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There is just enough to this to warrant investigation and serious study of the operations of the Equal Employment Opportunities Commission and the Office of Federal Contract Compliance. On the face of it these agencies have adopted the sociological doctrine that centuries of bad treatment entitle the black to restitution in the form of preferential treatment.

This case hasn't been conclusively proved. But there is no doubt on the part of businessmen and contractors doing business with the federal government of the effect of executive orders and administrative decisions requiring them to initiate equal employment programs.

The effect, it is argued, is to impose quotas of black employment contrary to the intent of the Civil Rights Act and at the risk of denying to whites their equal opportunity for jobs because they are white. Beyond that the regulations imposed on contractors are so vaguely stated and the EEOC and the OFCC are so hard to satisfy that many companies which actually do not discriminate and are not accused of discriminating have difficulty meeting federal requirements to come up with affirmative job recruiting programs for Negroes.

What this all involves is the unresolved question, present also in the matter of school integration, of enforced integration. All the Supreme Court has said is that there shall be no racial segregation in public schools and public facilities. The court did not declare in the key school case that plans must be undertaken to integrate the schools; it declared that plans must be undertaken to end segregation.

The administrative actions on guidelines for integration, busing of students, Negro job quotas are all extensions of the basic constitutional doctrine and are of questionable validity.

Business interests claim that what the two enforcement agencies are doing is in fact expressly forbidden by Title III, section 703(J) of the Civil Rights Act of 1964. Nothing could read more clearly than the language of this section. It expressly prohibits the granting of preferential treatment to any individual or any group because of race, color, religion, sex or national origin to correct any imbalances on these accounts in the work force.

The enforcers get around this provision by insisting that employers be "creative" and work up "affirmative action programs." Recent hearings conducted by Sen. Edward M. Kennedy with an entirely different purpose in mind demonstrated that employers had to prove to the federal enforcers that they were giving preferential treatment on the basis of race, although the federal agencies denied this.

The enforcers until recently entirely ignored the fact that union practices tie the hands of employers in working out Negro job recruitment. The whole blame was laid on the employer and he was denied contracts even though it was found there was no discrimination on his part.

As the Civil Rights Act is being administered in this respect, it could better be titled the Negro preference act. Now a new bill introduced by Senators Hart, Kennedy, Javits, Brooke, Scott and others would give the enforcement agencies new powers, including the rights of subpoena, cease and desist orders, and the basis for obtaining an injunction as a result of a preliminary investigation.

It can be argued that this is necessary in the case of companies deliberately attempting to frustrate the congressional purpose of ending discrimination in employment. But it goes very hard on those companies which do not discriminate, but cannot fulfill the vague federal requirements of a "creative program" which in effect sets up quotas to correct racial imbalance.

The problem here is one of equal justice for the white as well as the black worker. If Congress desires to give preference to Negroes to correct injustices of the past it should be up to Congress to do it and not left to zealous administrators with their own concepts of racial justice.

The whole area between non-discrimination and enforced integration needs to be more clearly defined by the courts before present practices become entrenched beyond redemption. This applies to the schools as well.

## NATIONWIDE AIRPORT-AIRWAYS SYSTEM

Mr. CANNON. Mr. President, on June 17, only a few days from now, the Subcommittee on Aviation of the Committee on Commerce will open hearings on the requirements of a nationwide airport-airways system.

There is no question of the need. Airport traffic, both in the air and on the ground, has outrun our most optimistic estimates.

In 1968 the subcommittee held hearings on this subject, and a bill was reported to the floor by the Commerce Committee. This was S. 3641, introduced by former Senator Mike Monroney. It was entitled "The Airport and Airways Development Act of 1968." The Senate did not act.

On the first of this month the FAA high density airports regulation went into effect. The airports covered are Kennedy, LaGuardia, Newark, O'Hare, and National. Under the regulation, these airports give to the scheduled airlines and scheduled taxi air carriers exclusive and priority use.

The scheduled operators made their schedules comply with the allocations given them by the FAA some time ago, so their reservations are for all practical purposes already made.

All other aviation categories have a more complicated problem. The FAA Airports Reservation Office located in Washington, D.C., has direct lines from the five airports covered by the regulation. A pilot must phone and ask permission to use one of the five airports. FAA will try hard to accommodate him, I am sure; but with the dense traffic at these affected airports, they may not be able to grant the request.

If the pilot is not at one of these five airports, he must contact the nearest flight service station, which puts his request on teletype to the Airports Reservation Office. The answer follows the same route in reverse. This procedure is under instrument flight rules.

If flying under visual flight rules, contact must be made with a flight service station which will either let the pilot go ahead, or give him an alternative airport.

This procedure is labeled "temporary"; but I am afraid it will be permanent at least until we improve the system, which will take both time and money.

Because of the urgency of this problem, the Aviation Subcommittee will start hearings on June 17. There have been rumors in the Aviation Press, and some speeches that hint of proposals to come by various officers in the executive branch of our Government. But there is no word nor plan from the responsible agencies.

