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Battle in the skies: Sex discrimination in the United States airline industry, 1930 to 1978

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BATTLE IN THE SKIES: SEX DISCRIMINATION IN
THE UNITED STATES AIRLINE INDUSTRY,
1930 TO 1978

by

Cathleen M. Loucks

A thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Arts
in
History

Department of History
University of Nevada, Las Vegas
August 1995
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ABSTRACT

The flight attendant occupation in the United States, developed in the 1930s, created new opportunities for women workers, but defined flight attendants as docile, temporary, and easily exploitable workers. Airlines soon discovered that flight attendants provided a marketable image, based on physical appearance. This thesis traces the development of policies, such as marriage bans, age ceilings, weight regulations, and prohibitions against pregnancy, designed to create and maintain this image. In the 1960s and 1970s, flight attendants challenged the legitimacy of these policies using the sex provision of Title VII of the Civil Rights Act of 1964. Gaining support from their unions, the Equal Employment Opportunity Commission, and eventually the legal system, flight attendants successfully eliminated all of these policies, with the exception of weight regulations. The battle waged by the flight attendants reveals the prevalence of sex discrimination in the market place and the process of challenging it.
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LIST OF ABBREVIATIONS

ALSA  Air Line Stewardesses Association
ALSSA  Air Line Stewards and Stewardesses Association
ALPA S&S  Air Line Pilots Association, Stewards and Stewardesses Division
AA  American Airlines
ATA  Air Transport Association
BFOQ  Bona Fide Occupational Qualification
BAT  Boeing Air Transport
EEOC  Equal Employment Opportunity Commission
NYSCHR  New York State Commission for Human Rights
TWA  Trans World Airways
UAL  United Air Lines
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To my mother
CHAPTER 1

INTRODUCTION

Braniff Airlines fired flight attendant Betty Green Bateman on November 12, 1964, when it discovered that she married Wayne Bateman in February 1963. The company acknowledged that it terminated Bateman, an employee of Braniff for six years, solely because of her marriage, although in fact, she was an excellent flight attendant. Many airlines enforced a marriage ban, and flight attendants agreed to the policy when hired. Bateman nevertheless filed a complaint with her union protesting the policy, and the case went before the Braniff Airways Flight Hostess System Board of Adjustment. When the board deadlocked, a federal judge appointed a neutral arbitrator to rule on the case. The arbitrator ruled in September of 1965 that marriage was not a cause for termination and Bateman should be reinstated. At the same time, the EEOC, in a separate ruling, decided that marriage did not constitute a legal cause for termination of employment and labeled marriage bans a form of sex discrimination. Marriage contradicted the image that airlines wanted their flight attendants to portray, and the ban on it represented a series of discriminatory policies affecting women in the industry. Yet these two rulings in 1965 signaled a change in perceptions about flight attendants and their role in the work place.

The airline industry and the role of women in it has a unique history that provides

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an example of the ways in which gender and sexuality shaped and limited women's opportunities in the workplace. Initially excluded from the airline industry due to assumptions about gender and the appropriate sex roles, women dominated one aspect of the airline industry, the job of flight attendant, within twenty years. The feminization of the occupation created new opportunities for women to assert themselves in the professional world. The job of flight attendant quickly became an acceptable alternative for young, unmarried, middle-class, white women who did not want to marry immediately after finishing school. It provided the chance to meet people, travel, and earn some money. Despite these advantages, airlines defined the job in ways that decreased its status and minimized the satisfaction and identity that women could gain from employment.

The Bateman case typifies the situation of many flight attendants during the 1960s. The airline industry discovered that it could derive economic benefit from women in the flight cabin by constructing sex-based criteria for the role of flight attendants, and then advertising the image that these criteria created. The image that airlines created reflected society's ideals about women, and subtly changed in the three decades after 1930. In the early 1930s, airlines determined that the economic advantages of hiring women as flight attendants outweighed the social prohibitions against women in the air, and women became essential members of the airline industry. The discrimination faced by flight attendants resulted from a combination of social attitudes concerning women's role in the workplace and business practices designed by airlines to maximize profits. Not only did female flight attendants fill the necessary safety and service requirement of flights, they provided airlines with marketing and publicity. By the 1960s, the image surrounding flight
attendants became more obviously sexual. Airlines defined flight attendants in gender specific ways and utilized the sexual allure of the women for profit.

In order to maintain the desired image, airlines enacted restrictive policies that applied only to flight attendants. These policies included marriage bans, age ceilings, weight requirements, prohibitions against pregnancy, and strict appearance guidelines. These policies enabled airlines to maintain the aura of sexual availability that flight attendants were expected to have, and reveal much about the way in which society viewed women in the middle decades of the twentieth century. Most flight attendants did not question the airlines’ right to enact these restrictive policies in the early years of the industry. During the 1950s, some flight attendants challenged specific rules through their unions, but no wide-scale challenge was attempted. This changed in the mid-1960s when Title VII of the Civil Rights Act of 1964 created a vehicle to challenge these policies on the basis of sex discrimination.

Flight attendants provide a unique example of women who asserted themselves in the public sphere and struggled to end the objectification of their bodies before the second wave of the women’s movement. Flight attendants initially challenged the airlines for economic reasons, but the challenge made them increasingly aware of issues of sex discrimination. The restrictive policies of the airlines put financial strain on these women, which prompted them to act before they realized that the policies also represented discrimination based on gender. Whatever their initial reasons, the flight attendants took on a massive industry, utilized new and untested sex discrimination laws, and succeeded in eliminating much of the discrimination in the flight attendant occupation. In doing so they
provided an example for other women and called attention to the fact that even white, middle-class women experienced discrimination.

The study of the flight attendants' struggle to challenge the airlines using sex equity laws brings together several important issues in women's labor history and gender studies. The impact of gender on women's economic opportunities, patterns of unionization, and the social pressures of merging family and work duties are all important elements of reconstructing the situation of American flight attendants in the first four decades of the industry. Little historical work has been done on flight attendants as workers, or as representatives of society's construction of sexuality as it effects women. Georgia Panter Nielsen studied United Airlines flight attendants, but her focus was on the development of a union and the tensions that occurred between female and male unions. Nielsen used her own experience as a flight attendant to provide insights that other scholars did not have, and briefly analyzed the discrimination experienced by flight attendants due to the airlines' desire to maintain a particular image. This work does more than any other to describe the lives of flight attendants from a scholarly view.¹

Many women's historians have considered the dynamics of women's unionization, but relatively little work has been done on unionization in female dominated occupations of the twentieth century.² One important exception is the work of Dorothy Sue Cobble on waitresses and their unions. This work reveals the parallels between the situations of flight attendants and waitresses. Like the flight attendants, food service was initially a male occupation. Cobble traces the impact of the feminization of the industry, which resulted in declining status and wages for servers. She considers the efforts to unionize this
predominantly female occupation in the face of resistance and derision by society and restaurant owners. Like the flight attendants, waitresses were viewed as public, and hence sexually available, women. Unlike the flight attendants, Cobble finds that unionism and activism among waitresses decreased after World War II, and waitresses were unable to make use of the sex equity laws that emerged in the 1960s.®

Other scholars considered the role of women as workers more generally, discussing the impact of low wages, discrimination, and household duties on women’s identity as workers. Alice Kessler-Harris has written the most complete analysis of the role of women in the work force. She considered the impact of social and economic trends on the fate of wage earning women. In her discussion of the late twentieth century, she asserted that women were impatient for recognition and equality in an area of life that has defined men for so long. She traced the influence of sex equity legislation, but concluded that these advances only began the battle, more importantly women had to convince society that their economic contribution was both essential and acceptable. In particular, some harmony had to be reached between household duties and paid labor. For the flight attendants these issues proved to be vastly important to their own sense of identity.®

Ruth Milkman analyzed the dynamics of sex segregation in the marketplace and found that it resulted from male management, not male dominated unions. The wage gap, Milkman asserted, is due to the pervasive stereotypes that restricted women to poorly paid, low status jobs. A sexual stereotype surrounded flight attendants and resulted in low wages and restrictive policies.® Like Milkman, Barbara Reskin and Patricia Roos
examined sex segregation in labor and explored the situation of women who entered male
dominated professions. They asserted that occupational sex segregation has been more
resistant to change, and benefitted less from equity laws, than occupational race
segregation.9

Claudia Goldin analyzed the social basis for the gender gap in the economic history
of America. She asserted that discrimination in employment, resulting in inequality for
women, was inextricably bound to the relationship between workplace and society.
Goldin considered the various mechanisms used to discriminate against women,
particularly married women. Goldin also linked the marriage restriction to the desire by
companies to maintain a poorly paid, inexperienced workforce. She used as an example
the marriage restrictions imposed on teachers in the 1930s, restrictions that parallel those
used by the airline industry. However, Goldin found that virtually all institutional
restrictions to marriage and work were eliminated in the 1950s. The continued restrictions
against married flight attendants reflects the different expectations of the airlines and the
importance that they placed on the economic advantage the flight attendants provided
them.10

Several historians have traced the struggle for sex equity legislation and the results
of that legislation. Cynthia Harrison’s in-depth study of the politics involved in gaining
legislative equality for women focussed on the dissent within the ranks of politically active
women and their different agendas. Harrison asserted that with the passage of the Title
VII of the Civil Rights Act of 1964, and the Equal Pay Act of 1963, the forces behind the
Equal Rights Amendment were temporarily stalled. She concluded that the reluctance of
the Equal Employment Opportunity Commission (EEOC) and other public agencies to enforce the gender provision of these acts, combined with the incremental advances made in the legal status of women, fueled a new, stronger women's movement in the late 1960s that exhibited little of the protectionist tendencies of early women's groups. Equality, not protection, became the goal, and women realized that fundamental social changes needed to be made before institutional equality could have an impact on women's lives. Jo Freeman also looked at the changing legal status of women and determined that despite the broad victories of the sex equity movement of the 1960s, equality could not be complete until society redefined the role of women in the home as well as in their relationship to the family.

This thesis analyzes the actions of one group of women who became aware of the discriminatory policies of their industry and organized to challenge them. Initially flight attendants attacked specific policies, largely for economic purposes. As the 1960s progressed, they achieved a sense of gender consciousness, and the challenge centered on issues of sexual exploitation and discrimination. Flight attendants realized that society, and therefore the airlines, viewed them primarily in gender-specific ways, resulting in degradation and discrimination. The first chapter in this work describes the introduction of women into the airline industry and discusses the image that airlines constructed around flight attendants. It outlines the three avenues available to flight attendants to fight what they increasingly perceived as sex discrimination. Flight attendants turned to their unions, the new sex equity legislation of the 1960s, and the legal system in their effort to end sex discrimination in the airline industry. The chapter discusses each of these mechanisms,
particularly focussing on Title VII of the Equal Rights Act of 1964 and the creation of the EEOC. This chapter also introduces the complexity of the most important clause concerning sex discrimination in Title VII, the bona fide occupational qualification clause.

The second chapter begins the analysis of the actual policies enacted to maintain the image that airlines desired. The chapters have been arranged according to each policy that the flight attendants challenged. The marriage restriction was challenged very early and successfully, as in the case of Betty Green Bateman. Flight attendants learned a great deal about the system in the effort to end marriage bans. An analysis of the challenge to maternity policies follows the marriage discussion because it was a direct outgrowth of the victory over marriage bans. The third chapter considers the challenge to age ceilings and weight regulations. Though the age battle occurred at approximately the same time as the battle over marriage and preceded that concerning maternity, its more obvious concern with physical image made it a complement to the section on weight regulations. The efforts to modify and end weight regulation did not begin until the early 1970s, chronologically at the same time as the maternity struggle. Nevertheless, age and weight rules involved the physical manifestations of the image surrounding flight attendants and belong together in this analysis.

Union records provide the bulk of material for a discussion of the challenge to airlines. The records of the Air Line Pilots Association, Steward and Stewardess Division (ALPA S&S) documents the legal actions taken by flight attendants during the 1960s and 1970s in the effort to end sex discrimination. Correspondence, legal materials, and personnel files concerning flight attendants have been deposited at the Wayne State
University Archives of Labor and Urban Affairs, and this archival material is the basis of this study. The result is a dependence on materials concerning flight attendants employed by airlines, such as Braniff and American Airlines, with whom ALPA S&S had the bargaining rights. An additional source of material, EEOC rulings and court decisions, evens out this bias and reveals that the situation of flight attendants did not vary greatly by employer.

By the late 1970s, when most weight cases were being considered, the social tide had turned against flight attendants and civil rights litigation in general. The EEOC was far less active than it had been in its first decade of existence, and flight attendant unions were experiencing severe internal dissent. By the late 1970s the courts were more reluctant to restrict the right of business to regulate its employees. Flight attendants achieved a great deal of success in the short window of opportunity between about 1967 and 1975, but they were unable to completely eradicate airlines' ability to use the sexual imagery of their bodies for economic benefit.
Notes

1. *The Dallas Morning News*, 25 September 1965, 1D.

2. Ibid.

3. In the late 1920s and early 1930s, airlines called in-flight servers cabin attendants or stewards. When the occupation became dominated by women, the most common term was stewardess. Airlines and the public used this name until the 1970s when men reentered the occupation in significant numbers and the term flight attendant became dominant. I have chosen to use flight attendant throughout this paper because it is a gender neutral term.


5. Many studies of female union members have been done, but these reflect affiliations with male-dominated unions, organized in male-dominated professions, for example, Nancy F. Gabin, *Feminism in the Labor Movement: Women in the United Auto Workers Union, 1935-1975* (Ithaca, NY: Cornell University Press, 1990).


