Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

GENERAL DYNAMICS LAND SYSTEMS, INC. *v.* CLINE ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 02–1080. Argued November 12, 2003—Decided February 24, 2004

A collective-bargaining agreement between petitioner company and a union eliminated the company's obligation to provide health benefits to subsequently retired employees, except as to then-current workers at least 50 years old. Respondent employees (collectively, Cline)—who were then at least 40 and thus protected by the Age Discrimination in Employment Act of 1967 (ADEA), but under 50 and so without promise of the benefits—claimed before the Equal Employment Opportunity Commission (EEOC) that the agreement violated the ADEA because it "discriminate[d against them] . . . because of [their] age," 29 U. S. C. §623(a)(1). The EEOC agreed, and invited the company and the union to settle informally with Cline. When they failed, Cline brought this action under the ADEA and state law. The District Court dismissed, calling the federal claim one of "reverse age discrimination" upon which no court had ever granted relief under the ADEA, and relying on a Seventh Circuit decision holding that the ADEA does not protect younger workers *against* older workers. The Sixth Circuit reversed, reasoning that §623(a)(1)'s prohibition of discrimination is so clear on its face that if Congress had meant to limit its coverage to protect only the older worker against the younger, it would have said so. The court acknowledged that its ruling conflicted with earlier cases, but criticized those decisions for paying too much attention to the general language of Congress's ADEA findings. The court also drew support from the EEOC's position in an interpretive regulation.

Held: The ADEA's text, structure, purpose, history, and relationship to other federal statutes show that the statute does not mean to stop an employer from favoring an older employee over a younger one. Pp. 3–

17.

1. The ADEA's prohibition covers "discriminat[ion] . . . because of [an] individual's age" that helps the younger by hurting the older. In the abstract, that phrase is open to the broader construction that it also prohibits favor for the old over the young, since §623(a)(1)'s reference to "age" carries no express modifier, and the word could be read to look two ways. This more expansive possible understanding does not, however, square with the natural reading of the whole provision prohibiting discrimination. In fact Congress's interpretive clues speak almost unanimously to an understanding of discrimination as directed against workers who are older than the ones getting treated better. The ADEA's prefatory finding and purpose provisions and their legislative history make a case to this effect that is beyond reasonable doubt. Nor is it remarkable that the record is devoid of any evidence that younger workers were suffering at their elders' expense, let alone that a social problem required a federal statute to place a younger worker in parity with an older one. The ADEA's restriction of the protected class to those 40 and above confirms this interpretation. If Congress had been worrying about protecting the younger against the older, it would not likely have ignored everyone under 40. The federal case reports are as replete with decisions taking this position as they are nearly devoid of decisions like the one under review. While none of this Court's cases directly addresses the question presented here, all of them show the Court's consistent understanding that the text, structure, and history point to the ADEA as a remedy for unfair preference based on relative youth, leaving complaints of the relatively young outside the statutory concern. See, *e.g., Hazen Paper Co.* v. *Biggins,* 507 U. S. 604, 610. The very strength of this consensus is enough to rule out any serious claim of ambiguity, and congressional silence after years of judicial interpretation supports adherence to that view. Pp. 3–11.

2. This Court rejects the three rejoinders proffered by Cline and *amicus* EEOC in favor of their view that the statutory age discrimination prohibition works both ways. Pp. 11–18.

(a) The argument that, because other instances of "age" in the ADEA are not limited to old age, §623(a)(1)'s "discriminat[ion] . . . because of [an] individual's age" phrase means treatment that would not have occurred if the individual's span of years had been either longer or shorter, rests on two mistakes. First, it erroneously assumes that the word "age" has the same meaning wherever the ADEA uses it. The presumption that identical words in different parts of the same Act are intended to have the same meaning, see, *e.g., Atlantic Cleaners & Dyers, Inc.* v. *United States,* 286 U. S. 427, 433, is not rigid and readily yields where, as here, there is such variation in the

connection in which the words are used as reasonably to warrant the conclusion that they were employed in different parts of the Act with different intent, *e.g., ibid.* Second, the argument for uniform usage ignores the cardinal rule that statutory language must be read in context since a phrase gathers meaning from the words around it. *E.g., Jones* v. *United States,* 527 U. S. 373, 389. Social history emphatically reveals an understanding of age discrimination as aimed against the old, and the statutory reference to age discrimination in this idiomatic sense is confirmed by legislative history. For the very reason that reference to context shows that "age" means "old age" when teamed with "discrimination," §623(f)'s provision of an affirmative defense when age is a bona fide occupational qualification readily shows that "age" as a qualification means comparative youth. As context shows that "age" means one thing in §623(a)(1) and another in §623(f), so it also demonstrates that the presumption of uniformity cannot sensibly operate here. Pp. 12–15.

(b) Cline's and the EEOC's second argument—that their view is supported by a colloquy on the Senate floor involving an ADEA sponsor—has more substance than the first, but is still not enough to unsettle this Court's holding. Senator Yarborough's view is the only item in all the ADEA hearings, reports, and debates that goes against the grain of the common understanding of age discrimination. Even from a sponsor, a single outlying statement cannot stand against a tide of context and history, not to mention 30 years of judicial interpretation producing no apparent legislative qualms. Pp. 15–17.

(c) Finally, the argument that the Court owes deference to the EEOC's contrary reading falls short because the EEOC is clearly wrong. Even for an agency able to claim all the authority possible under *Chevron U. S. A. Inc.* v. *Natural Resources Defense Council, Inc.,* 467 U. S. 837, deference to its statutory interpretation is called for only when the devices of judicial construction have been tried and found to yield no clear sense of congressional intent, *e.g., INS* v. *Cardoza-Fonseca,* 480 U. S. 421, 446. Here, regular interpretive method leaves no serious question. The word "age" takes on a definite meaning from being in the phrase "discriminat[ion] . . . because of such individual's age," occurring as that phrase does in a statute structured and manifestly intended to protect the older from arbitrary favor for the younger. Pp. 17–18.

296 F. 3d 466, reversed.

SOUTER, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and STEVENS, O'CONNOR, GINSBURG, and BREYER, JJ., joined. SCALIA, J., filed a dissenting opinion. THOMAS, J., filed a dissenting opinion, in which KENNEDY, J., joined.