Each week some official will tell me the suggested bill will be up "this week," but the weeks go by, and nothing happens.

This administration has been in office for more than 4 months. I realize that this is not an excessively long time, but with all of the powers at the disposal of the executive department and with the great amount of study that has already been made on other aviation problems that do not affect the passenger or the pilot, I believe there has been time enough to allow the administration to come to grips with the very obvious—with the general problems of aviation in the United States today. Certainly, the scores of high-salaried officials at the disposal of the executive department should at long last agree on what they believe is best for aviation. I hope that the period of agreement will not be much longer in coming.

The committee will go ahead with its own legislation, but we need the plan that will have the support of the White House, the Bureau of the Budget, and the Department of Transportation.

We may not follow it, but we need to study it, and we must have that opportunity soon.

## HEADSTART CHILD DEVELOPMENT ACT OF 1969

Mr. MONDALE. Mr. President, on May 5 I introduced, with the cosponsorship of 23 other Senators, the Headstart Child Development Act of 1969. The bill is designed to bring needed nutritional, educational, and health services to poor children in the early years of life. It seeks to offer an equal start to children of the poor who, because of inadequate nutrition and health care before birth and in the early years and because they often did not receive intellectual stimulation during the first few years of life, enter grade school with lowered IQ's, which may not be correctable in later life.

Programs authorized by the Headstart Child Development Act of 1969 would:

Be offered on a voluntary basis to preschool children from poverty areas, beginning at age 3 or below.

Be available to middle-class children on a tuition basis.

Include health care, nutritional, and educational assistance both in the home and at child development centers.

Reach 1 million children in fiscal 1970; 1.7 in 1971; 3.1 million in 1973; and 4 million in 1974, with authorizations beginning at $1.2 billion in 1970 rising to $5 billion in fiscal 1974.

The initial reactions to the bill have been quite favorable. I was encouraged, for example, to receive a letter recently indicating that the board of directors of the Child Welfare League of America, Inc., has voted to support this piece of legislation. I ask unanimous consent that the letter, from Miss Jean Rubin, consultant on public affairs, Child Welfare League of America, Inc., be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHILD WELFARE LEAGUE
OF AMERICA, INC.,
*New York, N.Y., May 22, 1969.*

Hon. WALTER F. MONDALE.
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR MONDALE: We were pleased to learn of your Headstart Child Development Bill, S. 2060. We thought that you might like to know that the Board of Directors of the Child Welfare League of America, at the Spring Board Meeting last week, voted to support this measure. The Board noted the comprehensive nature of the proposed programs and authorization for much needed funds to create the necessary facilities.

The League has long stressed the need for legislation which would provide Federal matching funds for comprehensive child welfare services in the states. Your bill would be a major step toward providing more adequate services for preschool children and their families in low income areas. We hope that more adequate services will also be provided for all children in need of child welfare services regardless of their age or income status, and that you will also support such measures.

We appreciate your past and current concern for children, and hope you will let us know whenever the League may be of assistance to you as you consider programs and services to help children and their families.

Sincerely yours,

JEAN RUBIN,
*Consultant on Public Affairs.*

## U.S. DRAFT TREATY ON NUCLEAR ARMS CONTROL ON THE OCEAN FLOOR

Mr. MATHIAS. Mr. President, it was my privilege to be seated with the U.S. delegation to the Geneva disarmament talks on Thursday, May 22, when Ambassador Adrian S. Fisher presented the U.S. draft treaty on arms control for the seabed.

Ambassador Fisher's statement to the conference that day was a cogent presentation of the American position and included an outline of the draft treaty. Because of the great importance of this topic, I ask unanimous consent to have the text of Ambassador Fisher's address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

STATEMENT MADE BY AMBASSADOR ADRIAN S. FISHER AT THE 414TH PLENARY MEETING, THURSDAY, MAY 22, 1969

The idea of an arms control agreement for the seabed is basically responsive to a technological fact of life: the fact that the environment of the seabed is becoming increasingly accessible to men. At the same time, it may be said that if we succeed in arriving at an arms control agreement for the seabed, we will have added one more important element in the larger picture of international restraints on armaments which has been taking form.

Viewed as one more step in that all-important process, a seabed agreement appears as the logical follow-on to the treaties on Antarctica and Outer Space; and indeed it would be analogous in many ways to those treaties. It would be analogous in many ways, but not in all ways. For the seabed is a unique environment, with its own special characteristics. Foremost among these, for our purposes, is the obvious but important fact that the seabed is contiguous with the sea itself, which has been used for offensive and defensive military action almost since the beginning of history. Hence our belief that, in the circumstances in which we are now living, total demilitarization of the seabed is scarcely practical or attainable.

We have studied intensively the elements which might comprise a successful arms control agreement for the seabed, as we have studied very carefully the views which have been put forth in this Committee. We believe that great progress has already been realized in approaching this complex subject, and that we have now reached the point where it is useful and appropriate to set forth our views in the form of a draft treaty.