CHAPTER 2

FLYING THE FRIENDLY SKIES:
WOMEN IN THE AIRLINE INDUSTRY

The United States commercial aviation industry took off during World War I when the federal government decided to deliver mail by air. In 1917, the Post Office hired seventy-five pilots. By 1920, private airline companies sought contracts to deliver the mail and a new industry emerged. Government appropriations made airlines profitable and legitimate, and flying was no longer seen as simply a daredevil's stunt. Viewed as a means of transporting mail, passenger traffic was light in the early years of unpressurized, unpredictable flights, and airlines did not envision passengers as a serious source of revenue. This changed with the Democratic landslide of 1933. The airline industry came under attack for collusion by President Roosevelt, and the government restricted mail contracts and subsidies. The result was that airline companies sought new sources of revenue, and passenger transport became an important and obvious choice.¹

Aviation quickly became a male dominion because pilots existed in a dangerous and public sphere, a role to which few women could aspire in the early twentieth century. In its earliest years, the airline industry depended on copilots to aid airsick passengers, but by 1928 companies began hiring stewards for this purpose. Aware that flying frightened many people, airlines developed the concept of in-flight service to promote safety and
comfort. In 1928, Boeing Air Transport (BAT), a forerunner of United Air Lines (UAL), introduced a twelve-seat passenger plane and decided to advertise passenger comfort and stability by placing a steward on every flight. Steve Stimpson, a district director for BAT, considered using Filipino men as cabin attendants. His idea, and the entire airline industry, was transformed on February 23, 1930, when Ellen Church, a nurse with aspirations in aviation, presented him with an alternate plan.

Church proposed that BAT place women in the air as regular members of the flight crew, a radical idea in an industry thoroughly dominated by men. The job of flight attendant particularly suited women, Church argued, because it was essentially a caregiving occupation, much like nursing. Duties included serving meals, providing reassurance and medical aid, and generally catering to the needs of passengers. Persuaded by Church's arguments, Stimpson agreed that employing female flight attendants was a good idea, presented the plan to executives at BAT, and a debate about the role of women in the airline industry began. On the surface these duties did fit into the accepted sphere of employment to which society regulated women. On the other hand, as company officials and pilots argued, flying remained a dangerous endeavor. Women were not suited, they believed, to the pressure and danger that flying entailed. Perhaps these two arguments would have reached an impasse and women would have remained grounded, but for the intervention of the most persuasive argument, economics.

Georgia Nielsen, in From Sky Girl to Flight Attendant: Women and the Making of a Union, outlines the economic arguments for employing women as flight attendants. First, airlines could pay women less than men in similar roles. Women's lower wages
provided airlines an opportunity to employ white, middle-class, educated, women rather than the Filipino men originally considered. Second, the novelty of female flight attendants provided airlines with publicity and free advertising. In fact, by the end of the 1930s, UAL's practice of hiring female flight attendants had forced almost every other major carrier to follow its lead in order to remain competitive. Third, the women made the public, especially male business travelers, more reluctant to admit fear of flying. Finally, a female dominated occupation had the potential to be a huge marketing concept, a realization corporations increasingly accepted throughout the 1950s and 1960s. Armed with these arguments, Stimpson convinced BAT in 1930 to hire eight women as the first female flight attendants.

All eight women were trained as nurses, and their job was to aid the passengers in any way that might increase their comfort. On May 15, 1930, Ellen Church became the first female flight attendant when she serviced a flight from Oakland, California, to Chicago, Illinois. The airline paid the women $125 a month for one hundred hours of flying, and it was not an easy job. Jessie Carter, one of the original eight, quit after three months because the job was like "going cross country on the stage coach." A flight between Oakland and Cheyenne, Wyoming, for example, had five stops and took up to twenty-four hours. Cabins were not pressurized, heated, or cooled, and flight attendants often had to sit on mail bags or luggage. The result was that by 1936, none of the original flight attendants were still employed as flight attendants.

Though passengers took to the idea of female flight attendants quickly, pilots did not. Pilots had argued against women in the air by asserting that they did not have time to
look after helpless females. Despite such opposition, the concept of female flight attendants slowly took hold and became the industry norm. In 1933, American Airlines began hiring women, and in 1935 Trans World Airlines (TWA) followed. In 1936, passenger air travel and the flight attendant occupation became permanent features of American life when the Douglas DC-3 was introduced. This plane carried up to twenty-seven passengers and could fly coast-to-coast with only five stops. Airlines developed training schools for flight attendants and the production of civil airplanes boomed as Americans accepted air travel as a legitimate and safe means of transportation.

During the early 1940s, the modern conception of the flight attendant occupation took shape. Food service became a main feature of in-flight service, and kitchens were developed on planes. A flight attendant on a flight between Chicago and Cincinnati served twenty-one passengers a five-course meal in one hour. In 1952, the federal government created a regulation that ordered all air carriers to provide a flight attendant on any plane that had a capacity for more than ten passengers. This regulation acknowledged the importance of the safety and emergency duties of flight attendants, who by then were credited with saving numerous lives in airplane accidents. But flight attendants embodied more than safety and service for airlines.

Airlines concentrated on promoting the image of flight attendants that was marketed throughout these years. To do this they instituted a series of policies, such as marriage bans and age ceilings, designed to assure a desirable work force. Airlines constructed an image around her that played an important role in its economic success. In the early 1930s, airlines capitalized on the presence of women in the flight cabin by
constructing sex-based criteria for flight attendants as care-givers and advertising that image. By the 1960s, this image had subtly changed with society's perception of women and sexuality. The basic unchanging premise remained that airlines defined flight attendants and their duties in specific, gender-based ways, and instituted policies to maintain the image that they believed best attracted passengers. An examination of the creation and implementation of this image reveals much about the way in which society viewed women, and provides a detailed look at the policies of a particularly important industry and the role women played in it.

Flight attendants possessed a position in society akin to that of movie stars and models, although paid far less, and the public perceived them as glamorous women. To reinforce this view, airlines demanded that flight attendants adhere to the latest fashions and conform to the current model of the ideal women. In 1930, this meant that flight attendants had to be petite, under sixty-four inches tall, slim, weighing not more than 115 pounds, and young, not over twenty-five years old at the time of hire. Airlines hired only white, middle-class women. Possessing these qualities did not ensure a job. Life Magazine published an article in 1938 that outlined the other necessary attributes of a flight attendant. The article asserted that "stewardesses are pretty . . . [and] give the impression always of being a helpful big sister to everyone." Years later, United Air Lines (UAL), along with other carriers, asserted that an alluring appearance was not just a manufactured image created to utilize the sexual appeal of flight attendants. UAL claimed that the "job of stewardess has been exclusively a young and pretty girl's job," and asserted that this physical classification was a necessary attribute of the job. It argued that the
maintenance of the attendants' image was vital to the economic survival of the entire airline industry. The sisterly, or "girl-next-door" image played an important role in the construction of a marketable image in the early years of the occupation.

This image changed little throughout the 1940s and 1950s, but by the 1960s, airlines revised the image in response to the gradual loosening of sexual taboos and alluded to the sexuality of flight attendants more forcefully. In previous decades, airlines assumed that male passengers, far more numerous than females, chose a specific airline based on the promise of quality in-flight service from a pretty, competent young woman who exuded personal warmth, which reflected home and family, and subtle sex appeal. It was an image based on gender that embodied certain assumptions about women, but did not necessarily reflect a desire to use sex to attract passengers. When the "sex sells" notion became dominant in the 1960s, the airline industry quickly adjusted the image of flight attendants and its marketing techniques to reflect this change.

Advertisements of the era reveal the importance of the appearance of female flight attendants to attract customers. A 1965 Continental Airlines ad portrayed a beautiful flight attendant peering seductively over her shoulder, with the caption "Let's get together sometime." Another Continental advertisement included a full page picture of a woman in a short skirt and high heels, facing away from the camera and photographed from the waist down; the caption read "Our first run movies are so interesting we hope you're not missing the other attractions aboard." The obvious implication of the advertisement reflected the objectification of flight attendants' bodies for economic gain. A Braniff advertisement proudly asserted that "Braniff girls are women," implying that though they

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remained young and attractive, they had emotional and sexual maturity. Braniff also ran a series of ads in the 1960s that capitalized on its policy of requiring flight attendants to change their clothes three times during flight. Extolling its “Air Strip,” the airline printed a full page advertisement of a flight attendant twirling into each new uniform. Lake Central Airline forced its flight attendants to wear "Love at First Flight" buttons, and male passengers often asked "when the love began." In the early 1970s, National Airlines, ran perhaps the most offensive ad campaign utilizing female sexuality. These ads featured a twenty-two year old flight attendant with the caption "I'm Cheryl, Fly Me." National claimed that the ad simply reflected the friendliness expected of its flight attendants. Cheryl herself saw nothing wrong with the ad, claiming that no one would take the notion of her exploitation as a sex symbol seriously. These advertisements unmistakably alluded to the sexual availability of female flight attendants.

These advertisements reflect the objectification of flight attendants' bodies by the airline industry. Society largely accepted the idea that female flight attendants would be defined according to sexual criteria and expected young and pretty attendants on flights. The ads are, however, only one of the final and most obvious results of the sexually exploitive image created by airlines. The image created a specific perception of flight attendants on the part of passengers and airlines. This perception defined flight attendants as young, temporary workers, concerned only with finding a husband and fun. When flight attendants organized to challenge the airlines, they faced the additional barrier of this perception. The construction of the image itself began with hiring practices, continued in flight attendant training school, and was reflected in policies applied only to flight attendants.
attendants.

The hiring criteria of the 1930s changed over the following decades to allow for the hiring of taller women, with weight in proportion to their height. The desire for glamorous women did not change, as evidenced by the continued emphasis on class, race, and appearance. Airlines did not publicly announce the preference for middle class women, but applicants had to have a high school diploma and preference was given to those who had some college experience. Women from poor families found it much more difficult to fulfill this requirement than middle class women. The requirements of Delta Air Lines were typical, stipulating that flight attendants must have "'good complexions,' must be 'neat,' . . . attractive, and their 'family backgrounds' and 'moral character' must be 'good'."\(^4\)

Race was also important in the construction of image for flight attendants. Flight attendants were overwhelmingly white, though airlines with Hawaiian routes did hire a few women of Hawaiian and Japanese descent. Mohawk Airlines hired the first African-American flight attendant, Ruth Carol Taylor, in 1957.\(^5\) Taylor's employment did not signal an end to the racial discrimination in the flight attendant occupation. Of over 14,000 flight attendants flying in 1965, only about fifty were African-American.\(^6\) The airline industry's reluctance to hire African-American women reflected its policy of maintaining the desired image for flight attendants, an image that did not incorporate attractive African-American women. Flight attendant training school was the next step for those few women who could meet the requirements of airline recruiting agents.

Training schools, called "charm farms" by flight attendants, taught women the
necessary safety and procedural aspects of the job, but focused on molding new flight attendants into representatives of the airline's chosen image. UAL's training course was five and one half weeks long. The company gave flight attendants an approximately one thousand page reader that combined information about types of airplanes and emergency procedures, with hair styling and walking techniques. A section headed "appearance counseling" gave beauty tips and instructed women on how to sculpt eyebrows, sit, and walk so that no light appeared between the thighs. Flight attendants were aware of the focus on sexuality and frequently complained that they received inadequate safety training due to the emphasis on "smiling, make-up, and poise."

Once flying full time, flight attendants faced annual reviews and frequent supervisor checks to ensure that they maintained the image created in training school. Annual review forms had appearance sections in which the reviewer commented on the flight attendants' appearance during that flight and made suggestions for improvement. One review stated that a flight attendant needed to shorten her uniform skirt to improve her appearance, and another ordered a flight attendant to change her hair color. Until the 1970s, airlines required flight attendants to wear girdles and authorized supervisors to do random touch checks to insure that the women followed this policy.

Airlines designed uniforms to create a certain image that balanced sexual appeal and service. The 1975 Braniff flight attendant manual stated that "the internationally famous Braniff uniform was designed by Emillio Pucci to project a glamorous image to the public." Though Braniff prided itself on having the most glamorous and elaborate uniforms in the airline industry, its enthusiasm for designer uniforms and strict policies

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regulating them reflected the trend that UAL began in 1930 with the classic design green
twill capes and knee high boots worn by the earliest flight attendants. Uniforms changed
to remain fashionable. In 1967, American Airlines introduced miniskirts, and soon they
were commonplace in the industry. Flight attendants rarely challenged the airlines' ability
to designate and regulate uniform requirements. Unions took up specific disagreements,
such as the mandatory girdles, as collective bargaining issues, but airlines retained control
over this aspect of the image they created around flight attendants.

Discriminatory policies against women in the airline industry perpetuated the
marketing advantage that had convinced corporations to experiment with female flight
attendants. These policies, such as marriage bans and age restrictions, enabled airlines to
utilize sexual imagery in advertising and made the occupation an important part of the
marketing of airlines. Government regulation and consolidation within the airline industry
left little room for competition, and therefore "sex appeal in the cabin" became an
important arena of competition. By the mid-1960s, flight attendants gained a level of
consciousness that enabled them to challenge the sexualized character of their job as the
airlines had defined it. The social climate of the early 1960s stimulated discussions about
work place discrimination, and some flight attendants realized that the policies created by
airlines to maintain this image promoted discrimination based in gender.

