ALLEGHENY COLLEGE

History & Political Science 610
Senior Project

The Shafer Commission and the Effect of Conservative Ideology on the Republican Party and Richard Nixon's War on Drugs

Eric Brill

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Departments of History and Political Science

ALLEGHENY COLLEGE

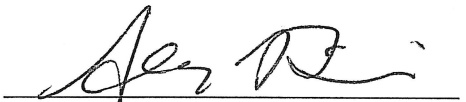
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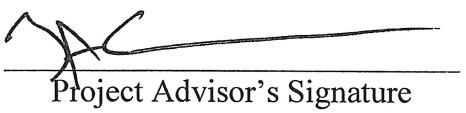
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Abstract

Former Pennsylvania Governor and Allegheny College alumnus Raymond P. Shafer was a liberal Republican at a time when conservative influences were rapidly building momentum within the party. After completing his term as Governor in 1971, Shafer was appointed by President Richard Nixon to chair the National Commission on Marihuana and Drug Abuse. Rather than corroborate the assumptions of the War on Drugs however, the "Shafer Report" called for the decriminalization of marijuana, a decision which was met with animosity in the White House. This project traces the parallel narratives of Shafer's life, the emergence of the conservative movement and the history of drug legislation in the United States to better illustrate the full scope of Nixon's rejection of the Commission's findings. The story of the "Shafer Commission" illustrates how the spread of a conservative consensus has led to the marginalization of ideological diversity in the Republican Party which often impedes its ability to govern effectively.

Acknowledgements

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Last but not least, to Catherine Gillespie. Thank you for putting up with me these past four years. I have enjoyed every minute of our time together and I look forward to spending many more with you.

Introduction

Raymond Philip Shafer was a man who, despite a long and storied career in American politics, has garnered relatively little scholarly attention. Perhaps if conditions had been different, Shafer's story would be more than a footnote in a handful of history books. It is possible that he would have realized his dream of becoming a Justice on the United States Supreme Court. Or maybe the National Commission on Marihuana and Drug Abuse, which he was the chairman of from 1971 to 1973, would be remembered for stopping the War on Drugs before it escalated. It is not at all unreasonable to think that he might even have become the 38th President of the United States of America instead of Gerald Ford, and countless biographies would have been written telling his tale. Instead, Shafer's experiences have been largely glossed over by historians of the Republican Party.

This is not to suggest that Shafer did not have a successful career - quite the contrary. From 1948 to 1971, Shafer rose through the ranks of Pennsylvania state politics from Crawford County District Attorney to Governor in 1966. In the process, he became one of the faces of the liberal wing of the national Republican Party. Richard Nixon even asked him to be his running mate in the 1968 presidential election; an offer Shafer ultimately turned down due to his distrust of Nixon.

Shafer was not beholden to a particular ideology and rarely let the threat of electoral consequences dictate his ambitions while in office. Although an admirable mindset for a politician to have, it often got him into hot water, particularly with members of his own party. Upon the completion of his term in January of 1971, Shafer was appointed the chairman of a national commission researching the effects of marihuana use under the Nixon administration.

The White House assumed that Shafer and his team would return with a report corroborating the paranoia surrounding public perceptions of drug use at the time but the Commission instead recommended decriminalization. Nixon ignored their suggestion and instead responded by ramping up the efforts of the rapidly escalating War on Drugs.

This is a story that has been studied thoroughly by historians of drug legislation in the United States, but to date no literature exists that analyzes how the rejection of the Commission reflects the spread of conservative ideology in the Republican party during the early 1970s. The aim of this project therefore is to illustrate the motivations behind the Commission's proposals under the guidance of Governor Shafer and why Richard Nixon ultimately ignored their report. Within this framework, it is then possible to consider what implications the story of the Commission offers in regard to Shafer's career, Nixon's goal of a new Republican majority, the legacy of the War on Drugs and the gradual marginalization of ideological difference within the Republican Party.

The following chapters offer a three-pronged narrative to set the stage for an analysis of the Shafer Commission and Nixon's response. The first chapter offers a biographical sketch of Shafer's life, beginning with his childhood and concluding in 1971 when he left Harrisburg. In order to understand Shafer's particular brand of liberal Republican politics, it is necessary to first look at his origins as a Republican, the connections he made throughout his life and the nature of his political beliefs and practices while in office. The existing literature on Shafer's life and career are scarce, which means that to draw an effective biographical sketch, an array of sources needed to be considered. There has never been a biography published on Raymond P. Shafer. However, there was a short book written in 1968 by an author named Allen H. Barry, which was never published but offers a useful overview of Shafer's life until that point. James Wright

Domnick, Shafer's son-in-law, is currently in the midst of writing a biography of his own, covering Shafer's life from his birth until the early 1950s. In the absence of direct biographical research, this chapter considers a number of books on the history of Pennsylvania politics, which offer varying amounts of attention to, and sometimes contrasting opinions of Shafer's governorship. These include *Pennsylvania Politics: Today and Yesterday*, written by Paul Beers in 1980 and *A History of Pennsylvania*, written in 1973 by Philip S. Klein and Ari Hoogenboom. Other sources used for this chapter include newspaper articles, papers from the Raymond P. Shafer Collection located in the Wayne & Sally Merrick Historic Archival Center at Allegheny College, an interview with Shafer's daughter Diane, as well as various other primary and secondary sources, including videos, roundtable discussions and websites.

