

DRAFT

Transcripts and digital audio provided by the Presidential Recordings Project at the Miller Center for Public Affairs, University of Virginia. www.whitehousetapes.org

(The time code in red shows the minute and second at which the excerpt begins on Nixon tape `rmn_e568a`, which you can download from WhiteHouseTapes.org.)

A6:35

Krogh: "All we're trying to do now is to give him some ability back to the commission to keep some of the extremists like Hughes and the rest from going off and giving a dissenting report or something that we have to repudiate outright. The attorney general's feeling is that, we listen to him. The fact of the meeting is all we need right now, plus a picture. He's asked for a picture. And he just told me. He said, 'I know what the game is.' He said, 'We're just gonna get a picture. I'll go back to the commission. I'll tell them [unclear] we met. The president listened, was appreciative—"

Shafer was ushered into the Oval Office with Jerome Jaffe. Some quotes:

A11:20

Shafer: Over 75 percent of arrests are white.

RN: Yeah?

Shafer: And under 18, almost 85 percent [unclear].

RN: It's now becoming a white monopoly.

Shafer: It's almost, it's a real tragedy.

A12:37

Shafer: I've been fighting a morale problem, as you may or may not know, and that's one of the reasons why I wanted to see you and get what we're doing into proper perspective so that we won't have to go through this again. [Unclear] we're not gonna let that happen if we can possibly avoid it.

Krogh: How would they use that as an issue?

Shafer: Well, when the commission was first formed, you know, there was criticism in part of the press about the fact that we're old and conservative and that we were put together by the president to [unclear] whitewash the attitudes of [unclear]. Then secondly, Mike Sonnenreich, who's our executive director and doing a very excellent job, came from BNDD in the department of justice, and those people from the scientific community thought they should . . .

RN interrupts and asks if he'd like tea.

A13:50

Shafer: And we had a little trouble getting Mike elected by the commission [unclear]—

RN: Is he a good man? Do you know him?

Jaffe: Yes.

RN: Do you like him?

Jaffe: He's a competent man.

Shafer: In any event, that was just one of the problems—

RN: The thing that I'm, let me say that the thing that I really feel concerned about is this, that, Ray, I know you know as a former prosecutor, the difficulty with all commissions [unclear] is that you're kind of stuck with them, you know, we've had so many [unclear], this is an area, of course, where we don't, I mean, there's an awful lot of stuff. Dr. Jaffe's the first to admit it, and he's a real

expert in this field, where we don't know all the answers. However, I have extremely strong convictions, which I have expressed and which I won't change, about the situation [unclear] about marijuana in two areas. One, about legalizing it, which some would do. Second, however, on the other hand, my attitude toward penalties on marijuana is very [unclear]. I've talked to your district attorney [unclear] and all the rest, and to take somebody that's smoking some of this stuff and put him into a jail with a bunch of hardened criminals is silly.

Shafer: That's for sure.

Jaffe: Absolutely asinine.

RN: There must be different ways to do it, and I think that's your experience, is it not?

Jaffe: Yes, sir.

RN: Have you talked to what's his name up there?

Jaffe: Arlen Specter.

RN: Arlen Specter.

Jaffe: No, no, I haven't.

RN: Specter's got a remarkable plan [unclear] where basically they won't even get records. [Unclear].

Jaffe: Illinois has just passed a similar measure.

RN: They do the same thing?

Jaffe: In effect, we sentence people to a school for six months. They have to come every Saturday [unclear]. This was initiated by the district attorney, and that ultimately if they haven't been re-arrested and if they carried out the sentence appropriately, they're not criminalized, and yet it's not legalized.

A16:41

RN: On the marijuana thing, I have very strong convictions, because of the, just my own analysis that once you start down that road, the chances of going further down that road are great. I know there's a lot who disagree with that, but the, uh, and also because of the people that are frankly promoting it. They're not good people.

A22:47

Shafer: What we want to do is to be sure that we don't give the approval of society. We're interested in public health.

RN: Right, very important, very important. Public health, and not just physical health.

A23:06

Shafer: We want to demythologize marijuana so that the kids aren't going out experimenting just because they think it's great stuff.

A24:09

Shafer: I think the problems of drug abuse will be a political issue, and while our report isn't going to give you a platform that's going to be the thing that will bring us the kind of victory you want, but it can be a source of possible embarrassment, and that's why I don't want to give any ammunition to those who would like to use it for that.

Krogh: So far you're staying away from any possible endorsement of legalization of marijuana.

Shafer: Absolutely, absolutely.

RN: I would keep [unclear] if you can. I personally, first off, one thing, too, I think you would run too strongly against the public tide, but suppose it ought to be done.

Shafer: Well, I understand that.

RN: You're just, you have a [unclear] great problem.

A25:20

RN: The thing that is so terribly important here is it not appear that the commission's frankly just a bunch of do-gooders, I mean, they say [unclear] don't understand. That's fine. I wouldn't mind that. But if they get the idea they're just a bunch of do-gooders, that are gonna come out with a—quote—soft on marijuana report, that will destroy it right off the bat. Now that doesn't mean that

you come out with a report that is totally oblivious to some obvious differences between marijuana and other drugs, other dangerous drugs. There are differences. And also that you don't go into the matter of penalties and that sort of thing, as to whether there should be uniformity in penalties, whether, or as a matter of fact, rather than uniformity, more diversity with different approaches. [Unclear] Hell, in Texas, they put 'em in jail [unclear] for six years. Shafer: Well, longer than that. You can get 99 years out of North Dakota.

A30:39

RN: You're enough of a pro to know that for you to come out with something that would run counter to what the Congress feels and what the country feels and what we're planning to do would make your commission just look bad as hell.

