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calling from Key Biscayne. I picked up the phone and answered. Henry Kissinger said that he had just finished talking to Mel Laird and that he thought that he should now call me so that I would fully understand how the President feels about the Constalation situation. Kissinger said that the President feels that it is entirely the business of the Navy and welcomes that but that the President will not tolerate negotiations with people that refuse to carry out orders. The President feels that there must be the most severe disciplinary action at any price.

I replied to Henry that I understood what he was saying but that I believed we are proceeding in a way that is consistant with legal guidance. I reported that there are distinct limitations on the way in which one proceeds. Dr. Kissinger said that he knew that the method we had to follow was under the uniform code of military justice ~~which~~ <sup>which</sup> the President has prescribed. But the President, he reenterated, feels very ~~strong~~ strongly that there are to be no further negotiations with people that do not carry out orders no matter what the price. The President had read in the newspapers that all they can get for this offense is three days on bread and water. I replied that there will undoubtedly be a range of punishments which will in some part be based on the past records of the people

involved. I stated that some whose records were bad enough could<sup>well</sup>/be processed out of the Navy. Others would undoubtedly be given courts marshall and others would be given lesser penalties. Henry Kissinger said that the President does not feel that he can prescribe the precise penalty but that he would like to get the men out of the Navy. He wants other sailors to know that orders disobeyed will receive the most drastic penalty. I pointed out that the problem was to tread the narrow line and make it clear to other sailors that justice has been exercised. We are very conscious of that responsibility and I understand very clearly the President's desires but I also must be very conscious of the need to get on with the problem of integration and this requires dealing with the ~~xxx~~ racial problem somewhat differently than one would deal with<sup>it</sup>/if there were not racial overtones. Henry Kissinger said "you are the CNO and in charge of the operation of the details but he feels there are two separate problems. One is racial policy and two is how to handle mutiny which has been occurring too frequently and on that subject the President wants to be extremely drastic."

I replied that there is no legal evidence at this point, that I have to keep my ~~eye~~ on the racial problem as well as the disciplinary problem. I added that you

must remember that we're talking about a Navy in which the carriers have done heroic services and as have other ships all long over deployed and undermanned and working 20 hours a day. Kissinger said "You know the President's feelings about the Navy, having been in it himself, but he insists that discipline will be maintained. We know what we owe the Navy in every crisis we have gone through, Vietnam, Mediterranean, Middle East, so forth." Observing that Henry Kissinger had considerably mellowed, I pointed out again that this kind of situation has taken place in previous wars and it takes place in a situation where the boys are dog tired and overworked. In previous wars the fights were generally white on white because we didn't have blacks. In this war when the fights break out they polarize. This makes it easy for a racial thing to break out although there is no excuse for violence. I pointed out/there had been none on the Constalation. Dr. Kissinger said that he gave the basic message to Secretary of Defense. He added that the President had called him twice on the subject so Kissinger thought it would be important that he gave the flavor of the President's thinking to me. He then backed off another notch and said "the details of the matter will have to be left to you and we know that you must follow the universal code of military justice.

However, the President wants you to know that you will be backed up on any ~~subject~~ measures you think are necessary to restore discipline." I said to Kissinger "Let me reenterate that I don't think on the ships where these events have taken place that basic order and discipline have broken down. In all cases the break-downs are confined to individuals or groups of individuals. In the recent case there has been some unartful handling. There will be no negotiations with people who are in violation of the law. There was a delay in executing orders of a few hours, but we will take care of that." (This was as close as I could, in good conscious, come to making the point that civilian authority between the Commander in Chief and me had been responsible for our not moving in and arresting those who failed to report aboard ship on the final morning in San Diego.) Dr. Kissinger said again that he just wanted to make me aware of the President's feelings so that you will take the strictest measures that are compatable with the situation. He said that he would talk to me again on Monday to find out where it stands. I inquired whether he wanted me to call them back or whether they would call me. Dr. Kissinger said that he would be back in Washington on Monday but that he could be reached before that if he should be needed. I never returned his call

nor did he ever make another inquiry. Immediately upon conclusion of this telephone conversation Admiral Dan Murphy, Mel Laird's Executive Assistant, called.