Flight attendants who wanted to challenge the airlines had several mechanisms
through which to do so. Early in the effort, most flight attendants considered it an
individual problem and attacked the airlines on a case by case basis. As the 1960s
progressed, a more unified challenge emerged to counter all types of discrimination within
the industry. Flight attendants turned first to their unions, which provided legal and financial support. Soon they utilized the new sex equity laws of Title VII of the Civil Rights Act of 1964 that prohibited sex discrimination in employment, and the support of the agency created to enforce the new laws, the EEOC. Ultimately flight attendants challenged the airlines through the court system by suing the airlines. A brief examination of the dynamics of each of these structures provides a context for the actions of the flight attendants in the effort to end sex discrimination.

Unions quickly became important in the airline industry. Pilots developed the Air Line Pilots Association (ALPA) in 1931 and negotiated for higher wages and better work conditions after the World War II. Flight attendants did not have a union in these early years, and it seemed unlikely that they ever would. Though they had legitimate grievances, such as the stagnant pay rate, that had not changed since 1930, and they flew more hours, flight attendants viewed themselves as white-collar, temporary workers. Unionization was contrary to their social position. Additionally, the low wages made dues difficult to pay and the high turn-over rate created instability among the workforce. Some flight attendants realized the benefits of a union, and by 1945, there was a small movement among UAL flight attendants, the airline that employed the greatest number of attendants, toward unionization.

Ada J. Brown, a senior flight attendant and former chief stewardess, convinced Sally Thometz and Frances Hall to help her organize the UAL flight attendants. On August 22, 1945 the Air Line Stewardesses Association (ALSA) was officially established. ALSA was the first flight attendant union, but it soon alienated ALPA because the flight
attendants wanted to remain independent. ALPA leadership retaliated by organizing the Air Line Stewards and Stewardesses Association (ALSSA) to unionize the Pan American flight attendants. Eventually the ALSA joined the Air Line Pilots Association, Steward and Stewardess Division (ALPA S&S), and ALSSA became affiliated with the Transport Workers Union. Despite dissent among flight attendants unions that continued into the 1960s, unions remained the best support network available to flight attendants to combat the discriminatory policies created by airlines.

Unions challenged the policies of airlines through grievance hearings and contract negotiations. Though some attempts were made to change discriminatory policies, particularly the marriage restrictions, unions made little progress in two decades of contract negotiations. Airlines refused to consider removing marriage and age restrictions, and only minor adjustments were made in uniform and weight issues. Occasionally flight attendants achieved success through grievance hearing procedures, but this allowed only individual victories, not company wide policy changes. In the 1950s, unions were unable to resolve many of the problems faced by flight attendants, but legislation passed in the 1960s allowed unions and their flight attendants to construct a stronger challenge to the airlines.

In response to the civil rights movement of the early 1960s, Congress passed the Civil Rights Act of 1964, legislation that was designed to eliminate discrimination on the basis of race in the United States. Title VII of this act provided equal employment opportunity regardless of race, color, religion, sex, or national origin. The authors of this bill, however, did not intend for it to deal with problems of sex discrimination. A
conservative congressman introduced the sex provision into the Civil Rights Act in an attempt to defeat the legislation, but the attempt failed and the act passed with little discussion about the implications of adding sex to the bill. The circumstances surrounding its inclusion and the history of women workers made it a very difficult provision to interpret. Questions were immediately raised about enforcement, and many supporters of the bill’s racial components found the sex provision unimportant and irritating.  

The sex provision proved most troubling to the members of the Equal Employment Opportunity Commission (EEOC). The government created this commission to enforce the provisions of Title VII, and the EEOC perceived its main duty as the elimination of racial discrimination in the labor market. The legislative history of the sex provision of Title VII did not provide the members of the EEOC with an impetus for strict enforcement, and given the opportunity it might have chosen to altogether ignore the provision. Women workers did not allow this however, and complaints of sex discrimination constituted the second largest category received in the first six months of the EEOC’s existence. The role of the EEOC was to receive complaints and then determine if discrimination, as defined by Title VII, was involved. If it found cause for investigation, it held hearings on the issue, and ultimately released a decision concerning a case. Flight attendants, who were among the first women to file complaints with the EEOC, had to show that their treatment constituted discrimination.

Title VII prohibited employers from refusing to hire, forming alternative compensation policies, or creating different employment conditions on the basis of race, color, religion, sex, or national origin. On the surface then, flight attendants seemed to
have a legitimate case. However, Title VII also provided exceptions to the rule "in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business." This bona fide occupational qualification (BFOQ) clause provided a defense for the airlines and called into question the legitimacy of the flight attendants' complaints. The EEOC hearings documented the debate on the interpretation of this clause as it applied to airlines for several years.

Flight attendants began filing complaints in the fall of 1965, and in March of 1966 Northwest Airlines and the Air Transport Association of America (ATA), an employers association of airline companies, requested a ruling from the EEOC to determine if marriage bans and age restrictions constituted sex discrimination. The EEOC agreed, suspended its investigation of individual charges and began a comprehensive study of the issue. On November 9, 1966, the EEOC ruled that these policies did constitute discrimination, but the ATA quickly convinced a judge to issue a preliminary injunction against the ruling. The ATA charged that there was a conflict of interest in the EEOC because one of its members, Aileen Hernandez, was a member of the National Organization of Women (NOW), a group that supported the flight attendants through demonstrations against publicity techniques such as National Airlines' "Fly Me" advertisement campaign. Hernandez resigned from the commission the day after the initial flight attendant ruling was made, and the EEOC decided to hold another investigation and form a new ruling on the matter. On September 12, 1967, the EEOC held a public hearing at which the airlines and flight attendant unions submitted evidence supporting their
The airlines asserted that only women were capable of filling the job of flight attendant, which was, as they defined it, to "provide in-flight service in as serene, pleasant, and charming an environment as it is possible to create." In defense of their position, airlines claimed that this definition played an important role in the economic survival of the industry. The duties of flight attendants, airlines argued, were feminine because they included hostessing, food preparation, and serving. The persons most able to accomplish these duties were attractive, young females. To prove their point and establish sex as a BFOQ, airlines asserted that the job of flight attendant required emotional and psychological qualities that females possessed to a greater extent than males. The ability to establish a "quick rapport," to have "warmth and sympathy and understanding," and to exhibit the necessary "tact . . . and a knowledge of good etiquette," were feats that men could not accomplish, they argued. The airlines warned the EEOC not to use a "dogmatically imposed equality which will destroy some of the worthwhile differentiation on which much of civilized society rests."

The EEOC released a decision on February 24, 1968, that concluded that sex was not a BFOQ for the job of flight attendant because the basic duties of the job could be performed by either sex. In this ruling, the EEOC offered a narrow interpretation of the BFOQ clause, and opened the door for further challenges to the airlines' policies. The EEOC decided to determine the legality of specific airline policies, such as age and marriage restrictions, by investigating and ruling on individual cases. Decisions on two such cases were released on June 20, 1968. June Dodd v. American Airlines, Inc. determined that age restrictions violated Title VII, and Christina J. Neal v. American
Airlines, Inc. targeted marriage bans. These decisions will be discussed in depth in their respective chapters, but they are important because they demonstrate that by 1968, the EEOC was firmly behind the flight attendants in their charges of sex discrimination. Though support from the EEOC was important, the rulings of the commission had no binding power and could be ignored. The EEOC published guidelines that defined its position on issues of discrimination. It also supported plaintiffs in court cases involving employment discrimination, and judges were expected to utilize the guidelines in their rulings. This system initially did not work for the flight attendants, because several district court judges disregarded the EEOC's ruling on the BFOQ defense. In the October 1967, case of Cooper v. Delta Air Lines, Inc., the court found the airline's BFOQ argument compelling and ruled that termination upon marriage did not represent sex discrimination. The judge even questioned the legitimacy of sex discrimination as an element of Title VII.30

The case that most clearly illustrates the results of limited EEOC power is Diaz v. Pan American World Airways, Inc., in which a male plaintiff challenged the airline's right to hire exclusively females. The arguments revealed the discrimination inherent in the image that the airlines constructed around flight attendants, and ultimately the court accepted the BFOQ defense. In Diaz, the judge agreed with the airline's premise that only female flight attendants could fulfill the duties required and in doing so invalidated the argument that Title VII could be invoked to change airline policies. Pan Am refused to hire Diaz because it had instituted a females only hiring policy in 1959. The airline did this, officials claimed, because experience proved that females were better suited to
provide passengers with "friendly personalized service" than males. The court accepted the findings of a survey conducted to determine the preference of airline passengers concerning male and female flight attendants. The survey found that seventy-nine percent of passengers preferred the overall concept of female flight attendants compared to that of male attendants. Participants were questioned about their preferences concerning specific duties performed by flight attendants, such as serving, greeting, and caring for children. The only category in which more passengers preferred men to women was that of assistance during an emergency.

The court, in this case, accepted the argument that customer preference made gender a legitimate BFOQ, and in doing so indicated that discrimination was tolerable if there was a possibility that the profits of an industry would suffer due to changes in gender policies. Flight attendants, their unions, and the EEOC argued that there was no conclusive proof that customers could not adjust to the idea of male flight attendants, or similarly, to married, pregnant, or older female flight attendants. Female flight attendants had achieved victory in the marriage and age struggles by the time Diaz was decided, but the case reveals the pervasive power of assumptions about gender.

Though it had existed for only thirty-five years, by 1965 the flight attendant occupation was an important icon of American cultural life. Flight attendants were portrayed in movies and books as helpful care-givers, and increasingly in the 1960s, as objects of sexual desire. For the flight attendants however, the occupation was a means of support and identity. They organized unions and dedicated themselves to providing excellent service in-flight, and they began to challenge gender assumptions that devalued
their labor. Airlines had enacted policies, such as marriage bans and age ceilings, that restricted flight attendants' personal and professional lives. By 1965, flight attendants actively sought to end these policies. To do so, they turned to their unions, sex equity legislation such as Title VII, and the courts. In the process of these struggles, flight attendants gained knowledge and awareness of sex discrimination and furthered their own sense of identity as workers. They also forced both the airlines and the American public to regard their occupation as a serious and legitimate one. The effort to end discriminatory policies and the objectification of their bodies was a long one, and the earliest success came over the issue of the marriage ban, the first policy that flight attendants attacked.
Notes


2. Ibid., 8.


4. Ibid., 11.

5. Ibid., 9.

6. Ibid., 16, 18.

7. Ibid., 6.


19. Weight files, evaluation reports, AFA collection, box 1, accession date 2-11-86, WSUA.

20. Braniff International Airlines flight attendant manual, 14 July 1975, 2-110-4. AFA collection, box 8, accession date 3-24-87, WSUA.


23. Ibid., 891.

24. Miller, 878.

25. Ibid., 879.


28. Ibid., 11.

29. Ibid., 62.


32. Survey for Air Transport Association, box 13, ALPA S&S collection, accession date 8-23-72, WSUA, 2-4.
CHAPTER 3

MARRIAGE AND PREGNANCY BANS

The marriage ban, created by airlines to maintain an image of sexual appeal, is one example of the discriminatory policies enacted against flight attendants. When hired, flight attendants agreed to resign upon marriage and they knew that if they did not, and were discovered they would be terminated. This policy was the most widely used and socially accepted form of discrimination implemented by the airline industry. It embodied the contradictions between family and employment duties experienced by women in the public sphere. Airlines encouraged women to work because they were an exploitable, yet industrious, labor force. Society, however, continued to devalue women who chose to work, particularly after they married. Airlines accepted this view of married women workers and banned them from the flight attendant occupation. Working women recognized this contradiction in expectations, and during the 1960s flight attendants organized to actively work against the marriage ban.

The origins of the marriage ban in the airline industry are unclear. One influence was society's view of women workers during the 1930s, the decade in which the occupation developed. During the Great Depression, the gains made by earlier professional women were supplanted by the concept of the family wage, which focussed
on a single, usually male, provider. The result was pressure on married women to return to the home because it was believed that they had a male source of support, and if they continued to work they occupied a job more appropriately held by a man. Though this ideal was not reality for thousands of poor women, flight attendants came largely from the middle class, an economic class dedicated to the ideal of the homemaking woman. By the mid-1930s, the industry norm required single flight attendants, and those who married would resign. Both the airlines and many of the flight attendants believed that marriage was inevitable, and women worked simply as an exciting way to pass the time between school and marriage.

The no-marriage policy resulted in a high turnover rate for flight attendants, a price the airlines willingly paid because it fostered their goal to hire attractive, desirable, young women. In 1965, a UAL flight attendant averaged 32.4 months of employment. Charles M. Mason, senior vice president for personnel, stated that "if that figure ever got up to 35 months I'd know we're getting the wrong kind of girl. She's not getting married." Flight attendants considered the gold wings given after five years of service a failure pin. Nevertheless, many flight attendants did marry and hid it from the company in order to remain employed.

During their struggle to end the marriage ban in the 1960s, flight attendants asserted their desire to have careers and marry. These women invested part of their identity in their jobs and worked hard to fulfill their duties. Flight attendants who married secretly began to question the legitimacy of the termination policy in the late 1950s and 1960s. One angry flight attendant wrote to her union, ALPA S&S, that most married
women forced to resign "invested great pride in their profession of flying." Betty Green Bateman, whose father was a pilot for American Airlines and who initiated one of the first legal challenges to the policy, asserted that flying "sorta gets in your blood."

