

gently request a change in Section 13 of H.R. 3651 and 4221, both of which as now drafted, leave employees below age 45 exposed, subject only to the latter possibility of downward revision of the stated minimum age limits by the Secretary of Labor should he find that the effectuation of the purposes of the Act so requires. It is our hope that, on the basis of the facts submitted here, the Congress will itself determine here and now that it is inconsistent with the purposes of the proposed legislation to leave these employees outside the protection of this legislation, and dependent solely upon the uncertainty of later proceedings before the Secretary of Labor, in a state forum, or in a series of economic contests between ALPA and the remaining airlines which still practice the discrimination for the preservation of their civil rights.

ALPA's Steward and Stewardess Division currently provides representation for the employment rights of flight attendants working for 27 airlines and providing in-flight services in virtually all of the states of the Union and in many foreign countries. These airlines are: Airlift, Alaska, Allegheny, Aloha, American Flyers, Bonanza, Braniff, Continental, Central, Frontier, Hawaiian, Lake Central, Mohawk, National, New York Airways, Northern Consolidated, North Central, Overseas National, Ozark, Pacific Northern, Piedmont, Slick, Trans-Texas, United, West Coast, Western and Wien Air Alaska. Some but not all of these airlines practice age discrimination against female flight attendants; I shall provide more detail in this area at a later point in this statement.

We flatly oppose all discrimination in employment based upon age, not simply when the victim of discrimination is between ages 45 and 65, but at any age where age is not a bona fide occupational qualification. A substantial majority of the several thousand people for whom I speak are female, and a substantial number of these are targets of discrimination based upon chronological age. The same public policy reflected in H.R. 3651 and 4221 for the protection of persons of ages 46 to 65 is equally applicable to those who suffer identical economic loss solely by reason of age discrimination at age 32 or 35.

A flight attendant may serve her airline for ten years or more only to find herself suddenly without a career at age 32 or 35 because of her employer's compulsory termination policy. She cannot then meet the hiring qualifications for a flight attendant's position on another airline which has no such policy. All the occupational skills which she has carefully developed during ten or more years of diligent service are no longer useable in employment which is open to her. Unemployment is the likely reward for her loyalty and diligence, unless the airline, in its discretion, makes other less desirable employment available to her.

Yet, many flight attendants have much the same financial and other obligations as the persons of age 45 to 65 who are the sole beneficiaries of the proposed legislation in its present form.

The irrelevant and invidious character of discrimination based solely on age—its inconsistency with existing moral standards and our civil rights principles—does not vary with the age of the victim. If such conduct is wrong, it is as wrong when practiced against a 35 year old stewardess as it is when the target is a 45 year old businessman or woman. The extension of Congressional protection to persons likely to be affected by such wrongful conduct should not be made to depend upon a vague notion that the effects of such discrimination are not likely to be as severely felt by a 35 year old stewardess as by a 45 year old businessman or woman. To exclude a large group of employees from Congressional protection against admittedly wrongful conduct on the basis of such an unreliable projection is, in effect, to establish a means test for equal protection of the laws, and to license the continuation of unlawful conduct against one group of citizens, while prohibiting its practice against others.

There should be only one test used to define the reach of the legislation which you are considering: is age a bona fide occupational qualification for a position of employment? If yes, then the employer's decision may properly be based upon age alone; if no, then age may not lawfully be used as the basis for inflicting economic injury upon any citizen. It would be unfair and indeed anomalous for Congress itself to carve out a group of citizens *solely on the basis of their age* and, on that basis alone, to deny them the protection of a law against age discrimination.

Those who disagree with this view argue that the measure now under consideration should be deemed to be "older worker" legislation; they pretend that age discrimination against flight attendants doesn't exist, and argue, as they have argued to the Congress, that there is "... no significant age discrimination problem affecting younger workers requiring remedial legislation." They ignore the