

ways more desirable to proceed on the basis of educating the public to the need for this type of legislation to eliminate arbitrary age discrimination, it is also our judgment that this bill meets the test reflected in the report of the Secretary of Labor of June 1965 in which he said:

* * * An educational program to promote living on the basis of individual merit is far more effective when provided for by statute.

Thus, private employment agencies, too, operating under existing State law, are more effective in overcoming arbitrary and artificial age barriers.

I might say we cooperated with the U.S. Chamber of Commerce to work with anybody that wanted a job. We made the challenge, "We can place anybody." We ran into problems. We polled our members first about the job opportunities. We found many agencies in Pennsylvania, in New York, throughout the country, that literally had stacks of job orders they could not fill because people were just not available to place. The job market was very, very tight.

One of the things we ran into, I ran into particularly, was that the U.S. Chamber and the Nation's Business magazine editor got the application of a person finding it difficult to find a job. He would be referred to a private agency and that agency would drop the ball and perhaps not place this person. I would end up with him and I would try to find this person a job through a private agency.

What I ran into several times in Pennsylvania was an agency where a person wrote, "John, it looks as though we made a challenge we cannot keep. We cannot live up to it." This is what they told him in many cases. "The person came in my office; he has many years of experience; he will go anywhere, but we cannot place him. The man is 80."

I think the committee has a problem. What is the cutoff date? When we made this challenge, we were thinking of ability, which was generally accepted. But in listening to your remarks this morning, and the observations you made of other people's testimony, there is a question in people's minds—when is a person too old to work and should there be a statute?

We feel a person should not be limited on the basis of his age. But I do think that based on our experience anyway, with our open challenge, we did run into problems like the time when a woman in Illinois came in and applied for a job. She prevaricated about her age. She said she was 55. The doctor of the corporation staff said she is 70 if she is a day. She had some chronic illnesses and they had to turn her down.

Is 70 too old to work? I don't have an answer, but we did run into real problems when a person is obviously in good health. They are perhaps in their early forties, early fifties, and have the stamina of a 16-year-old, yet they were born 60, 65, or 70 years ago.

This is the problem we are running into. I don't have the answer, but I say we know there are problems. As far as our association is concerned, we can appreciate the problem of some of these people being discriminated against because of age.

Mr. DENT. I can understand there would be more or less isolated cases over the age of 70 or 75. In your employment agencies, have you found a rather universal restriction against age 40 in industrial plants?