Flight attendants used several mechanisms to challenge marriage bans. Their unions provided the first recourse, both through contract negotiations and support at grievance hearings. After Title VII established the EEOC, flight attendants individually turned to it for help in ending discrimination, and simultaneously the unions resorted to the courts to challenge the airlines. Success for flight attendants initially was piecemeal. The battle to end marriage bans was fought on many fronts against many airlines. Though the story at times seems disparate and unorganized, the end result was complete abolition of marriage bans in the airline industry. The arguments made by both the flight attendants and the airlines remained essentially the same no matter where the debate raged. A brief examination of the history of grievance and bargaining attempts by unions illuminates the issue as it stood when flight attendants finally turned to the courts and the new anti-discrimination legislation in the 1960s.

In September 1959, the union representing Eastern Air Lines' flight attendants, ALSSA, filed a grievance against the company that asserted that Eastern's marriage ban violated the existing collective bargaining agreement. The Board could not reach an agreement, and an arbitrator was appointed. The neutral arbitrator, Paul N. Guthrie, ruled against ALSSA, arguing that the union made no attempt to change the policy during negotiations, and therefore the policy could not have violated the bargaining agreement. The ruling seems logical on these grounds, but Mr. Guthrie took his argument even
Eastern Air Lines, he contended, had not acted in "a discriminatory fashion ... in view of the long standing practice." This argument, that the policy was legitimate because of its long standing use, was an important one in the airline industry's struggle to maintain control over its flight attendants.

The ALSSA case was the first grievance filed against Eastern's marriage policy in ten years. Betty Green Bateman, who hid the marriage from Braniff for eighteen months, filed the first marriage grievance before the Braniff Board of Adjustment in twenty-five years. ALPA S&S made an attempt during the 1963 contract negotiations, in which Betty Green Bateman participated, to eliminate the marriage ban. Braniff refused to consider changing the policy and ALPA S&S withdrew the proposal. Later, in the grievance hearings of the Bateman case, Braniff asserted that because Betty Green Bateman took part in the 1963 negotiations, her claims of unfair treatment were particularly unjustified. Braniff argued that her leadership role in the union made her especially familiar with company policies and should have led her to strictly follow all of them. The Board deadlocked over the case and the decision went out to a neutral arbitrator, who ruled in Bateman's favor.

Airlines based the legal precedent for marriage bans on a long standing tradition of restricting married women from further employment. For example, a majority of school districts fired female teachers once they married until World War II. Examples such as this reinforced the airline industry's view that its ban on marriage did not contradict public policy. Interestingly, marriage bans in most industries ended long before the 1960s, while the airline industry refused to revise its policies. With the implementation of Title VII of
the Civil Rights Act of 1964, however, airlines faced a direct challenge to their policy, which flight attendants now identified as a form of sex discrimination. An outline of the major components of each argument is necessary in order to contextualize the individual cases.

Flight attendants employed a simple argument of justice to support their position on issue of the marriage ban. Marriage, they claimed, in no way affected their ability to fulfill the duties demanded of flight attendants. Male employees of the airlines were not subject to this policy even if they were employed as flight attendants. The flight attendants argued that the ban must therefore reflect a form of arbitrary discrimination against them as women. To support this point, flight attendants demonstrated that the policies of some airlines, particularly foreign carriers, did not include a marriage ban, and yet those airlines remained economically secure. Ultimately flight attendants argued that their personal and marital lives had nothing to do with employment for airlines. They reminded the airlines that many flight attendants had married and kept the fact a secret, a sign that neither airlines nor passengers could detect the difference between a married and a single employee.

Using a utilitarian approach, flight attendants also argued that marriage bans removed mature and experienced flight attendants from airplanes, thus making air travel more unsafe than it had to be. They cited surveys to prove that passengers did not assert a preference for single flight attendants. The technological improvements of the jet age made personal contact with passengers very brief during a flight, and therefore a majority of passengers never knew the marital status of flight attendants. Flight attendants also
made economic arguments, asserting that they often worked because they needed the income, and their husbands encouraged them to contribute in this manner. Airlines refuted all of these arguments and created additional defenses to persuade society that marriage bans were an essential part of the airline industry.

The basic arguments used by airlines did not change, but the tactics became increasingly complex in an effort to combat sex-equity legislation in 1960s. Arguments ranged from essentialist assumptions about the role and capabilities of women to complex legal, medical, and psychological constructions supported by experts and statistics. All of these arguments were based on the desire to maintain control over the image crafted by airlines. Though the complex psychological and economic arguments seemed to make the flight attendants case more vulnerable and were more difficult to refute, it was the simple assumption that women's role in the workplace was trivial that revealed the pervasiveness of the cultural barriers that flight attendants faced.

The earliest arguments made by airlines depended on social assumptions about women and linked marriage to female dependence on men. Once women passed into the male protection offered by marriage, society assumed that household duties became their primary role. Women's lives had to be dedicated to family and reproductive duties, roles that society felt were incompatible with careers. Though this assumption held considerably less sway by the 1940s, it continued to be used to support the patriarchal structures that had functioned for thousands of years in Western society.

The airlines made their position on this issue very clear in statements on the responsibilities of homemaking and childrearing. Because society placed the majority of
these responsibilities with women, conflict between the fulfillment of these duties and the duties of paid employment was unavoidable. The nature of the flight attendant occupation demanded that they be away from home for extended periods of time, and according to the airlines the "absences of married females from home on business are more disruptive of family harmony than similar absences by males." Airlines justified the difference in policies regarding male and female employees using this logic.

Airlines argued that the employment of married flight attendants would cause operational and administrative problems. Husbands, they argued, would continually call flight attendant offices to check on the status of their wives' flight, making married flight attendants an annoyance for airlines. Married flight attendants would attempt scheduling changes and have less flexibility in schedule bidding because they wanted to accommodate husbands and domestic requirements. An airline official stated that marriage bans were a "business judgement decision which is to provide us with a stewardess corps which will operate most effectively." Airlines asserted that neither the judicial system nor the flight attendants should force them to accept a policy that they had deemed economically unsound.

Airlines also argued that married flight attendants could not perform their duties with the "grace and charm which the Airline expects of its stewardesses." With this argument, the airline industry demonstrated its preoccupation with sexual availability in the flight cabin. "Grace and charm" refers not to the flight attendants' performance of technical job requirements, but to their social abilities, their ability to please male passengers. A married flight attendant would be deficient because she could not flirt with
passengers, an important duty in the eyes of the airlines.

This brief sketch of major airline and flight attendant arguments sets the stage for an examination of specific cases in the 1960s in which flight attendants challenged the marriage ban policy. Both the courts and the EEOC heard important cases on this issue. The many rulings contradicted one another, particularly among the district courts. Furthermore, the judicial system did not initially give weight to EEOC decisions. Because the judicial cases addressed only one airline at a time, and the EEOC decisions had no binding power at that time, there was no immediate, sweeping change in the airlines’ policy. This confusion resulted in insecurity for flight attendants and made victory look more remote than it actually was.

The EEOC played an early role in the efforts to end marriage bans, though it was internally divided on the merit of sex as a category of discrimination. The first official EEOC ruling concerning flight attendants came on September 17, 1965, just days after the neutral arbitrator’s ruling in the Bateman case. The EEOC declared that marriage did not provide a legal cause for terminating flight attendants. The ruling remained ineffectual for years however, because both the Airline Transport Association (ATA) and district court judges challenged it. In 1967, the EEOC was still holding hearings to consider charges of sex discrimination that resulted from marriage bans in the airline industry.

In 1966, UAL fired flight attendant Terry Baker Van Horn when it discovered that she had been married for three years. Van Horn, represented by ALPA S&S, filed a complaint with the System Board of Adjustment for UAL, as well as a charge of discrimination with the EEOC. In 1967, the Board reviewed her case, but the EEOC had
made no decision. Though the Stewardess Service Manager, James R. Flaherty, admitted during testimony that no inflight action on the part of flight attendants revealed their marital status and that no such marriage ban applied to male employees, the Board ruled against Van Horn. This case did not go to district court, and the victory by UAL seems to have strengthened the airline's resolve to maintain its marriage ban despite the trend in the industry by the late 1960s.

In the case of *Eulalie E. Cooper v. Delta Air Lines, Inc*., in October of 1967, Cooper accused Delta of sex discrimination in violation of Title VII because she was terminated for marriage. The district court judge accepted the idea that sex was a bona fide occupational qualification (BFOQ) for the job of flight attendant and ruled that the Civil Rights Act of 1964 did not ban discrimination based on marital status. The judge agreed with the airline that being female was a necessary requirement for fulfillment of the flight attendant's duties. This case damaged the flight attendants' cause not only because it supported the airlines' right to regulate its work force based on marital status, but because the judge expressed his disbelief in the validity of sex as a category of discrimination. Judge Comiskey stated that "the addition of sex . . . just sort of found its way into . . . the Civil Rights Bill." With this he justified his dismissal of Cooper's argument that marriage bans represented sex discrimination.

The EEOC made its final, definitive ruling on the marriage ban issue on June 20, 1968 in the case of *Christina J. Neal v. American Airlines, Inc.*. In this ruling, the EEOC traced the arguments made by both parties and ruled that "an airline employer engaged in unlawful discrimination because of sex when it terminated a female stewardess because of
her marriage." The EEOC ruled that one’s sex was not a BFOQ in the case of the flight attendant occupation. The majority of flight attendant cases in the courts revolved around this issue, and this case provided the official EEOC guidelines concerning the BFOQ issue. Airlines continued to argue in court that marriage bans were essential and legal, but their position was weakened because the policy had a gender bias that the EEOC ruled discriminatory in *Neal v. American Airlines*. The EEOC had no binding power in district court, however, and a future legal case was required to settle the matter.

It was two years later, in *Mary Burke Sprogis v. United Air Lines, Inc.*, that a United States District Court judge reversed the Cooper ruling. The judge ruled that marriage bans represented a form of sex discrimination, and acknowledged the validity of sex as a category in the Civil Rights Act of 1964. Sprogis was terminated in 1966 as a result of her marriage and claimed that this was sex discrimination because male flight attendants in the company were not restricted from marriage. Judge Perry accepted the jurisdiction of the EEOC over issues of discrimination and cited its 1968 ruling that UAL had engaged in discrimination in the case of Sprogis. UAL was ordered to reinstate Sprogis and reimburse her for lost pay. This case was vastly important because UAL, one of the largest carriers in the United States, was also one of the last to rescind its marriage ban policy.

After *Sprogis*, court cases dealt with the terms of reinstatement and airlines attempted to minimize the amount of back pay and seniority accrual that flight attendants would receive. The basic issue, whether or not marriage bans were discriminatory under Title VII of the Civil Rights Act of 1964, had been resolved. Those airlines that rescinded
marriage bans early, such as Continental Airlines in April 1966, and American Air Lines in 1967, were joined by reluctant airlines like UAL. Airlines remained concerned about the impact of this change on their economic success. This fear is reflected in a Continental Airlines policy that allowed flight attendants to use their married names, but did not allow them to be introduced as "Mrs." The airline saw the extension of this prevalent social courtesy as a threat to their ability to exploit the sexual allure of flight attendants. Flight attendants won the right to work while married, and in doing so weakened the airlines' ability to utilize a sexualized image of flight attendants for economic gain.

The end of marriage bans led directly to another legal challenge for flight attendants, that of the right to work while pregnant. The pattern of struggle repeated itself, as flight attendants challenged airlines' policies using the EEOC, the judicial system, and union arbitration. All airlines grounded or terminated pregnant flight attendants, and therefore challenging the pregnancy issue probably appealed to more flight attendants than challenging the marriage ban. The airline industry seemed to have medical testimony on its side that resulted from fears about the safety of the fetus. Despite this, flight attendants did not back down on the maternity issue and they had some new advantages. The concept of sex discrimination was more widely accepted by the time flight attendants attacked the issue of maternity in the 1970s, and they themselves were more experienced in utilizing the system.

Before 1970, airlines that employed married flight attendants simply terminated them once they became pregnant. At UAL, a flight attendant could reapply for employment three months after the birth of her child, and if a job was available, UAL
rehired her. Her previous seniority remained intact, but none was accumulated during her leave of absence. Other airlines, such as Continental, put flight attendants on a two-month leave of absence, and if she was still pregnant at the end of that time, the airline terminated her. Alaska Airlines allowed a flight attendant one unpaid maternity leave, but if she became pregnant a second time, it terminated her. Most airlines that had only recently lifted marriage bans, UAL included, created a policy of automatic layoff if a flight attendant became pregnant, though they differed in their specific application of the policy. Unwed mothers did not receive any official attention, though certainly this must have occasionally become an issue. Georgia Nielson found in her study of UAL that the company's unofficial policy was to allow an unmarried and pregnant flight attendant to take a leave of absence and return to work after delivery on the condition that the baby was given up for adoption. Once the marriage bans were lifted, flight attendant unions began bargaining for the rights of pregnant workers.

No airline had a policy of paid maternity leave. Even those airlines that provided paid sick leave considered pregnancy voluntary, and flight attendants were ineligible to receive paid leave during pregnancy. Aside from the basic desire of many flight attendants to have children and remained employed, the maternity policy of airlines posed a serious financial burden for flight attendants. If company policy was immediate termination, a flight attendant completely lost her source of income. The argument that many married couples needed two incomes became even more persuasive if that couple had a child, and families faced economic hardship when a flight attendant lost the job for which she was trained. Some companies employed mothers after delivery, but these flight attendants still
lost important wages during pregnancy. The economic "Catch 22" posed by pregnancy is illustrated best by a specific case.