Again he had tried to get through while I was ~~knocking~~ <sup>talking</sup> to Kissinger. He said that he had tried to get through before the call from Kissinger came and asked what Kissinger had said. I reported that Kissinger had said that Mel Laird had asked him to call me to give me the flavor ~~xxx~~ of the President's desires with regard to the recent racial incidents and had emphasized the need for discipline. I stated that I had told Kissinger that I understood that and that I thought in the case of the most recent happening there had been some unartful handling but that the basics for dealing with the situation were now going forward under proper judicial procedures. I stated that Kissinger understood that we would have to go through the universal code for military justice but that the President wants the most drastic action taken. I summarized my conversation with Kissinger. I went on to say that I thought Kissinger had come from hostile to moderately hostile as soon as I showed a little muscle with regard to not forcing the people out of the Navy without due process. Murphy said that he was just as glad that I had talked

to Kissinger first. He said that Kissinger had wanted Laird to talk to the Navy again and Laird said he didn't feel he should. Murphy said that he was concerned that the picture the White House had of me was that I was too soft and that too many people around town are shooting at me through the White House. Murphy said that Mel Laird had said why don't people take a crack at John Warner, He's the Secretary of the Navy. I asked Murphey who was doing the shooting. Murphey said that he had no names or evidence but that there are people who are blaming the whole thing on Zumwalt. Murphey said that he believes the President is down on me for "permissiveness", "mod Navy" and so forth and that it's his opinion that the ice is getting awfully thin. He suggested that it was time for me to come forward to get on television on Monday and come through as a tough SOB "which you are" but the tough part just doesn't show through and that at this point he thinks we should think about shifting the image and bringing forth the other side of me. Murphey added that the President had heard that the Captain of the Naval Air Station had stood up and told the Constalation sailors in the auditorium that they would be charged with the six hours that they were absent without leave and nothing else.

The President feels that some of these were absent without leave that some of these guys should be nailed with disobedience of orders. I pointed out that even with that kind of offense, that is with being absent over leave, they can get general discharges administratively if their records are bad and that the most they could be given for disobedience of orders would be a special court marshal. I pointed out that in a situation which was charged with racial overtones if you go too far too fast you will create the damnest <sup>dissemination</sup> ~~desertion~~ in the world because most of these sailors of minority background do feel that the judicial system works against them.

Murphy pointed out that he was talking just about the five that were going to be put out of the Navy anyway. He said that he was not looking at the long view here but as to how best to get me off the hook. He said that he thought I was being put on the hook unfairly, that I can't get to Key Biscayne, that General Hague <sup>Hague</sup> who understands the military rules and regulations could have been of some help but he wasn't there. We discussed whether there were other members of the staff in the White House that might be helpful in insuring that Kissinger and the President recognized that they just couldn't arbitrarily order the statutes to be flouted. I asked whether I shouldn't call Mel Laird directly about the call and Dan Murphy agreed that I should. I pointed out that Kissinger had said that Mel Laird had

instructed Kissinger to call me direct. Murphey said that what Laird had actually told Kissinger was that if the President had directed you, Kissinger, to talk directly to Admiral Zumwalt that's something you will have to do. I asked whether Mel Laird knew about the reasons for the delay in arresting the people on the dock. Murphey said that he was aware of it. I then picked up the telephone and called Mel Laird at home. I explained that I had been out of town visiting my ailing father and that it had obviously been a bad time to leave that as soon as I got back I had a call from Kissinger. Mel Laird said that he

