The Shafer Commission Report (1972)


By Fred Gardner

When Congress passed the Controlled Substances Act (CSA) in 1970 it created a series of "schedules," classifying drugs by the dangers they supposedly posed. Marijuana was placed on Schedule 1, the category for harmful drugs with no medical use. Congresspersons who believed marijuana was relatively safe and had medical potential put the scheduling decision by creating a commission that would conduct a thorough study and "aid in determining the appropriate disposition of this question in the future." Although the CSA left scheduling decisions up to the Attorney General rather than the Surgeon General, it was assumed — foolishly — that the findings of the new commission would result in marijuana being rescheduled.

President Nixon appointed Gov. Raymond P. Shafer of Pennsylvania, a former prosecutor with a "law-and-order" reputation, to run the commission. As recounted by activist Doug McVay, what came to be known as the Shafer Commission "recorded thousands of pages of transcripts of formal and informal hearings, solicited and included the views of district attorneys, judges, crime policy officials, community leaders, professional experts and students... they conducted separate surveys of opinion among district attorneys, judges, probation officers, clinicians and university health officials and 'free clinic' personnel. They commissioned more than 50 projects, ranging from a study of the effects of marijuana on man to a field survey of enforcement of the marijuana laws in six metropolitan jurisdictions.

What Nixon Wanted

According to oval office tapes declassified in 2002, Nixon told Shafer he wanted a report that would blur the distinction between marijuana and hard drugs. The tapes reveal that as the commission was beginning its investigation in May, 1971, Nixon told his aide H.R. Haldeman, "I want a goddam strong statement about marijuana. Can I get out of this sonofabitch, uh, domestic council? I mean one on marijuana that just tears the ass out of them."

Shafer brought his report to the White House March 21, 1972. It called for a policy which prohibited commercial distribution of the drug but does not apply criminal sanctions to private possession or use not, non-profit distribution incidental to use." This approach was soon dubbed "decriminalization.

The Commission’s major findings, as called by Doug McVay of Common Sense for Drug Policy:

"No significant physical, biochemical, or mental abnormalities could be attributed solely to their marihuana smoking... No valid stereotype of a marihuana user or non-user can be made... Young people who choose to experiment with marihuana are fundamentally the same people, socially and psychologically, as those who use alcohol and tobacco... No verification is found of a causal relationship between marijuana use and subsequent heroin use... Most users, young and old, demonstrate an average or above-average degree of social functioning, academic achievement, and job performance... "The weight of the evidence is that marijuana does not cause violent or aggressive behavior; if anything marijuana serves to inhibit the expression of such behavior... Marihuana is not generally viewed by law enforcement or health officials, community leaders, professional experts and students... they conducted separate surveys of opinion among district attorneys, judges, probation officers, clinicians and university health officials and 'free clinic' personnel. They commissioned more than 50 projects, ranging from a study of the effects of marijuana on man to a field survey of enforcement of the marijuana laws in six metropolitan jurisdictions.

From the oval office tapes, May 26, 1971

Nixon: "A Person Drinks to Have Fun"

The Scene: The oval office of the White House. The President is in conversation with Art Linkletter, a radio and television host.

Nixon...Radical demonstrators that were here the last, oh, two weeks ago. [unintelligible] They're all on drugs. Oh, yeah, horrible.

Linkletter: They sit down with a marijuana cigarette to get high.

Nixon: A person does not drink to get drunk.

Linkletter: That's right.

Nixon: Person drinks to have fun... Do you know what happened to the Romans? The last six Roman emperors were fags. The last six. Nero had a public wedding to a boy. Yeah. And they[unintelligible] You know that. You know what happened to the Popes? It's all right that, po-po-Popes were laying around at all. You know what I mean? I don't know what they do with them. Now, we are allowing them around at all. You know what I mean? I don't know what they do with them. Now, we are allowing them to public safety... Research has not yet proven that marijuana use significantly impacts driving ability or performance... "No reliable evidence exists indicating that marihuana causes genetic defects in man...Marihuana's relative easy availability...Marihuana serves to inhibit the expression of such behavior... Marihuana is not generally viewed by law enforcement or health officials, community leaders, professional experts and students... they conducted separate surveys of opinion among district attorneys, judges, crime policy officials and 'free clinic' personnel. They commissioned more than 50 projects, ranging from a study of the effects of marijuana on man to a field survey of enforcement of the marijuana laws in six metropolitan jurisdictions.

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