Helen Niles became a Braniff flight attendant in 1968. On January 31, 1978, Niles followed company policy and informed her supervisor of her pregnancy. Niles reported that she felt fine and that her doctor advised her to remain active and working as long as possible up to her June 1978, due date. Braniff's policy mandated that Niles immediately be restricted from service as a flight attendant, and the company placed her on an unpaid leave of absence. With a monthly salary of more than one thousand dollars, her loss of income created a hardship for her family, and in addition she lost all benefits, including essential health insurance. Niles applied for and received unemployment benefits until the state cut her off in April. The state's reasoning for denial of unemployment compensation claimed that her leave of absence was voluntary. Niles was on a forced, but voluntary leave of absence for which she could receive no monetary benefits. Both the state welfare office and Braniff considered pregnancy an avoidable condition, and therefore Niles had no legal recourse in challenging maternity policy. This case reveals the difficult situation that female flight attendants faced once they decided to have a family.

For unions, maternity leave became a central issue, and as soon as an airline lifted its marriage ban they tried to negotiate paid maternity leaves. Flight attendants soon realized that airlines would not accept changes in maternity policy without a fight, and the process of litigation began. As in other instances of sex discrimination, it took several years before all of the relevant government agencies could reach an agreement over the status of maternity policy as a possible arena of discrimination. The EEOC studied the
issue and announced a position, but many courts chose to ignore it. It was not until the late 1970s that any sort of consensus formed and even then airlines received mixed messages. In 1978, President Carter signed the Pregnancy Discrimination Act, which mandated the application of Title VII of the Civil Rights Act of 1964 to all maternity issues, but airlines continued to challenge the issue.

In 1969, ALPA S&S and Kathleen Rush, a flight attendant at Mohawk Airlines, began a legal battle to force Mohawk to change its maternity policy. Mohawk's policy at that time allowed a flight attendant to return to work if her child did not live, but a flight attendant was terminated upon the birth of a living child. In this case, Rush and the union bypassed the grievance process and filed complaints directly with the EEOC and the New York State Division of Human Rights. After almost two years of deliberation, the union believed it had gained a major victory when the EEOC ruled that Mohawk's policy constituted sex discrimination. The celebration was short-lived because the company and district courts questioned the EEOC decision.

ALPA S&S immediately interrogated a Mohawk official about its intentions concerning the new ruling. The union wanted a Side Letter of Agreement to ensure maternity leaves for both married and unmarried flight attendants. The company claimed that it would not terminate a flight attendant for pregnancy, but refused to sign the Side Letter that would mandate this policy in the union's contract. By January 1972, the opinion of the EEOC was further weakened by a court case in which the judge ruled that the EEOC did not have the right to intervene in certain suits of discrimination lodged against airlines on the basis of maternity policy. Despite the setbacks in the Mohawk
"victory," flight attendants continued filing complaints, most of which reached district courts in the late 1970s.

ALPA S&S continued to take the lead in challenging the maternity policies of the airlines. By 1974, nineteen of the twenty airlines for which it had bargaining rights faced complaints of discrimination based on maternity policy filed with the EEOC.\textsuperscript{24} Opposition to the union's position remained solid, however, and the lower courts released conflicting opinions. The most important of these will be discussed individually because the courts' interpretations of the evidence varied, and revealed much about legal and social attitudes toward pregnant women and working mothers. The arguments presented by each side however, did not significantly change throughout the litigation process, and therefore these arguments will be examined first, before the review of specific cases. Ultimately flight attendants gained the right to work until the third trimester, a point at which everyone agreed that flying was not safe. The possibility that flight attendants might become pregnant made the image of sexual availability even harder for airlines to maintain, and therefore this success reflects a victory in the effort to end the objectification of women's bodies in this industry.

Flight attendants and their unions argued that airline maternity policies had a disproportionately negative impact on female employees and thus were discriminatory. Legally, flight attendants had to show that policies concerning pregnancy could result in sex discrimination, otherwise the EEOC and Title VII could have no impact on their workplace situation. The fact that pregnancy could only affect females, the flight attendants maintained, did not make pregnancy policy immune from charges of
discrimination. Once they established the relevance of maternity issues, flight attendants went on to counter the medical and psychological arguments against pregnant flight attendants.

Flight attendants and the medical experts who supported them claimed that women who could physically perform the duties of a flight attendant, including emergency evacuation procedures, before pregnancy would continue to be able to do so throughout the first trimester. The possibility of increased nausea, exhaustion, and urine frequency for some women during the first trimester should not mandate termination for all women, flight attendants argued. During the second trimester, each pregnant woman should be individually evaluated because some would remain safely able to work longer than others. Most flight attendants and medical experts agreed that women should not fly during their third trimester. Flight attendants argued that pregnant crew members would not put psychological stress on either passengers or other flight attendants. During the first trimester and part of the second, the pregnancy would not be readily visible and most passengers would not even be aware of it. They asserted that other flight attendants would not be reluctant to fly with pregnant co-workers. Airlines countered each of these arguments and introduced some of their own.

Airlines used several types of arguments to support their claim that pregnant flight attendants should not fly at any time. Medical concerns about the safety of the passengers, the fetus, and the flight attendant herself were the most widely used and most persuasive arguments. On the legal front, airlines tried to invalidate claims of discrimination by arguing that not being pregnant was a BFOQ to the provisions of Title
VII. Airlines also made appearance arguments, claiming that pregnant flight attendants could not maintain the required appearance standards, standards which airlines refused to relax for pregnant women.

Medical experts testified for the airlines that pregnant women would be unable to successfully accomplish the physical duties required in-flight because of their altered physical state. Nausea and fatigue, they argued, would impair the judgement of pregnant flight attendants, and spontaneous abortion made flying dangerous to the fetus. If an emergency occurred, the flight attendant would not respond with maximum competency. The vigorous nature of the flight attendant's duties would negatively effect the pregnant woman and decrease her work efficiency.

This decrease in efficiency directly impacted to the BFOQ argument. Airlines attempted to prove that allowing pregnant women to continue working would be a substantial drain on their ability to conduct business. They argued that passengers would be reluctant to fly with pregnant women and that pregnant flight attendants could not maintain the control necessary to expedite safe evacuations in the case of emergency.

Specific cases illuminate these arguments further and reveal the contradictions in the early rulings.

Susan Gail Leonard, a flight attendant at National Airlines, filed a class action suit in U.S. District Court that challenged National's policy of forced, unpaid maternity leave. In his May 1977 opinion, Judge J. Roettger outlined National's policies, the arguments of the plaintiffs and defendants, and ultimately found that airlines could not consider non-pregnancy a BFOQ defense. In 1967, National removed its marriage ban and stipulated
that flight attendants had to resign immediately upon becoming pregnant. In February 1971, the flight attendant’s union, ALPA S&S, negotiated a mandatory leave of absence, instead of termination, for maternity. According to this policy a flight attendant was terminated if she did not report her pregnancy immediately, as was the case with Marilyn White. White, one of the flight attendants participating in the suit, did not report her pregnancy until she was entering her sixth month. Though she had worked continually for those five months without incident, the company terminated her.

The judge ruled that National’s maternity policy constituted sex discrimination because no condition other than pregnancy resulted in immediate unpaid leave. The policy impinged on a woman’s choice to have children because they feared economic hardship. National argued the BFOQ defense by claiming that a pregnant stewardess was potentially dangerous to the passengers, fetus, and flight attendant herself. The judge discounted this defense by citing the example of Northwest Airlines, which allowed its flight attendants to fly until the third trimester. Northwest had experienced no negative impact during the four years that its policy had been in place, and its flight attendants averaged 2500 pregnancies a year.

This case was a victory for the National flight attendants in regard to the maternity policy, but the ruling retained, and even validated, appearance codes. The judge agreed with the airline that once a pregnant flight attendant required maternity clothes, she should be grounded. The airline argued that if a flight attendant’s abdomen was extended that far she would no longer be able to perform her physical duties. However, the basis of the policy was a desire to maintain the image of sexual allure, difficult for a woman in a

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maternity frock, that the airline required flight attendants to have. The ruling required National to employ pregnant flight attendants only for the first twenty weeks, almost two months less than flight attendants at Northwest could work. Though this case ended favorably for National's flight attendants, several similar cases were pending against other airlines, and no legal consensus could be developed until a higher court ruled.

In 1977, state courts heard several cases concerning airlines' maternity policies. The *Leonard v. National Airlines* case in Florida found for the flight attendants, as did a similar case in Virginia. However, a California case, *Ute R. Harris and Margaret A. Feather v. Pan American World Airways, Inc.*, found that Pan Am's maternity policy did not represent sex discrimination as defined in Title VII. In 1971, Pan Am changed its maternity policy from immediate termination to forced, unpaid leave of absence, and flight attendants were unable to use accrued sick pay or vacation time during their pregnancy. In this case, the BFOQ argument was accepted because the judge found the maternity policy to be "a good faith effort on the part of Pan Am to protect the safety of its passengers." The court accepted the idea that pregnant flight attendants could pose a safety hazard, resulting in decreased business for Pan Am, and therefore accepted a BFOQ defense of the maternity restrictions. This decision was handed down several months after the flight attendants' victory over National, and clearly illustrates the mixed messages that flight attendants and airlines received from the federal court system.

On October 31, 1978 President Carter signed the Pregnancy Discrimination Act as an amendment to Title VII of the Civil Rights Act of 1964. The debate over whether or not discrimination based on pregnancy qualified as a form of sex discrimination was
resolved. This act made it illegal for airlines to force their flight attendants to go on leave as long as a doctor considered them able to work. It also mandated that company insurance programs pay pregnancy benefits similar to those of any other medical problem.

In gaining the right to marry and have children while they worked, flight attendants challenged social views about the role of women. Though these battles were fought by other women in other occupations, flight attendants provided an example of the mechanisms through which women were able to launch these challenges. Airlines constructed the flight attendant occupation around an image of female sexual allure, an image that airlines felt would be jeopardized by marriage and pregnancy. Using tools gained in the 1960s, flight attendants actively worked to gain legitimacy and rights as women workers, and to achieve equity in workplace policies. Title VII provided the possibility of equity in employment, and flight attendants used it to support their challenge to the airlines.
Notes


4. *The Dallas Morning News,* 25 September 1965, 1D.


7. Arguments made by the flight attendants against the marriage ban can be found in court cases, EEOC documents, newspapers, and personal interviews. In particular, see EEOC decision in *Neal v. American Airlines* 20 June 1968, 4013-4014; *The New York Times,* 27 May 1967, 62; and *The Dallas Morning News,* 25 September 1965, 1D.

8. For information on the construction of patriarchy and its resultant impact on women, see Gerda Lerner, *Creation of Patriarchy.* For analysis of society's views of women as workers, see Alice Kessler-Harris *Out to Work* and *A Woman's Wage;* Sylvia Walby *Patriarch at Work: Patriarchal and Capitalist Relations in Employment;*


10. Statement of Mr. Loomos in the case of Terry Baker Van Horn before the UAL Stewardesses Systems Board of Adjustment, 15 November 1966, 231. ALPA S&S Collection, box 16, accession date 8-23-72, WSUA.


13. Testimony of James R. Flaherty in the case of grievance by Terry Baker Van Horn before the United Air Lines Stewardesses Systems Board of Adjustment. 15 November 1966. ALPA S&S Collection, box 16, accession date 8-23-72, WSUA.


17. Letter to Miss Rickey Stevens from Edwin H. Wingate, dated 7 April 1966. AFA Dallas Collection. box 7, WSUA.


20. Nielson, 94.


22. Ibid.

23. *Air Lines Stewards and Stewardesses Association, Local 500, et al., Plaintiffs-Appellees, and Equal Employment Opportunity Commission, Applicant for Intervention-Appellant v. American Airlines, Inc., and Trans World Airlines, Inc., Defendants-Appellees*, 455 F.2nd 101 (1972). This case revolved around legal technicalities and did not preclude the involvement of the EEOC in all cases of maternity discrimination. The judge in this case ruled that because the flight attendants were well represented without the EEOC, there was no reason for its inclusion in the case. This case exemplified the weak position of the EEOC in influencing policy matters at this time.


26. Ibid.


28. Ibid.
CHAPTER 4

APPEARANCE CRITERIA:
AGE CEILINGS AND WEIGHT REGULATION

The image and publicity surrounding flight attendants in the first four decades of the occupation’s existence resulted in a series of specific appearance criteria. The physical aspect of the flight attendants’ image of sexual allure depended in particular on two long standing airline policies, age ceilings and weight regulations. Both policies allowed airlines to maintain the appearance standards that they deemed necessary in flight attendants, and both came to be perceived as sex discrimination by flight attendants. Flight attendants’ ability to perform their duties did not depend on the maintenance of these policies, though airlines argued that the economic survival of the industry did. After a decade of struggle, flight attendants achieved victory over age ceilings, but weight regulations remained firmly entrenched in the airline industry. Both battles follow the same pattern as those of marriage and maternity, and reveal the flight attendants’ dedication to sex equity in the airline industry.

The history of the age discrimination issue reveals the importance placed on flight attendant’s sexual allure as an economic asset. In the early 1950s, many airlines developed a policy of age restriction to maintain the youthful image of flight attendants that they sold to the public. Flight attendants on many United States carriers faced termination at the
age of thirty-two or thirty-five. Airlines assumed that most women would marry long before this time, and many young flight attendants did not object to the policy because it seemed inconsequential. Only flight attendants hired after 1953 were effected by the policy. Hired in their early twenties, they did not face the reality of the age restriction until about 1961. By the mid-1960s, the activism and earliest struggle against the marriage ban led some flight attendants, particularly those employed by carriers that did not impose a marriage ban, to challenge the age ceiling in the flight attendant occupation.