Kissinger

knew that Kissinger was going to call and that ~~he~~ had been calling him every 10 or 15 minutes or so it seemed. He said the President is sitting in Key Biscayne and is disturbed to see people refusing to carry out orders by him as Commander in Chief. The people relaying orders are doing it ~~thru~~ through command channels of course. The Secretary said that he had explained to Henry that you can't override the universal code of military justice and that it would be better if Al <sup>Walt</sup> Hague were there to explain that. Kissinger said "The President is ordering dishonorable discharges." Sec Def told him that if this was the order from the President he

would like to have it in writing but that he doesn't think it could be done in the uniform code anyway. He would like to have Al Hague there because there is no one there that could explain it to Henry or to the President. I said to Mel Laird that Henry started off as he sometimes does a rather heavily but that I came back and pointed out that we have to tread a thin line between dealing with this as a race problem and using what force is necessary to maintain discipline and that if we didn't handle it with absolute persision we would create desention both in the Navy and on the outside and set back our progress with regard to integration. I went on to point out to Mel that the ones with bad records will probably be given discharges, others may get courts marshall and others would be handled at Captain's Mast. Mel Laird said that the President takes a serious view of the Navy and told him to discharge them all. I reported that Kissinger had gone from hostile to moderately hostile and I then said to Mel Laird "You know the President better than I, but why shouldn't I fly down there and try to see him? He has only a very elementary view of this thing which is distorted by what he's seeing on television. And I'd like to run over it with both the President and Kissinger to make sure they

understand the over deployments, the undermanning, the Congressional reductions in people and funding, the long hours of overwork, the large numbers of minority personnel that we have taken in at the bottom with almost none at the top and so forth. I added that Kissinger had told me three times that you, Mel, had told him to call. Mel said "No", but that he was fairly confident that Henry would call. I said that I wished that I knew how much of this is really the President's concern and how much is just ~~Kissinger's~~ and that I felt he'd gone out of his way to be hostile ever since I had taken him on last year with regard to the strategy.

Mel Laird said "You've got to keep cool. Let us think your suggestion over. Let's don't panic. If Al Hague were there with his knowledge of the military problem would keep things fairly cool." *(Said to Mel, I never lose my cool)* I reminded Mel that Al, however, had been somewhat of a problem because of the Army vs. Navy rivalry and I thought we would have a serious problem if we let this thing look like we were over reacting against a group of blacks and that I was not prepared to let that happen least it set back all that we had accomplished. I said that the Captain the night before had announced to the men that their liberty expired at 9 o'clock the next morning and that they were now

reassigned to the ship and ~~failure~~ failure to return would be considered absence without leave. I said that I had not had a chance to get the lawyer's best rulings but the normal procedure has been to call it absent without leave and that I was doubtful that a case could be made that it was disobedience of orders if they failed to report back at 8 o'clock since on a precedent basis the normal thing had been to charge absence rather than disobedience in such a case. I pointed out that if a man had three previous actions in his record the commanding officer could recommend him for a general discharge. Mel Laird then stated that the President had said last night he wants them to be dishonorably discharged. I demurred and said that I would not do that in the absence of a written directive. Mel Laird said to do the best you can to discipline them as much as the sentence should be and as severely as it should be. I reported that we had an internal problem that we should have moved 4 hours sooner and that in that event I think we would have avoided the major TV coverage by moving when we wanted to but that was a separate story.

For me  
Mel Laird said that his inclination was ~~to~~ not to see the President that he'd like to think it over for a while and if he changed his mind ~~he'd~~ he'd call me back within 24 hours. At 1 p.m. that day I then called Rear Admiral Murphey back to let him

