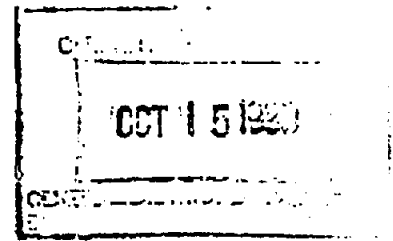


1 Karen H. Baker
2 Assistant General Counsel
3 Equal Employment Opportunity
4 Commission
5 1801 L Street, N.W.
6 Washington, D.C. 20507
7 (202) 663-4770



5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE
7 CENTRAL DISTRICT OF CALIFORNIA

8 EQUAL EMPLOYMENT OPPORTUNITY)
9 COMMISSION,)

10 Plaintiff,)

11 v.)

12 LOCKHEED CORPORATION,)
13 Defendant.)

C.V. NO. 90-5253 TJH (Gx)

DECLARATION OF ELAINE ✓
BLOOMFIELD ✓

For hearing: October 22, 1990
3:30 p.m.

14 1. I am Elaine Bloomfield, a Senior Trial Attorney with
15 the Equal Employment Opportunity Commission, Office of General
16 Counsel, Systemic Litigation Services. My business address is
17 1801 L Street, N.W., Washington, D.C. 20507.

18 2. I was involved in the litigation in EEOC v. The Boeing
19 Company, Civil Action No. C84-197R (W.D. Wash.) and appeared at
20 the deposition of Dr. Homer L. Reighard on August 17 and 18,
21 1989. Attached are copies of pages from that deposition.

22 3. Homer L. Reighard, M.D. was designated by Boeing as an
23 expert witness in EEOC v. The Boeing Company. Dr. Reighard
24 served for many years with the Federal Aviation Administration.
25 He was Chief of the Medical Standards Branch, Medical Division,
26 CAA from 1956-1959 and Chief of the Medical Standards Division,
27

1 Aviation Medical Service, FAA from 1959-1962. Later in his
2 career with the FAA, he was the Federal Air Surgeon, FAA, from
3 March 1975 to September 1984. See Attachment 1 to this
4 Declaration at page 5.

5 4. Pages 142-144 of that deposition, including Exhibit 5
6 thereto, and page 443 are submitted to demonstrate that Dr.
7 Reighard relied on and continues to rely on vintage research to
8 support his position that the FAA's adoption of an age limitation
9 for air carrier pilots in 1959 was based on sound medical
10 principles. See Attachment 2, pp. 6-12. Exhibit 5 is a
11 listing, produced by Dr. Reighard, of the research documents on
12 which he relied for his determination that age 60 was the
13 appropriate age limit for air carrier pilots.

14 5. A review of the years of publication of the 41 studies
15 listed in Exhibit 5 reveal that about 40% of the articles predate
16 World War II, 30% are from the 1940's and only 30% were published
17 in the 1950's. See Attachment 3 at p. 13.

18 6. Of the articles listed in Exhibit 5, over half concern
19 readily testable physiological aspects of human development, such
20 as speech, hearing and vision. About 20% are about accidents and
21 injuries, while 17% concern mental abilities. See Attachment 3
22 at p. 13.

23 7. Several of the eight articles about accidents conclude
24 that with age and experience, fewer accidents result. See
25 Attachment 4 at pp. 14-28.

26 8. Several of the eight articles about accidents concern
27
28

1 selected age populations which are either much younger or much
2 older than age 60. See Attachment 5 at 29-41. Of the seven
3 articles dealing with age and mental abilities, three involved
4 populations in their 70's and 80's and one studied persons below
5 age 50. See Attachments 6 at pp. 42-57. *only 3 in this age gp.*


6 9. On pages 31-34 and 283-288, Dr. Reighard states that the
7 FAA has no age restriction for its own pilots who fly test
8 flights and large jet transports. See Attachment 9 at pp. 69-78.

9 10. On pages 215-218 and 224-227 of his deposition, Dr.
10 Reighard refers to the "Goddard Commission" report issued in
11 1979. Dr. Goddard was the Civil Air Surgeon at the time of the
12 adoption of the FAA's age limitation and Dr. Reighard's immediate
13 supervisor. Dr. Reighard urged the FAA to perform this study
14 because Congress began hearings on the age limitation rule. Dr.
15 Reighard selected Dr. Goddard knowing that Dr. Goddard had been
16 continuously supportive of the adoption of the FAA's age
17 limitation since 1959. The Administrator of the FAA later
18 challenged Dr. Reighard's selection of Dr. Goddard as having been
19 inappropriate. See Attachment 7, pp. 58-65.

20 11. At pages 381-382 and 387 of his deposition, Dr.
21 Reighard acknowledges that the FAA performs cognitive testing on
22 recovering alcoholics who are seeking a return to flight status
23 and notes that in some situations, subtle decrements can occur
24 which can be determined by testing. He also explained that when
25 the FAA issues a special license to a pilot who has been
26 grounded, it makes the finding that the pilot's level of

1 functioning is sufficient, although some degree of deficiency may
2 remain. See Attachment 8, pp. 66-68.

3 I declare, under penalty of perjury, that the foregoing
4 statements are true and correct. Executed this 12th day of
5 October 1990.

6
7 
8 ELAINE BLOOMFIELD
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28