American Airlines was the first carrier to impose an age restriction on its flight attendants. In 1953, American decided to ground flight attendants on their thirty-second birthday, a policy that became retroactive to September 16, 1953. ALISA, the union that represented the flight attendants at that time, won a concession that stated that any flight attendant hired before November 30, 1953, would not be subject to the new policy. By 1965, fifteen of the nation's thirty-eight carriers had age ceilings. These included American and Trans World Airways (TWA), the companies that employed the largest numbers of flight attendants. UAL joined their ranks by establishing an age ceiling on March 7, 1966. TWA, Trans Texas, and Southern Airlines set their age limit at thirty-five, while the other twelve terminated flight attendants at age thirty-two.

Airlines defended their age restrictions by claiming that older flight attendants lacked the strength and enthusiasm to adequately fulfill their duties. Not only did this policy insure that the youthful, sexual image constructed around flight attendants would survive, it also provided basic economic benefits to the airlines. The youth and health of flight attendants kept benefits, such as health insurance, to a minimum. In addition, wages
remained low because even those flight attendants who chose not to marry could not accrue much seniority.

In the late 1950s, flight attendants debated possible strategies for ending age discrimination. Initially, they attempted to gain contractual agreements that banned arbitrary age ceilings, but this tactic offered little success. In the early 1960s, a small contingent of flight attendants privately lobbied congressmen in an attempt to convince them to introduce legislation specifically pertaining to the flight attendants’ situation. Dusty Roads, a flight attendant for American Airlines, became an active and forceful proponent of women’s rights in the workplace and dedicated herself to ending age discrimination in the airline industry. Through her friendship with Michigan Congresswoman Martha Griffiths, Roads was educated about sex discrimination. She used her connections in Congress and her image as a flight attendant to raise awareness about the age issue. Interestingly, the age policy did not affect her because she was hired before November 1953, yet she realized the importance of this issue for women.

In 1963, Roads and other concerned flight attendants decided to raise public awareness of the age restrictions in an attempt to embarrass the airlines. The women held a press conference in New York City, and because the glamorous image of flight attendants created interest among news reporters, it was a publicity success. A picture taken of all the flight attendants present, four of whom were over the age of thirty-two, provided the most important result of the press conference. The caption below the picture, which ran in newspapers all over the country, challenged the reader to guess which of the women the airlines considered too “old” to fly. Art Buchwald, a columnist,
claimed that the older flight attendants were as attractive as the younger ones, and better cooks. Though Buchwald clearly missed the relevant point, the extent of the publicity encouraged Roads, and she considered the event a success.

Flight attendants continued to lobby Congress. Colleen Boland, president of Local 550 of ALSSA and a former flight attendant, testified before a House Labor subcommittee hearing held on September 2, 1965. Boland asserted that the airlines’ age ceilings had nothing to do with efficiency or competency, as the airlines argued, but instead capitalized on the sexual image created around flight attendants. She quoted an airline executive’s remark in support of age ceilings that stated “put a dog on an airplane and twenty businessmen are sore for a month.” The response of some members of Congress confirmed the pervasiveness of her assertions about the exploitation of female bodies. Representative James H. Scheurer of New York requested that the flight attendants stand so that the committee could see the “dimensions of the problem.” Congress clearly was not going to create specific legislation concerning flight attendants, and the lobbying attempts failed. The age issue reflected society’s emphasis on the physical attributes of women, and ironically it was the flight attendants, employees in one of the most sexualized occupations, who challenged these values. These early, disparate attempts to challenge age rules, made it obvious to flight attendants and their unions that they had to turn to the legislative solutions provided by Title VII to end age restrictions.

Society often ridiculed flight attendants for asserting that age was not an important factor in defining the occupation. In 1965, Janice Austin Lamer and Amayat El Shall, flight attendants with TWA, turned thirty-five and were terminated. They joined two
flight attendants from American Airlines, Eloise Soots and Patricia Lee Arnold, and filed complaints with the New York State Commission for Human Rights (NYSCHR).\(^3\) The commission appointed J. Edward Conway as the Investigating Commissioner, and he held public hearings at which the airlines and unions debated the issue. Newspaper articles ridiculed the hearings and declared the issue unimportant. One article satirized the hearings and hailed the airlines' argument that a "TBA (a tired business man aloft) would rather be served . . . by nubile girls in their 20s than by a competent dame of 67."\(^4\)

In March 1966, Conway reported that age ceilings were not a common industry practice, pointing out that only fourteen of the thirty-eight United States carriers enforced such a policy, and therefore the airlines' argument that the policy was an economic necessity was invalid. Conway based his support of the flight attendants on an interpretation of a New York age discrimination law that made age discrimination in the workplace illegal. The airlines challenged his ruling through New York courts and in 1968 the Appellate Court reversed his decision. The court argued that the law was "limited in [its] application to persons between ages 40 and 65."\(^5\) The flight attendants were too young to be covered by New York's age discrimination law.

Defeat in the state courts and in Congress led the flight attendants to the newest mechanism for fighting discrimination, the EEOC. In 1965, ALPA S&S, in negotiations over the age issue, utilized the new Title VII legislation and requested a ruling from the EEOC on the legality of age ceilings.\(^6\) Flooded with complaints from flight attendants concerning age and marriage policies, the EEOC chose to separate the two issues. As with the marriage cases, the EEOC hesitated over the interpretation of the sex
discrimination clause of Title VII and the impact that it would have on issues of age. Nevertheless, it ruled that age limitations violated Title VII in the June 20, 1968 decision of *June Dodd v. American Airlines*. In this case the airline, represented by the Airline Transport Association (ATA), and the flight attendants, represented by ALISA, articulated the various arguments concerning the age issue.

The ATA created an elaborate defense of maximum age limits on flight attendants that cited both physical and mental factors. It argued that the physical attractiveness of flight attendants was vastly important to airlines because the flight attendant represented the image of the industry and symbolized its youth and vitality. The airlines believed that the loss of this image meant economic ruin. Medical experts testified, on behalf of the ATA, that the physical changes experienced by women over thirty, including changes in the metabolism, endocrine, circulatory, digestive, and nervous systems, effected flight attendants’ ability to perform their duties with the required stamina and endurance. The ATA cited a 1959 ruling by the Pennsylvania Fair Employment Practice Commission, which concluded that women over forty could not complete the training required of flight attendants, to support their argument. The unions argued that such rulings about physical capability should be made on an individual basis, but the airlines and courts rejected this as costly and time consuming. The ATA acknowledged that age restrictions forced women to retrain and assume new careers, but they used this as a defense for setting the age limit so low, arguing that women would be better able to find new jobs if they were in their early thirties when forced to look. The case of Lynda Oswald reveals the error in this argument. Aware that her tenure as a flight attendant was about to end, at twenty-eight...
she attempted to return to college to prepare for a new career, but the university refused to accept her as a part-time student and she could not give up her job to attend full-time. Oswald, frustrated, asserted that the "whole climate was Catch-22."*

The airlines also attacked the emotional stability of women over thirty. Because a senior flight attendant was, according to company policy, unmarried, the airlines argued that she suffered from the prolonged absence of a permanent home and family relationship. The only legitimate family network for these women, from the perspective of the airlines, was found in marriage and children. The airlines assumed that a flight attendant who deviated from society's norms and remained unmarried had emotional problems, and termination would rectify them and allow her to lead a more fulfilling life. This belief reflected the paternalist, condescending attitude held by the airlines concerning their flight attendants. An older flight attendant would also hinder the development of a team spirit in-flight because she would be conscious of the growing age disparity between herself and the other flight attendants.⁹

Airlines definitely wanted flight attendants grounded before menopause. To support this position they cited a letter from Dr. Emerson Day, who concluded that "the need for an age limit for airline stewardesses is clear cut . . . certainly an age limit well in advance of the physiological and psychological changes of pre-menopause."¹⁰ Despite the use of this medical testimony, it was clearly the traditional male fear of this physiological, and they asserted, psychological change, that formed the basis of the menopause argument. The flight attendant unions challenged the accuracy of the ATA's arguments about physical and emotional changes, and asserted that the policy was discriminatory
because it was enforced against female flight attendants only.

The ATA questioned the validity of the entire Dodd case because they felt that the age issue did not constitute sex discrimination, and therefore the EEOC should have no jurisdiction. The ATA asserted that because the airlines did not impose such a policy on all of their female employees, but only the flight attendants, they had not created a sex discrimination issue. The unions rejected this argument and maintained that because some airlines employed male flight attendants, who were not subject to the age limit, sex discrimination was at issue. The unions also pointed out that not all United States carriers, and few foreign carriers, had age limits, yet these airlines continued to be economically solvent with acceptable safety records. The EEOC, in the Dodd case, concurred with the unions.

In this landmark case, the EEOC broadened its conception of sex discrimination and asserted that the BFOQ argument could not be loosely used to justify discrimination. The concept of sex discrimination, the EEOC decided, was not limited to "an actual disparity of treatment among male and female employees . . . in the same job classification." A company policy that was applied to a class of employees based on their gender, rather than on a requirement of the job, constituted sex discrimination. The Commission also struck down the idea that if a discriminatory rule applied to only some female employees, a company was protected from sex discrimination charges. Sex was not a BFOQ defense for airlines policies concerning flight attendants, and therefore the maximum age policy could not be upheld. The ruling did indicate, however, that in some circumstances, particularly in the entertainment industry, such laws might not be
considered discriminatory. The decision concluded that the airlines maximum age policy reflected "a sex based condition of employment," and therefore violated Title VII.\textsuperscript{12}

The airlines spent a significant amount of time and money to create and support their physical and emotional arguments against flight attendants over the age of thirty-five. The real objective was their desire to employ only young, attractive women, in an attempt to lure passengers, a majority of whom were businessmen, to their airline. Flight attendants and their unions strongly opposed the age policy and utilized every available technique to challenge the airlines' right to impose them. Like the marriage issue, the legal survival of age ceilings depended on the idea that sex was a legitimate BFOQ defense in the case of flight attendants. By the early 1970s, both the EEOC and judicial courts rejected this defense. Though most of the restrictive policies established by the airlines, such as marriage bans and age limitations, were created to maintain the desired image of flight attendants, the one dedicated most blatantly to image construction was weight regulation. By the end of the 1960s, many flight attendants believed that policies like the weight restrictions were discriminatory in their creation and application. Flight attendants had slowly chipped away at the airlines' ability to utilize sexual imagery for economic gain, but the next struggle, to end weight regulations, was a turning point.

Strict weight standards, as part of a series of appearance criteria, for flight attendants were particularly important to maintaining the sexualized image constructed by the airlines. UAL instituted a weight standard in its hiring practices in 1930, and the idea that flight attendants had to be thin throughout their career was firmly entrenched in the industry before airlines established official weight charts. Most airlines published weight

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charts in flight attendant manuals during the 1940s and 1950s. These charts designated height in inches with an acceptable maximum and minimum weight for that height. The airlines' policies were vague, allowing for interpretation by supervisors and ignoring possible differences in bone structure. Airlines argued that low weight was a necessary requirement for fulfilling occupational duties, but some flight attendants asserted that it was simply another mechanism through which airlines packaged and sold a sexual image.

Issues affecting weight among women, such as increased age and use of birth control, did not arise initially because of age and marriage restrictions, though there were always flight attendants who struggled to maintain weight and appearance standards. Before the mid-1960s flight attendants who challenged weight policies did so on an individual, case-by-case basis, but by the 1970s a battle was being waged to establish EEOC guidelines and court rulings that would permanently end a policy that flight attendants by then viewed as discriminatory. Specific cases, varying by time period and airline involved, revealed that the arguments made by the airlines in support of their weight policy reflected a desire to utilize the bodies of flight attendants for economic purposes.

As a result of weight policies, otherwise satisfactory flight attendants were routinely discharged. On July 22, 1958, UAL discharged Susan Johnsen for "being continuously overweight and not meeting appearance standards." Johnsen was sixty-four inches tall and weighed 120 pounds when hired. The UAL weight chart established a maximum weight of 125 pounds for a height of 64 inches. Her weight quickly increased and was at 139 pounds before the end of her probationary period. Though the company
put Johnsen on a weight program, her weight never went below 131 pounds, and the company terminated her at 134 pounds. While employed, Johnsen submitted herself for the required routine uniform inspections, and no adverse notation was ever placed in her file during one of these inspections. Additionally, UAL acknowledged that Johnsen was a satisfactory flight attendant.

Johnsen filed a grievance with the United Air Lines System Board of Adjustment. At the hearing, UAL argued that the "general purpose of its appearance rules [was] to ensure Stewardess attractiveness," and asserted that the weight chart played an important role in that goal. However, the weight chart at that time was simply a guide and flight attendant supervisors enforced it according to their own interpretation. UAL claimed that it did employ flight attendants who exceeded their maximum weight, but only if their standard of appearance in uniform did not decline. Johnsen's supervisor believed, in an opinion supported by the company, that her appearance did not meet the standards of UAL.

Johnsen and ALSSA argued that she complied with uniform inspection requirements and was never found to have an unacceptable appearance. The main force of Johnson's argument was that the supervisor discriminated against her by not allowing for bone structure and weight distribution. She also challenged the arbitrary nature of UAL's weight policy because supervisors made exceptions for other flight attendants in the company. Johnsen did not question the company's right to regulate appearance, only the particulars of its application in her case. Nevertheless, the Board ruled in favor of Johnsen and ruled that the supervisor interpreted the weight chart too strictly. The Board found
that the "company's appearance rules . . . are reasonable and necessary, considering the nature of its business and the tastes and demands of its customers (especially the male ones)."

