

Second, there is the question of deliberate discrimination on account of age and a prohibition of such activity. This bill is presented with the complete conviction that prohibitions with sanctions are necessary and until we face up to that, little is going to be done. Therefore, the bill does provide prohibitions and sanctions in the case of willful violations of those prohibitions.

I hardly need point out where there is an element of incapacity on the basis of age, there is in the bill no prohibition of action pursuant to that fact. Putting it more simply, if a person can't "cut it," that person will have to live with the consequences. So the prohibition is only against image distinction where there is no real basis for it.

There is also a provision in the bill to permit its accommodation to State legislation on this subject.

I don't believe there is much else to be said, Mr. Chairman and members of the committee. I simply point out that it does lie with this committee and the Congress to decide how much longer man, by his oversight and sometimes by his sheer meanness, is going to add this final mockery to life. I strongly urge that we, as men and women in charge of our own lives, with the competence to perfect life as we find it and know it, I do very strongly urge that we take this step of simply saying that it is against the law to write a man or woman off as being finished when the facts are to the contrary. That is an authority one individual should not have over another.

Mr. DENT. Thank you very kindly, Mr. Secretary. I think you have pointed out what you might call the seed corn problem of the whole thing. There has been a rather arbitrary attitude taken in many of the so-called industrial giant firms when it comes to discrimination because of age.

I first ran into the problem when the coal industry was the first in the Nation, I believe, to adopt an industrywide policy on age discrimination in employment that was caused in my State because of the fact we had our workmen's compensation divided into two sections; one was for general commerce and business and one for the coal industry. While the rest of the State employers were paying a charge for their workmen's compensation of about 3.1, the coal industry was paying 5½ to 6 percent. Because of that they had to take a position that they would only hire those who were less accident prone, which would be the younger workers, as well as those with smaller families because of the continuing liability of the children of an injured workman or a workman who lost his life in the occupation.

Then we later compounded this felony by passing the so-called merit rating in compensation which added to the problems of those over 40 years of age to get employment in any of the industries.

With the advent of automation and advanced use of technology in the production of goods, especially in the mass industries where so many of our workers are skilled only in the particular job they perform, giving them a very limited field for new employment, the problem has become very acute.

However, restricting applicability to a minimum age 45 poses some problems. When I headed an investigatory committee in Pennsylvania, we discovered age discrimination really happened to strike at between 40 and 60 but it was really based upon the size of family more than