The National Archives has issued tape logs giving times, dates, places and participants for these tapes. Here are the logs for the two conversations quoted above:

Conversation No. 568-3

Date: September 9, 1971

Time: Unknown between 2:57 pm and 3:03 pm

Location: Oval Office

The President met with Egil G. ("Bud") Krogh, Jr.

Commission on Marijuana and Drug Abuse

-Krogh's memorandum

-Forthcoming meeting with Raymond P. Shafer

-Harold E. Hughes

-Attorney General John N. Mitchell

-Photograph

-Oliver F. ("Ollie") Atkins

-Participants

-Jerome H. Jaffe

-Special action office strategies, programs

-Duration

-The President's schedule

-Swearing-in ceremony

Krogh left at an unknown time before 3:03 pm.

Conversation No. 568-4

Date: September 9, 1971

Time: 3:03 pm - 3:34 pm

Location: Oval Office

The President met with Raymond P. Shafer, Jerome H. Jaffe, and Egil G. ("Bud") Krogh, Jr.; the White House photographer was present at the beginning of the meeting.

Greetings

The economy

- The President's September 9, 1971 speech to Congress

Photograph

- Oliver F. ("Ollie") Atkins

The President's September 9, 1971 speech

- Congress
- Democrats

Krogh and Jaffe

- Trip around the world
- Discussion
- Michael R. Sonnenrieck [Executive Director]

Purposes of meeting

- Commission on Marijuana and Drug Abuse
- Status
- Submission of report
- Politics

Marijuana Commission reports

- Marijuana
- Drug abuse
- Marijuana
- March 1972
- Public hearings
- Formal, informal
- Marijuana
- Public use
- Demographics

Marijuana Commission

- Establishment
- Handling of responsibilities
- Congress
- George P. Shultz
- Handling of funding for commission
- Morale of commission
- Formation
- Reaction of administration opponents

- Press reaction to selection of members
 - Age, political outlook
- Sonnenreich
 - Bureau of Narcotics and Dangerous Drugs [BNDD] background

An unknown person [Manolo Sanchez?] entered at an unknown time after 3:03 pm.

Refreshment

The unknown person [Sanchez?] left at an unknown time before 3:34 pm.

Marijuana Commission

- Sonnenreich
 - Election by Commission
- Shafer
 - Background as former prosecutor

Commissions

- Difficulty
 - [William W.] Scranton Commission

Marijuana

- Jaffe
- Legalization
- Penalties for use
 - Effect of jailing offenders
 - Contact with hardened criminals
- Arlen Specter
- Probation
 - Legislation in Illinois
- Smoking cigarettes compared to smoking marijuana
- Introductory effect for further use of drugs

Marijuana Commission

- Recent reputation of national commissions
- Shafer's acceptance of job
 - Scranton's experience
 - John N. Mitchell
 - The President's role
- Commission members
- Focus, issues under study
 - Legalization of marijuana
- The President's statements
- Commission's mandate
 - National survey

- Funding
 - Congressional authorization
- Research work
 - George H. Gallup
 - Princeton University
 - Research Associates poll
 - Marijuana
 - Public attitudes
 - Extent of use
 - Statistic
 - Vietnam War
- Use of drugs
 - Responsibility
 - Heroin
 - Addiction
- Maurice H. Seevers
- Perceptions of public health interest
- Marijuana
 - Pharmacology
 - Demythologizing
 - Youth
- Presidential support
- Impact of fight against drug abuse
 - Families
 - Comparison with economic action's effect
 - Other issues
 - Vietnam War
 - Political issue
 - The President's public stance
 - Legalization issue
- Composition
- Perceptions of Commission
 - Stance
 - Marijuana, other drugs
 - Penalties
 - Uniformity
 - Present variations
 - Texas
 - 6 year term
 - North Dakota
 - 99 year maximum term
- Comprehensive Drug Abuse Prevention and Control Act of 1970
 - Seevers, Dana L. Farnsworth, Henry Brill
 - Morale
 - Requested meeting with the President

- Contact with Krogh, Jaffe
 - Sonnenreich
- Differing views on marijuana
 - Education
- Forthcoming Commission report
 - Effect
 - Profile
 - Scranton Commission
- Various organizations with interest and responsibilities in field of drug abuse
 - Commission
 - White House group headed by Jaffe
 - Department of Justice
 - Department of Health, Education, Welfare [HEW]
 - J. Edgar Hoover
 - Perceptions
 - Contrast of emotional and intellectual approach
- Long range health and social impact of Commission's action
- Role and responsibilities
 - Compared to Jaffe's office
- Handling of drug abuse
 - Trip abroad
 - Netherlands, Belgium, Great Britain
 - British use of methadone treatment
- Marijuana
- Anecdote
 - Growing marijuana plants
- Smoking, alcohol abuse, drug abuse, films
 - Greta Garbo
 - I □ - [Yellow] film □ am Curious
- Public awareness

Gifts

- Golf
 - Shafer's game
- Golf ball
 - Cufflinks

Marianne H. Means

- Newspaper column
 - Shafer and Judgeship
- Previous administration

Commission's work

Krogh and Jaffe left at 3:32 pm.

Appointment

- Mitchell
- Hugh Scott
- Philadelphia
- Unknown person's appointment
 - Milton J. Shapp
- Scott

Appointment of judges

- Blacks
- Sequence of events
 - Mitchell
 - Ohio

American youth

- Campus groups
- Robert H. Finch
- Donald H. Rumsfeld

Marijuana Commission

- Shafer's forthcoming statement to press
- President's convictions

Shafer left at 3:34 pm.