fication, unless, as one of our colleagues remarked, you assume that a commercial airplane is "a flying bunny club."

Mr. Chairman, this kind of discrimination is not only age discrimination, but sex discrimination as well. Airlines have male stewards or pursers who perform precisely the same functions as the stewardesses, but who are not required to retire, nor to sign so-called prehire contracts to resign at age 32.

The record of our 1965 hearings, copies of which I have here for all the members of the subcommittee, are filled with examples of stewardesses on airlines without this restrictive policy performing the standard stewardess duties, and what is even more impressive, performing hazardous duties, such as evacuating passengers from ditched or crashed planes even though they were older than the age which the discriminating airlines consider too old. One particularly intriguing case arose in an airline which has a discriminatory policy. A stewardess reached the retirement age, according to their firm policy. This was, remember, the age limit which they considered a bona fide occupational qualification for the performance of her duties. Yet, in spite of the onset of this calendar senility, the stewardess was ordered by the same company to continue to perform her duties because they didn't have another stewardess available. Gentlemen, I submit that in this particular case, the airline in question admitted openly and unmistakably by its own demand that the employee continue her services, that the age limit which it sets for stewardesses is, in fact, an example of arbitrary age discrimination.

The committee should take notice, I think, of the fact that the New York State Commission for Human Rights did find that the discrimination against stewardesses on the basis of their age was not in fact based on a bona fide occupational qualification.

In conclusion, Mr. Chairman, let me say a word about the argument that this type of discrimination is not real discrimination because it is based on prehire contracts and the young women involved know what they are getting when they take such a job. Prehire contracts, Mr. Chairman, are an old and long dishonored phenomenon in labor relations. In unhappier years, workingmen had to sign contracts that they would not join in a labor union or that they would quit a labor union before they could get a job in some industries. These contracts were called yellow-dog contracts and they have long since been held to be illegal. I submit that the device of the prehire contract by which a person seeking a job must waive her rights before she can be hired is just another form of the old yellow-dog contract. And it deserves the same kind of treatment by the Congress that such contracts got when they were outlawed by the Norris-La Guardia Act.

Mr. Chairman, your subcommittee has already done a magnificent job in updating the Fair Labor Standards Act. The legislation to ban age discrimination is in good hands. I urge the passage of this legislation, with whatever amendments you think are needed to prevent discrimination of the kind I have been talking about today.

Mr. DENT. Thank you. I am sure that you have made a fine contribution to the deliberation of this committee.

We will now hear the statement of our colleague, the Honorable Ogden R. Reid of the State of New York.