know the outcome of the conversation with Mel Laird as I had agreed to do. I reported that Mel Laird seemed really cool and relaxed and confirmed that he had instructed Dan to try to interrupt the call before I started to talk to Kissinger and I summarized my conversation with Laird. (Back when I'm talking about, where I'm talking with Mel Laird in response to his comment about panic I said that the last thing that I do is panic.) I urged Dan Murphey to see if he couldn't bring off a visit on the President so that I could make sure he understood the nature of our problems first hand. Murphey said that he would try but that he didn't think it would work out. He said that when there is trouble one ought to be able to get to the man who makes decisions but unfortunately that isn't the way it works in this administration. I told Dan Murphey that I wanted to make sure that the President knew what the facts were with regard to those who were attacking us for permissiveness to make sure that he understood the magnificent performance of a Navy that had been badly over stretched and was at the same time trying to carry out a long delayed integration. Immediately after the <sup>second</sup> conversation with Dan Murphey I was in conversation with the Assistant Secretary of Defense Friedheim and the suggestion that I appear on television Monday morning to try to put the

whole episode in perspective. Our conclusion was that we should wait and see how

Tuesday.

events developed. As it turned out I did not go on television until ~~my~~ record of

telephone calls show that by 5:30 that afternoon I was back in to dealing with

wartime issues, having a long conversation with Admiral Moorer about the problem

crews

of our mine sweeper ~~units~~ in Subic and how to keep the news of their presence.

*Then to Jim*

Kojm on Rickover

Kojm recalls that during the Trident Amendment debate Admiral

Rickover was instrumental in getting Senator Medcaff and Senator Randolph to change

their votes in support of Trident in both cases by using the arguments that I was

using.

Kojm believes that Rickover's great ace in the hole is "success",

that is he is known by the Congress to be one who "opposed the system" and with

Congressional help defeated it. He comments that he in many ways is like a Senator.

He's able to say almost anything no matter how irresponsible and get away with it

because of his elder statesman role and because he's considered now to be a member

(Continuing with Kojm on Rickover), because he's considered now to be member of the Congressional Club. Kojm also feels that he no longer has ~~xxx~~ all the power with which he's ~~xxx~~ been credited.

John Chafee - (Additional to the Vignette already dictated).

He's a most attractive person. He is young looking for his years, (I would judge him to about 50 in 1974), and in excellent physical condition. He ~~xxx~~ is dark-haired and handsome. He has an infectious grin, that is quite disarming. He has a deep interest in people, and is a man of principles. He is able to speak on his convictions without appearing to be fanatically committed to them, yet maintains them with attractive persistence.

John Warner - (On first meeting back in the United States)

I had first met John Warner when he came to South Vietnam in 1969 to visit our forces there. He appeared to be a man of charm, young looking for his age, and handsome. One's first impression of him was quite favorable. But he ~~x~~ was a man who relished the power and ~~xxx~~ perquisites of his office while not facing up to the responsibilities that accompanied that office. During his visit we found ourselves constantly revising the schedule, while many naval activities who's personnel ~~xxx~~ had been fighting hard and hard and who had made preparations for his visit - only to find that we had cancelled his date with them. His interests were superficial. He was interested in the sights and sounds but not the substance. He left the impression of a piece of ~~xxx~~, disappointed in civilian authority.

host. He was obviously buoyed up by the excitement and the covert nature of the plan to smuggle me into Washington. He had served as an advance-man in two Nixon campaigns and this role in handling my arrival, was the kind he knew best.

Discussions with Bill

At ~~the~~<sup>the</sup> last NSC meeting, President Ford stated that his intention with regard to the next summit was to get an agreement which was favorable to the ~~United States~~ United States. At the Verification Panel meeting, prior to the NSC meeting, it was brought out that there are significant evidences of Soviet cheating, or possible ~~cheating~~ cheating. There are unexplained holes, (a century and a half); there is evidence of Soviet efforts to cover what they are doing, there is evidence of decoys with regard to two different systems, and there is evidence of upgrading of the SAM-5's ~~and the~~ into ABM's. Upon conclusion of the meeting, HAK instructed everyone not to debrief anybody, in view of the great sensitivity of this information, and in order not to bugger up detente.