This case, argued in the late 1950s, is important because it reveals the pervasive view that the attractiveness of flight attendants was an acceptable and necessary element in determining employment in the airline industry. The strength of this belief is found not in its support by airlines, but in its acceptance by flight attendants and their unions. All of the parties involved agreed that the nature of the airline industry required pretty female flight attendants. The attitude of flight attendants began to change however, and the women became active in a struggle to end the objectification of their bodies by the airlines.

The debate over weight policies changed over the next decade, and both flight attendants and airlines benefitted from experience gained through other issues. By the late 1960s, flight attendants had achieved an increased consciousness of discrimination as a result of their struggles regarding age, marriage, and maternity rights, and they were ready to take on the weight issue. Attendants like Susan Johnsen had filed previous grievances, but by the early 1970s, flight attendants more forcefully challenged the weight standards and the discriminatory attitudes that were behind them. Airlines had also gained experience from their previous struggles with the Equal Employment Opportunity Commission (EEOC) and Title VII. They protected their right to regulate attendants' weight by solidifying the policy and removing the possibility of unfair application. Most airlines changed their weight policies by establishing more flexible maximum weights that allowed for different bone structure and precise heights, and by eliminating the
UAL began a new, less flexible, weight program in 1971 that established an "ideal" weight range and placed the maximum weight for each height at four pounds above that range. In reality, this policy did not change the maximum weights for any height except sixty-nine inches, but it appeared more uniform and rigid than the previous policy. For example, the maximum weight for a woman sixty-three inches tall was 121 pounds, and that of a woman sixty-eight inches tall was 140 pounds. Flight attendants now weighed in monthly; previously weigh-ins had occurred at the discretion of the supervisor. The new program established a high maximum weight according to company standards, and it no longer allowed individual exceptions. With the new policy, the airline established a disciplinary guide that outlined uniform disciplinary actions taken against overweight flight attendants. Flight attendants were expected to lose two pounds a week until the maximum weight was met. Clearly the company hoped to avoid confrontations such as the Johnson case by regulating the weight program. However, flight attendants continued to file grievances.

In a grievance filed by Jennifer King, the flight attendants articulated their concerns with the new program. The bargaining agent for UAL flight attendants at this time, ALPA S&S, claimed that the "weight/height chart [was] not unreasonable in itself, but . . . its application to individual girls which [was] unreasonable," and therefore it challenged the policy only in specific cases. Flight attendants wanted the company to reinstate the exceptions made in the past and argued that the new program did not allow for variations in age, bone structure, and medical problems.
UAL defended the program by asserting that the maximum weights for all heights remained the same except that of sixty-nine inches, which now had a maximum four pounds above the old one. In August 1971, UAL weighed 5,194 flight attendants, of which 151, less than three percent, were above their maximum weights. The company countered the complaint about previous exceptions by asserting that it granted thirty-two flight attendants exceptions before 1971, and only five of these women weighed in above the maximum weight in August. The Board decided that the new weight program was reasonable, but ordered UAL to create a centralized procedure for the processing of applications for exceptions to the maximum weights.

On August 7, 1972 American Airlines discharged Ellen Elson, a flight attendant with five years of experience, for being nine pounds over her maximum allowable weight of 125 pounds. Elson filed a complaint with the Illinois Fair Employment Practice Commission (FEPC), and charged American with sex discrimination. The hearing officer declared that American's weight program was "willful, unfounded, biased, capricious and discriminatory," and recommended that the Commission find American guilty of sex discrimination. Prior to March 1972, American used two separate weight programs, one applied to female flight attendants, the other to male flight attendants. The female program used weight charts, in which maximum weights were determined by height, similar to those used throughout the industry. The male chart allowed for fluctuation in maximum weights depending on bone structure, and provided different weights for small, medium, and large-framed men. In 1972, American amended its male chart to resemble the female one and created a single maximum weight for each height. However, it
continued to differ from that of the women's chart in that the maximum weight for men was based on a large frame, while the woman's was based on a small frame.\(^{21}\)

To officials at UAL, the Elson ruling did not indicate that an industry-wide change was about to occur. In an internal memo, UAL asserted that this case would not result in action against them because the history of American's weight programs differed from that of UAL.\(^{22}\) UAL claimed that it used the large frame as reference for both men and women and therefore the findings of the FEPC in the American case did not apply to UAL.

Airlines formulated their appearance standards based on social standards of beauty. During the 1960s, the image of women portrayed through advertising and popular culture increasingly glorified thinness. Overweight women, by the new thin standards, had only themselves to blame. The proliferation of weight loss programs reinforced this idea and set women up for dismal failure when the latest diet did not work. Naomi Wolf has linked the rise of the "beauty myth" with the increasing political and economic power of women in this era. Wolf postulates that because society could no longer control women within these more traditional arenas, a "mass neurosis was promoted that used food and weight to strip women of that sense of control."\(^{23}\) A new emphasis was placed on women's ability to control beauty, placing blame on those women who did not work hard enough to obtain it. Wolf discusses the effects of this beauty myth on women who worked, citing the "commercial sexualized mystique of the airline stewardess, the model, and the executive secretary."\(^{24}\)

Flight attendants experienced pressure because their jobs depended on maintaining a thin and youthful appearance. Testimony given by flight attendants at weight hearings

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revealed the embarrassment that many of these women felt at being publicly condemned for their appearance. It also revealed the tremendous pressure put on them by airline officials. UAL forced one flight attendant, charged with being twenty-seven pounds over her maximum, to seek psychiatric help in her effort to lose weight. Though the flight attendant made one visit to the psychiatrist, she was unable to lose weight and the official letter sent to her asserted that she had not "taken the proper steps or positive action to . . . comply with the Company's weight program." The flight attendant claimed that changes in family life cause the weight gain and she went on medication prescribed by her doctor to lose weight. After a year of struggling to lose weight and gain a sympathetic response from the airline, UAL terminated her on June 11, 1975.

Airlines felt that they provided flight attendants with adequate aid in maintaining weight standards. Many established appearance counselors who gave beauty advice and worked out weight loss programs with overweight attendants. Once enrolled in a program, the women were subjected to regular weight checks and bombarded with "encouragement" letters from airline personnel reminding them that their job depended on weight loss. The record of grievance hearings in weight cases paints a picture of airline weight counselors that is less flattering than the airlines would like to have believed.

Flight attendant Sandra Stevenson's struggle against UAL reveals the tortured attempts of flight attendants to lose weight and the less-than-helpful attitudes of company officials. UAL hired Stevenson in August 1968, and at the end of her probationary period she weighed 115 pounds. Her weight maximum was set at 118 pounds, which she exceeded by three and one half pounds in June 1970. Twice that year, she exceeded her
maximum by two to four pounds and each time she was "counseled by a supervisor," and reduced her weight to the maximum. In July 1971, while she was one pound over her maximum, Stevenson received a letter of warning from her supervisor. Another letter of warning was sent in January 1972. In June she weighed 121 pounds and requested a medical exception, which the company doctor granted on a temporary basis. In September, Stevenson's weight increased to 124 pounds and the airline suspended her without pay for ten days. She lost the excess weight, and remained at 118 pounds until June 1973, when she weighed-in at 126 pounds and was suspended for fifteen days. Stevenson requested a medical leave of absence (LOA) from November 1973 to February 1974 because she had used her sick leave and was under the care of a doctor for "spastic colon and endometriosis." Stevenson's private doctor recommended the LOA so that she could "resolve [her] anxiety problem associated with weight." In February, Stevenson weighed 125 pounds and went on vacation and unpaid leave. In May 1974, UAL terminated her.  

In a letter advising Stevenson of her termination, UAL asserted that it had "made a great effort to assist you in correcting your weight problem." It charged that the maximum weight requirement had become a psychological problem for Stevenson and created emotional distress. According to the company, the weight program and intense pressure placed on Stevenson had no relationship to her emotional problem, which instead rested with her own inability to conquer an obvious weight problem. It is important to note that Stevenson never exceeded 126 pounds. She obviously sought to reduce to her weight maximum and resorted to medical care to do so. Though there is no record, it may
be fair to assume that a variety of drugs, prescribed as diet pills, were used. The long term emotional and physical affects of this tortured attempt to lose weight is unrecorded, but one can imagine the embarrassment she felt at the public nature of this very private "problem."  

For most flight attendants who struggled with weight problems, the results of the emotional stress were unrecorded. The case of Cathryn Harper, however, reveals how devastating that stress could be. Harper's case presents an interesting twist on the usual nature of weight grievances. As a flight attendant for UAL, Harper was subject to the new weight system and received a letter of warning in 1971 for being five pounds over her maximum weight of 125 pounds. Apparently this early stage of discipline had the desired affect on Harper, because she immediately began an intensive diet program. By July 31, 1971, Harper weighed only 100 pounds. Her supervisor advised her to lose no more weight, but by September 16, 1971, she was down to eighty-six pounds.

UAL's early weight charts stipulated a maximum and a minimum weight for each height, but the program instituted in 1971 dropped minimum weights from the official handbook. Therefore Harper legally had no restrictions on the amount of weight that she lost. By October, Harper weighed only eighty pounds, and her supervisor ruled her appearance unacceptable and removed her from the schedule. UAL officials asserted that Harper "did not look good in uniform by our standard," and told her that if she reached ninety-eight pounds they would reinstated her. Though she reached this weight, she was unable to maintain it and was again removed from schedule. She filed a grievance claiming that UAL had no right to make arbitrary rulings about her appearance.
UAL argued that it had the right to monitor appearance regardless of the regulations of the weight program. In a statement that could have overturned the entire concept of a weight standard, UAL officials claimed that they suspended Harper because "her appearance at that weight level was unsatisfactory .... not because [she] weighed eighty pounds." Harper argued that the strong emphasis on losing weight and remaining thin encouraged flight attendants to lose weight without limit and cited examples from airline publications that strongly relayed this message to flight attendants. Harper was not the only woman to take this message to heart and to extremes.29

Domicile newsletters, published for flight attendants in particular airports, announced the new weight program in 1971, using phrases such as "minimum weights are gone. You can now be 5'9" and weigh eighty-nine pounds." At Harper's grievance hearing, several other exceedingly thin women testified, and these women had gained nothing but compliments from UAL for their weight. One flight attendant testified that she was five foot seven inches tall and had dropped as low as ninety-eight pounds. Supervisors praised her for her ability to stay so thin. Testimony such as this attempted to prove that the treatment of Harper was discriminatory and that her weight loss was a direct result of company encouragement. Harper lost her case, and the existing records do not reveal whether or not she conquered her weight problems and returned to work.30

Though not every flight attendant had weight problems, those who did experienced severe mental and physical pressure to conform to the airlines' view of the ideal woman. Some resorted to continual dieting to maintain a weight just below their maximum, and though they were generally successful, they faced the self-doubt and embarrassment of
constant concern over weight. As Harper's case reveals, some women put their bodies in physical danger to maintain the image airlines constructed around them. Airlines depended on the enforcement of the "beauty myth," to utilize the bodies of flight attendants for advertising and competition purposes. The airline industry's ability to do this continued long after legal mechanisms theoretically ended sex discrimination in the airline industry. Appearance standards, such as weight regulation, escaped the rigor of anti-discrimination policies because courts accepted it as a BFOQ defense.

UAL flight attendants attempted, like the American attendants, to weaken weight regulations using sex discrimination legislation by proving a case of clear sex-bias in weight policy. UAL began hiring Hawaiian men in 1949 to add "atmosphere" to its flights between Hawaii and the mainland. The typical Hawaiian man was large and did not have to follow a company established weight standard. In 1972, sensing charges of unfair discrimination, UAL instituted a weight policy for its male flight attendants. Though it was far more flexible in granting exceptions, and virtually never enforced, the policy outraged the men, who claimed that the company hired them as Hawaiians and now expected them to look like "thin-hipped Norwegian[s]." In an ironic twist, the company had unwittingly provided its female flight attendants with new support. Many of the men became outspoken opponents of UAL's right to create weight charts, though they failed to recognize that the company had always expected female flight attendants to adhere to unreasonable and often impossible appearance standards.

In 1973, ALPA S&S, capitalizing on the sex-bias inherent in the Hawaiian men's weight policy, filed a case charging UAL with sex discrimination in New York district
court. The ruling was mixed, providing both an immediate victory and a long term defeat for flight attendants. After six years, the court ruled on June 12, 1979 that UAL discriminated against female flight attendants in the application and enforcement of its weight program. The court ordered UAL to reinstate with back pay all flight attendants terminated because of excessive weight since March 24, 1972. Additionally UAL had to purge personnel files of disciplinary actions taken over weight issues and restructure its weight program to avoid further discrimination.32

The defeat came in the court's decision that weight standards did not inherently violate Title VII and therefore the case provided no overarching precedent to change weight standards in the airline industry. The court also ruled that though UAL discriminated in favor of its male flight attendants, "special circumstances" justified this and it did not violate Title VII.33 This decision created a "special circumstances" defense that employers used to show that in some cases discrimination against women was unavoidable.

