

age limitations or marriage limitations in a contract we negotiated with them.

Mr. SCHERLE. Mr. Chairman, do we have anything on file as to why the basis has been set at 33 or 35, for termination of service?

Mr. DENT. We have only the testimony from the management association which was presented on the 15th. I received it in the last 3 minutes. I know there are three recommendations made, the Air Transport Association makes three recommendations in line with all the thinking to this moment of the committee itself in their discussions.

They recommend preemption by the Federal Government so crossing State lines does not present a problem.

Mr. SCHERLE. If I may I would like to have permission from the committee to write a letter or two to the various airlines and enter their reply as a matter of record.

Mr. FORD. Will the gentleman yield?

Mr. SCHERLE. Yes.

Mr. FORD. I believe there is a body of correspondence. Our colleague, Mrs. Green, had some interesting correspondence with, I believe it was, United Air Lines, which got some publicity just before election last year. I think when this committee held previous hearings that correspondence was put into the record.

Mr. DENT. The staff has taken advantage of that. However, I might say to the gentleman you certainly have the privilege and right to correspond and the committee will be happy to receive your correspondence as part of the official record.

Mr. SCHERLE. An additional question: Even if age is not acknowledged in the contract or in the hiring procedure, the airlines could still use age as a discriminatory measure for termination of service, and they would not have to acknowledge this as such. What control would you have over this procedure?

Miss BOLAND. I think we have said in our statements and also have recognized that the job has physical qualifications, physical requirements to perform the job properly. At any time any flight attendant whether it be male or female, if that person is unable to perform that job, this would be because age has contributed to slow down their physical ability or whether some other factor is a part of it.

But the airlines have this right and do continually use such a right to terminate the employment and if it is for good cause and good reason, it is upheld. I would like to point out in exactly this line that we have pursers, or men; as an example, TWA employs some 200 pursers, four of those pursers have had heart attacks and are disqualified physically from flying, not one woman of their 3,000 has had a heart attack.

Mr. SCHERLE. I think perhaps my question was not clear. Let us say age is completely obliterated from the hiring practice, let us say that since the airlines tentatively set a figure of 33 or 35 for termination of service, they could still resort to this figure if in their own minds they feel this is the age when retirement should be in force. They could still use this arbitrary figure for discontinuance of service without telling you as much. They could give you a multitude of reasons for stating you are no longer needed in this occupation, couldn't they?

My question is: How could you be sure this is not still age discrimination although it is not so implied?