densmore, D-Franconia, who said he was a friend of Briscoe, also opposes the appointment. "I feel pretty uncomfortable with the fact that a person whose company for five years fought a clear-cut case of discrimination is nominated as a commissioner," Densmore said.



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