Flight attendants for other airlines were not even as lucky as those of UAL. In 1978, Continental Airlines won a suit brought by its flight attendants charging sex discrimination in weight issues. U.S. District Court Judge Jesse W. Curtis ruled that "it is now well established that federal sex discrimination laws do not forbid employers to set appearance standards . . . these are the kinds of choices which allow some businesses to succeed while others fail."34

Flight attendants were not the only working women who challenged an employer's right to regulate women's appearance at this time. In 1972, the New York State Human
Rights Appeals Board ruled in *St. Cross v. Playboy Club of New York* that beauty was a bona fide occupational qualification for some employment. St. Cross, a Playboy bunny, was fired for losing her "Bunny Image." The Appeals Board felt that the employer had the right to determine the standard of beauty for the workplace, and terminate an employee if she no longer met this standard. This highly publicized case reflected the situation of the flight attendants and reflected the problems faced by working women in particular occupations. A beauty standard like the one mandated for women in the St. Cross case has never been legally approved for male workers in any occupation. Consequently, the court validated the rights of employers to exploit women workers and reflected the social opinion that women may be viewed as sexual objects.

Coming less than a decade after the stunning victories courts gave flight attendants in the late 1960s, these rulings reflected the evolving social attitude toward discrimination. After almost twenty years of tumultuous social change, conservative forces were on the rise throughout government, and agencies important in the fight against sex discrimination, such as the EEOC, were affected. Flight attendants depended on support from the EEOC and the justice system, but it was the unions that provided the financial and legal impetus to fight discriminatory policies. By the late 1970s, one of the major flight attendant unions, ALPA S&S, was experiencing internal dissent and it became less of a force for social change.

Many issues, such as marriage, age, and maternity had been resolved and remained solid victories for flight attendants. Weight regulation, unfortunately, slipped through the cracks and remained one of the few arenas in which airlines continued to control the image.
of flight attendants. The unique nature of weight issues is not only apparent in its legal outcome. Most flight attendants felt strongly that marriage bans, age limits, and maternity restrictions unjustly limited their careers as flight attendants. Weight regulation, however, did not pose itself as a problem for many flight attendants, who never experienced trouble maintaining weight standards. For those that did, guilt, depression, and self-blame often accompanied any attempts to challenge the airlines. The maintenance of appearance, in its manifestation as a weight regulation, as a BFOQ in the airline industry thwarted the movement toward gender equity. Airlines continued to value women based on physical attributes, creating a different scale by which male and female flight attendants were hired and evaluated.
Notes


2. Ibid.


9. Ibid., 4007.

10. Ibid., 4007.

11. Ibid., 4008.

12. Ibid., 4009.

13. Names of the flight attendants mentioned in the weight section have been changed to protect their identities. System Board of Adjustment United Airlines, Inc. and Airline Steward and Stewardesses Association, International. Grievance No. 58-6, 1958. AFA Chicago Field Office collection, box 2, accession date 2-11-86, WSUA.


15. Ibid.

16. UAL Weight Chart attached to memo dated May 1974. AFA Chicago Field Office collection, box 1, accession date 2-11-86, WSUA.

17. Opinion and decision of System Board of Adjustment in matter of All Line Pilots Association, Steward and Stewardess Division and United Air Lines, Inc. AFA Chicago Field Office collection, box 2, accession date 2-11-86, WSUA.

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18. Ibid., 3.
19. Ibid., 4.
20. United Air Lines memo from Brien Fennell, dated May 1974. AFA Chicago Field Office collection, box 1, accession date 2-11-86, WSUA.
21. Ibid.
22. Ibid.
24. Ibid., 11.
26. Information and quote for this case was taken from UAL letter of termination, April 29, 1974, AFA Chicago Field Office collection, box 1, accession date 2-11-86, WSUA.
27. Ibid.
28. Information on this case was taken from "Opinion of the Referee," UAL weight case, AFA Chicago Field Office collection, box 3, accession date 2-11-86, WSUA.
29. Ibid.
30. Ibid.
32. Ibid., 100.
33. Ibid., 100.
34. Ibid., 100.
35. Wolf, 32-33.
CHAPTER 5

CONCLUSION

The feminization of the flight attendant occupation created new opportunities for women in the labor market, but airlines defined the job in such a way that its status was minimized and prevailing notions about sex roles were reinforced. Viewed as a temporary position for young, middle-class women, airlines created restrictive policies designed to maintain a specific image of flight attendants. The situation of American flight attendants reveals the ways in which gender and sexuality have impacted the role of women in society. Because society, and specifically the airline industry, felt comfortable defining women based on physical attributes and sexual allure, flight attendants became an exploitable labor force that provided airlines with maximum profits. Within twenty years, an image of sexual allure was firmly established around flight attendants, and airlines created series of policies, including marriage bans, age ceilings, weight regulation, and later restrictions against pregnancy, to support it.

Chapter Two of this thesis describes the entrance of women into the airline industry and the far-reaching impact of their presence. It details the creation of the image surrounding flight attendants and the economic importance that airlines placed on that image. Airlines constructed the image around prevailing notions of femininity, which in
the 1930s, dictated a care giving role for flight attendants. Over the three decades society’s view of women changed, and by the 1960s, the image of flight attendants was more overtly sexual. Airlines promoted the image of sexual availability through advertisements that directly alluded to sexuality. The hiring and training policies of airlines insured that only pretty, young, thin women became flight attendants. The uniforms and personal appearance of flight attendants were strictly regulated and some airlines employed appearance counselors to help flight attendants who had an appearance “problem,” such as excess weight.

Flight attendants increasingly became aware that the fixation on physical appearance and the policies created to maintain the image around them constituted sex discrimination. Chapter Two also discusses the mechanisms through which flight attendants challenged the airlines on issues of sex discrimination. Flight attendants unionized after World War II, and unions provided the first recourse in the effort to end sex discrimination in the airline industry. However, unions were not successful in negotiating contract agreements that excluded discriminatory policies, and grievance hearings, even when successful, impacted only specific flight attendants. Flight attendants and their unions quickly turned to the new anti-discrimination legislation enacted during the 1960s. Title VII of the Civil Rights Act of 1964 provided the theoretical challenge to sex discrimination in the airline industry. It banned sex discrimination in employment, but flight attendants were faced with the formidable task of proving that airline policies constituted sex discrimination.

Title VII created the EEOC to handle charges of discrimination, and flight
attendants promptly filed complaints with this agency. Despite internal dissent, the EEOC ultimately ruled that marriage bans and age ceilings were unfair employment practices based on gender, a victory for flight attendants. It was a hollow victory however, because the EEOC had no binding power over companies or courts, and the airline industry chose to ignore its rulings. This pushed flight attendants toward the final mechanism for change, the justice system. Unions, with the support of the EEOC, filed suits against airlines regarding the discriminatory policies. Judges in early cases generally ruled in favor of the airlines, disregarding sex as a legitimate category of Title VII and the flight attendants arguments concerning the discrimination inherent in the airlines' policies. Judges in later cases were more likely to follow the guidelines of the EEOC, as a result of its increasing recognition as the authority on issues of discrimination, and rule in favor of the flight attendants.

One of the most important defense strategies of the airlines was to invoke the BFOQ clause of Title VII. This clause allowed employers to engage in what appeared to be discriminatory behavior if the policy was necessary for the economic survival of the company. It did not apply to issues of race discrimination, but it did to sex, and airlines quickly realized that the effects of Title VII would be eliminated if the EEOC and judges accepted their argument that appearance and marital state of flight attendants had to be regulated to insure the survival of the airlines. Ultimately, airlines were unsuccessful in using this clause in all areas except the weight issue.

Chapter Three of this thesis analyzes airlines' policies concerning marriage and maternity. Marriage bans restricted flight attendants from working after marriage, and
held a unique position in the dynamics of women's labor in the last half of the twentieth century. Airlines were in fact behind the times by maintaining marriage bans, because the bans in most industries were lifted during and just after World War II. Nevertheless, airlines maintained policy bans on marriage so that the image of flight attendants as young and flirtatious could survive. Airlines paid a price for the ban because turnover rates among flight attendants was high, and new employees meant additional training costs. This was an acceptable trade off for the airlines, however, and they strongly fought the flight attendants' challenge to the policy.

The marriage ban was the first issue around which flight attendants organized and attacked. The efforts to end the ban included all of the mechanisms discussed above, and provided the flight attendants with the experience necessary for challenging other discriminatory policies. The struggle against marriage bans probably came first because it appealed to more flight attendants than any previous issue had, and it seemed clear that the policy was based on gender discrimination. Airlines could not base their defense of the marriage ban on any medical condition, as they attempted to do with the age and maternity issues, and flight attendants knew that their marital situation did not affect their ability to perform their duties as members of the flight crew. The marriage issue was crucial to fighting all of the discriminatory policies because if flight attendants had lost, success in the other arenas would have been unlikely.

The EEOC debated the meaning of sex discrimination, and the application of the provisions of Title VII to the flight attendant situation, in hearings on marriage bans. It was a major victory when, in 1965, the EEOC ruled that marriage bans did constitute sex
discrimination. The actual effects of this ruling were nullified when the ATA challenged it on technicalities and a federal judge issued an injunction against it, but the success lay in the fact that the EEOC recognized that airlines discriminated against flight attendants. In 1968, the EEOC released an opinion in the case of *Dodd v. American Airlines, Inc.*, which officially defined marriage bans as sex discrimination, and established the guidelines that employers were supposed to follow. Two years later, flight attendants achieved final victory over marriage bans when a district court judge ruled against the airline in *Sprogis v. United Air Lines, Inc.* After this ruling all airlines removed marriage bans and reinstated flight attendants that had been terminated, retroactive for several years, over the issue.

Immediately following the victory eliminating marriage bans, flight attendants challenged the airlines' right to terminate or place them on an unpaid leave of absence due to pregnancy. Airlines enacted this policy because they could not maintain the sexualized image of flight attendants if pregnancy was possible, and in this issue airlines had a medical defense that they did not have in the marital struggle. The medical profession could not agree on the safety, to mother, fetus, and passengers, of allowing pregnant flight attendants to fly. Most flight attendants argued, some based on personal experience, that pregnant women could continue working through most of the second trimester. From the airlines perspective however, economic issues demanded the immediate grounding of pregnant flight attendants. Not only did this policy allow airlines to maintain the desired image of flight attendants, during the unpaid leave of absence a flight attendant lost all benefits, and airlines did not have to pay the medical expenses involved in pregnancy and
childbirth. Though they achieved little initial success, flight attendants continued to challenge the airlines on this issue, and finally in 1978 the Pregnancy Discrimination Act was signed. Flight attendants gained the right to work at least through the twentieth week, and more importantly, to receive medical and leave benefits during pregnancy leave.

Chapter Four examines the two policies that most directly linked sex discrimination in the airline industry to image construction. The first, age ceilings, reflected a desire to present flight attendants as young and vital. Age ceilings were not an official policy in the first two decades of the occupation, because relatively few flight attendants had the physical strength to endure many years of flying in the days before jets were introduced, and those that did faced termination upon marriage anyway. By the mid-1950s age ceilings were firmly in place. The policy applied only to those flight attendants hired after 1953, so it was not until the mid-1960s that the policy became a problem for many women. A few of the older flight attendants, politically active and hired before the ceiling was enacted, urged their younger colleagues to view the policy as discriminatory, but with little success until the late 1960s.

Flight attendants asserted that though this issue specifically dealt with age discrimination, a category not covered by Title VII, the policy was actually based on sex discrimination. Airlines, the flight attendants contended, cared little about how old they were, but a great deal about appearance and sexual appeal. Airlines believed that women could not maintain an attractive appearance after their early thirties, and therefore age ceilings were designed as a method of appearance regulation. This rationale for age ceilings enabled flight attendants to define it as sex discrimination, and ultimately the
EEOC and federal courts agreed. A second policy that directly regulated the appearance of flight attendants was weight limit. Airlines developed weight charts and expected flight attendants to remain exceedingly thin, based on the premise that only thin women were attractive.

Flight attendants challenged weight regulations after gaining an awareness of sex discrimination through the marriage and age battles. They attacked appearance criteria for moral implications and the inconvenience the policies created. The marriage and age issues certainly contained elements of gender consciousness, but the initial impetus for fighting the policies was the unfair economic hardship that they created for flight attendants. Despite the increased awareness in the weight battle, and the victories achieved concerning marriage, age, and pregnancy bans, flight attendants were unable to end weight regulations. Though the reasons for this are unclear, several possible factors may have merged to close the window on fifteen years of success for flight attendants. First, fewer flight attendants had problems complying with the weight regulation than were affected by marriage, age, and maternity bans. Second, women were strongly socialized to belittle themselves for weight problems, and to strive for an often impossible ideal weight. These two factors led fewer flight attendants to openly challenge the airlines on this issue. A third factor was the increasingly conservative mood of the late 1970s. Judges were less likely to regulate the ability of business to create standards for employees. Airlines benefitted by asserting, as they had all along, that the appearance criteria for flight attendants was a necessary element of marketing and economic survival. The BFOQ defense, which airline used unsuccessfully in the other examples, was accepted.
in the weight issue, and this made the provisions of Title VII inapplicable.

Before the second wave of the women's movement erupted, flight attendants realized that airlines created policies designed to limit their job opportunities and to utilize appearance for economic gain. Though they did not initially define it as sex discrimination, flight attendants began to agitate for change, searching for the legal support necessary to force airlines to modify these policies. Title VII of the Civil Rights Act provided the legal language to identify the airlines' actions as illegal discrimination based on sex. Flight attendants quickly latched onto this development and forced a reluctant EEOC to acknowledge the discrimination inherent in the airline industry. With the support of unions, the EEOC, and ultimately the courts, flight attendants changed the dynamics of their occupation, and provided an example for female workers. They also challenged fundamental views about women by asserting that women should not be defined or evaluated based on appearance and sexual imagery. Though they did not achieve complete success, flight attendants went a long way down the path toward sex equity.
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