

This was the first time that the Federal Government had enunciated a clear-cut policy respecting age discrimination in private employment. The President's Council on Aging, in its Report to the President in December 1963, had recommended that such an order be issued.

The policy provides that contractors and subcontractors shall not discriminate on account of age in hiring, advancement, discharge, and terms, conditions or privileges of employment.

Proscribed also are maximum age limits in advertising or other solicitations for employment.

Exceptions to this policy are bona fide occupational qualifications, retirement plans, and statutory requirements.

The text of the Order follows:

EXECUTIVE ORDER 11141—DECLARING A PUBLIC POLICY AGAINST DISCRIMINATION
ON THE BASIS OF AGE

Whereas the principle of equal employment opportunity is now an established policy of our Government and applies equally to all who wish to work and are capable of doing so; and

Whereas discrimination in employment because of age, except upon the basis of a *bona fide* occupational qualification, retirement plan, or statutory requirement, is inconsistent with that principle and with the social and economic objectives of our society; and

Whereas older workers are an indispensable source of productivity and experience which our Nation can ill afford to lose; and

Whereas President Kennedy, mindful that maximum national growth depends on the utilization of all manpower resources, issued a memorandum on March 14, 1963, reaffirming the policy of the Executive Branch of the Government of hiring and promoting employees on the basis of merit alone and emphasizing the need to assure that older people are not discriminated against because of their age and receive fair and full consideration for employment and advancement in Federal employment; and

Whereas, to encourage and hasten the acceptance of the principle of equal employment opportunity for older persons by all sectors of the economy, private and public, the Federal Government can and should provide maximum leadership in this regard by adopting that principle as an express policy of the Federal Government not only with respect to Federal employees but also with respect to persons employed by contractors and subcontractors engaged in the performance of Federal contracts:

Now, therefore, by virtue of the authority vested in me by the Constitution and statutes of the United States and as President of the United States, I hereby declare that it is the policy of the Executive Branch of the Government that (1) contractors and subcontractors engaged in the performance of Federal contracts shall not, in connection with the employment, advancement, or discharge of employees, or in connection with the terms, conditions, or privileges of their employment, discriminate against persons because of their age except upon the basis of a *bona fide* occupational qualification, retirement plan, or statutory requirement, and (2) that contractors and subcontractors, or persons acting on their behalf, shall not specify, in solicitations or advertisements for employees to work on Government contracts, a maximum age limit for such employment unless the specified maximum age limit is based upon a *bona fide* occupational qualification, retirement plan, or statutory requirement. The head of each department and agency shall take appropriate action to enunciate this policy, and to this end the Federal Procurement Regulations and the Armed Services Procurement Regulation shall be amended by the insertion therein of a statement giving continuous notice of the existence of the policy declared by this order.

LYNDON B. JOHNSON.

THE WHITE HOUSE, February 12, 1964.

[From the Wall Street Journal, Friday, June 16, 1967]

U.S. AIRLINES GET \$485 MILLION JOBS FROM THE MILITARY

WASHINGTON.—The Pentagon announced \$485 million in contracts to U.S. airlines to carry military personnel and cargo in the year beginning July 1.