

Mr. HAWKINS. No, only I want to ask Mr. O'Connell whether or not during the litigation he has had with the airlines or any of the hearings before commissions or even in the courts, has any documentary evidence been submitted which sustains the airlines' contention, if there is a contention, that there are economic factors involved?

Mr. O'CONNELL. Not as far as economic factors are involved. I was interested in your question to Mr. Meiklejohn, on enforcement procedures. We filed the first case before the Equal Employment Opportunities Commission in August of 1965 and the Commission ruled after investigation that there was probable cause of discrimination because the young lady was discharged from Northwest Airlines because she had been married.

We filed the case with the Federal district court in Alexandria in January 1965 and in that case the carrier attorneys first objected that we were in the wrong court; they wanted to change venue on us.

The short of it is, is that that case is still pending in Alexandria district court and this is a year and a half later.

Every time we have gone into court or gone before the Commission, nothing about economics has been raised—it has been young and pretty females as a bona fide occupational qualification.

Mr. HAWKINS. Has anything been filed by patrons of the airlines that they prefer younger stewardesses? The testimony has charged that it has been purely arbitrary rather than actual findings.

Mr. O'CONNELL. To the contrary, the airlines club represents a large number of business travelers and they overwhelmingly preferred older stewardesses rather than the younger females. We supplied this in May 1966 to the Commission. After the Commission ruled there was probable cause for discrimination in the *Judy Evenson* case, the airline asked for a hearing for a bona fide occupation qualification and the Air Transport Association and the airlines appeared before the Commission as Miss Boland and our attorneys did. We had a hearing as to the bona fide qualifications of the stewardesses and the Commission was to rule in the middle of November 1966 when the ATA went into court here and got an injunction to keep the Commission from ruling.

We are going back before the EEOC September 12 for a new hearing as to whether sex or age 32 is a bona fide occupational qualification. We have been before the EEOC since 1965; 2 years and 3 months later we are still trying to get a ruling from the EEOC as to whether or not young and pretty females is a bona fide occupational qualification for the position of airline stewardess.

Mr. HAWKINS. I know the weight of the testimony before the New York Employment Commission seems to be that it is not the intent of the legislature that persons below the age of 40 would be covered. Is that the defense in that particular Commission case?

Mr. O'CONNELL. Miss Boland should answer that question.

Miss BOLAND. The airline arguments at that hearing were that in fact even airline stewardesses had been discussed and taken under consideration at the time the original law was written because, as I understand it, the law was originally 45 to 65 and was later lowered to age 40. In one of the cases or examples brought up there, as we have brought before you here, was the case of airline stewardesses in New York State at that time who were permitted an age limitation of 32.