

fact that the practice of terminating stewardess careers by reason of age alone has been described by a Member of Congress, speaking on the floor of the House of Representatives, as "one of the most flagrant cases of age discrimination to be found anywhere in the labor market." (112 Cong. Rec. 6892 (Daily Edition March 30, 1936) (remarks of Rep. O'Hara)). Congress has, in the Civil Rights Act of 1964, broadly outlawed discrimination based upon race and color; it has prohibited such discrimination not only against Negroes, the largest and most directly affected group, but also against Indians, Orientals, as well as all other races, as to some of which there have been no significant racial discrimination problem. Congress recognized then that the practice was invidious and inconsistent with fundamental precepts of civil rights, and banned such conduct against all citizens; no reason exists to change that approach here. To exclude persons below age 45 from the protection of this legislation is no different in principle than a law which would outlaw racial discrimination except when practiced against American Indians. Neither is rationally or morally defensible.

An assertion that there is no significant age discrimination problem affecting female flight attendants is inaccurate and misleading. The matter of age discrimination has been the subject of controversy and dispute in the airline industry for some years, and has been explored, but not resolved, in several forums to date. I shall now address this discussion to a specific consideration of the problem as it now exists, and the efforts, largely frustrated to date, to fashion a remedy for it elsewhere than in Congress.

A. THE DIMENSIONS OF THE PROBLEM

The airlines themselves are divided on this issue. Some of them apply a compulsory retirement age to female flight attendants, most often at age 32 or 35; included in this group are some airlines which have recently initiated the practice, and which apply it only to stewardesses hired after the date it was initiated, while those hired prior to that date have so-called "grandmother rights" and are unaffected.

Some airlines currently require all stewardesses, when they are employed, to sign written forms, sometimes referred to as "yellow dog contracts", agreeing to surrender their employment upon attaining a specified age or becoming married, or both.

A majority of the airlines do not impose compulsory retirement upon flight attendants, either male or female, having never had such a requirement, or, in some cases, having had it but abandoned it. Many airlines employ male as well as female flight attendants, performing substantially the same function. In no case of which we are aware is a compulsory retirement rule based upon marriage or age 32 or 35 applied to male flight attendants.

When asked to explain the basis for the early age cutoff for stewardesses, airlines most often refer to the supposed preference of passengers for more youthful, and presumably, therefore, more glamorous stewardesses. The available evidence suggests that airline market research and analysis in this area leaves much to be desired. For airline passengers, when afforded an opportunity for self-expression, generally indicate a far greater interest and concern for the competence, courtesy and efficiency of the stewardess than for youthful sex appeal.

Specific information is difficult to collect, but the following breakdown is, to the best of our information, accurate:

1. Airlines with a current policy of compulsory retirement applicable to all stewardesses:

Airline :	Policy
Allegheny -----	Age 35 ¹
American -----	Age 32
Bonanza -----	Age 32
Frontier -----	Age 32 or marriage
Mohawk -----	Age 32
Southern -----	Age 35
Trans-Texas -----	Age 35 or marriage
Trans World -----	Age 35

¹ Recently raised from age 32 to 35.