From the statements that have been made here, I believe we can agree that there exists a desire on the part of all the members of this Committee to make progress rapidly towards preventing an arms race on the seabed, and to arrive, if possible, at an agreement on this subject before the next session of the General Assembly.

However, there have been several suggestions as to how this goal can best be achieved. Some delegations have proposed complete demilitarization of the seabed. This concept is embodied in the draft treaty submitted by the Soviet Union on March 18 (ENDC/240). Some have suggested a catalogue of the various types of installations which should be prohibited; others have suggested that specific exceptions be written to permit certain defensive installations.

For its part, the United States has attempted to make clear, in its statements of March 25th and May 15th, its belief that the only practical way to prevent an arms race on the seabed would be an agreement banning the emplacement or fixing of nuclear weapons and other weapons of mass destruction on the seabed. Such an agreement would remove the major threat to the peaceful use of the seabed. At the same time, it would reduce the verification problem to manageable proportions and would be consistent with the security interests of coastal states.

Accordingly, on the instructions of the United States Government, we are submitting for the consideration of the Committee a draft treaty which would prohibit the emplacement or fixing of nuclear weapons and other weapons of mass destruction on the seabed and ocean floor. We are of the firm conviction, Mr. Chairman, that by adopting this approach we will accomplish our task of preventing the extension of the arms race to the seabed in the simplest and speediest manner.

I should now like to discuss briefly the individual articles of our draft treaty.

The first paragraph of Article I prohibits any party from emplanting or emplacing fixed nuclear weapons or other weapons of mass destruction on, within, or beneath the seabed and ocean floor beyond a narrow band, as defined in Article II, adjacent to the coast of any state. The prohibition would also apply to fixed launching platforms associated with nuclear weapons and other weapons of mass destruction whether or not a missile or warhead containing a nuclear weapon or other weapon of mass destruction was actually in place. The language of the prohibition goes to the heart of our greatest concern—namely that the seabed might not be used as an area for the emplacement of weapons of mass destruction.

Paragraph 2 of Article I obligates each party to refrain from causing, encouraging, facilitating or in any way participating in the activities prohibited by the first paragraph of Article I.

Article II deals with the limits of the narrow band mentioned in Article I and with the question of territorial sea claims. Paragraph 1 establishes the boundary of the narrow band. In deciding on the width of the band, we have taken into consideration two views expressed by nearly all the members of this Committee. The first is that the prohibition should extend to the maximum practical area of the seabed. The other is that the limits establishing the area in which the prohibition would apply should be separated from such complex issues as territorial sea claims and national jurisdiction, a view that has been given express recognition by paragraph 3 of Article II. We believe that setting the width of the narrow band at three miles, as is done in paragraph 1 of this Article, responds to both of these views. First of all, compared with the twelve-mile width, it would add roughly two million square miles of seabed to the area of prohibition. This is an area, moreover, where the temptation to extend the nuclear arms race might be very great because of its proximity to the shore. Secondly, by placing the outer limit of the narrow band at three miles we have avoided the complex questions associated with the extent of national jurisdiction. Moreover, it takes care of the concerns expressed by several delegations over the status of the maritime zone that would exist between a twelve-mile limit, for example, and the outer limits of territorial waters that were less than twelve miles. Under our draft treaty, no such zone would exist since the three-mile limit represents, I believe, the narrowest claim for a territorial sea.

Paragraph 2, at present blank, would define the baselines from which the outer limit of the three-mile narrow band is measured. We believe such definitions of baselines are necessary in view of existing claims to certain marginal seas as internal waters. In order to establish equitable boundaries and balanced obligations for all parties to the treaty, agreement will need to be worked out on how such marginal seas are to be treated. In this connection, it might be desirable and practical to draw on an existing international agreement dealing with the establishment of baselines. For its part, the United States is prepared to accept baselines drawn in a manner specified in the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone if agreement can be reached on the appropriate interpretations.

Article III of the draft treaty deals with verification. As is well known, the United States has consistently supported the principle of adequate verification for all arms control agreements.

The question arises as to what constitutes "adequate" verification of this particular measure in the light of our present and developing capabilities. This is not an easy question to answer, particularly in view of the immense technical problems associated with operating in the hostile seabed environment. However, if we can ensure that the parties to the treaty remain free to observe the activities of other states on the seabed and ocean floor, we are confident that such observation will provide appropriate verification for the purposes of this treaty. One reason for this is our feeling that if a party were to violate this treaty, it would not limit itself to the installation of a single weapon. If it were to violate the treaty, it would doubtless do so on a large scale.

Paragraph 1 of Article III therefore ensures the right of observation of activities on the seabed and ocean floor, to be carried on in a way which does not interfere with the activities of states on the seabed or otherwise infringe on rights recognized under international law including the freedom of the high seas.

Paragraph 1 of Article III also provides that in the event such observation does not in any particular case suffice to eliminate questions regarding fulfillment of the provisions of the treaty, the parties undertake to consult and to cooperate in endeavoring to resolve the questions.

I am aware that the draft treaty, placed before this conference by the delegation of the Soviet Union, ENDC/240, contains the