The second chapter analyzes the conservative movement that emerged from the New Deal era and began to blossom in the 1960s. Today, the notion of a liberal Republican seems like an oxymoron, but this was not always the case. In fact the GOP had historically been controlled in large part by its more liberal, eastern wing. This changed after Barry Goldwater, a conservative Senator from Arizona won the party's nomination in 1964. As the influence of the "New Right" grew, the Republican Party gradually underwent a transition from a coalition of varying interests to an ideological vehicle for conservative values.

During Nixon's first term, he wanted to consolidate this segment of the electorate in order to secure his own reelection, but also to solidify a new base of support for the GOP for years to come. His administration's domestic policy was thus predicated on the notion of maintaining 'law and order,' which was coded language for controlling the social unrest of the 1960s. This mainly meant anti-war demonstrators and blacks, whose liberal drug use and treasonous protests were, in the eyes of middle-class white voters, a sign of America's moral

decline. These people were who Nixon labeled the "silent majority" and who he believed he could build his coalition around.

There are a number of approaches that authors have taken to explain the emergence of the conservative movement. While some point to a rejection of the eastern wing, others put greater emphasis on the role of grassroots movements or the "Southern Strategy." In some cases, the chronology of the existing literature also warrants consideration given the evolving nature of the movement over the course of the second half of the 20th century. Political historians have tended to consider the movement in regard to realignment theory, while biographers unpack the narrative with a bottom-up approach. Each author offers a slightly different contribution to the narrative, but they share a common oversight in regard to the Shafer commission.

The third chapter considers the history of drug legislation in the United States, leading up the establishment of the Commission, and then analyzes both its findings and Nixon's response. The counterculture movement of the 1960s made drug use more common, particularly among young whites. When the Shafer Commission was created as part of the Comprehensive Drug Prevention and Control Act of 1970, it was lauded as a necessary step to improving the quality of federal law-making regarding marijuana. But the White House was not looking for a report that challenged the status quo. The Commission's proposal for decriminalization was not well received by Nixon, who disregarded their report due to a combination of electoral considerations and personal prejudices.

The sources considered in this chapter focus predominantly on the history and politics of the War on Drugs and drug legislation in the United States more broadly. To illustrate the Nixon administration's response, the Oval Office Tapes released in March 2002 as well as commentary from some of his advisors are considered. These demonstrate the true motivations behind his

rejection of an otherwise reasonable report. The rejection of the Shafer Commission offered an early example of how conservative ideological purity hindered responsible policy-making, a problem that continues to plague Washington to this day.

The Shafer Report was not ignored because it came from a liberal Republican. It was ignored because its proposals were liberal at a time when the party was moving further to the right; toward a conservative consensus. The Nixon administration had additional motivations, particularly in regard to the 1972 election, but it seems unlikely that the report would have been seriously considered even if it had been released in a non-election year. The damage was done, and the White House could not appear weak. Getting 'tougher' has remained standard practice in the War on Drugs and in the 45 years since the release of the Shafer Report, drug legislation remains thoroughly rooted in the propaganda espoused by the Nixon administration.

This project is not meant as an endorsement of legalizing or outlawing marijuana one way or the other. It is an analysis of how marijuana became a particularly divisive social issue during the late 1960s and remains that way today. To conservatives during this period, drug use was symbolic of broader social issues and the Nixon administration understood that they could use this to their advantage. This is not to suggest that anti-drug legislation was restricted to Republicans or that all conservatives opposed marijuana usage any more than all liberals supported it. Over the past 45 years however, drugs have become an increasingly partisan issue and the story of Nixon and the non-partisan findings of the Shafer Commission are an important step in understanding the polarization of the Republican Party and its consequences regarding the War on Drugs.

Chapter 1

38's Greatest: Pennsylvania Governor Raymond P. Shafer

In a speech given during his time as a member of the Pennsylvania State Senate, Raymond P. Shafer said that "if we have the wisdom to demand much of ourselves, our society will flourish."[1] This statement was as much a challenge to the audience members as it was a summation of his own approach to policy-making. From 1948-1971, Shafer ascended the ranks of Pennsylvania politics and emerged as a national figure in the Republican Party. While in office, he used his power to further what he deemed to be in the best interest of the commonwealth, oftentimes with little regard for political ramifications or public backlash. Although a proud Republican, he was not akin to furthering a particular ideology or abiding by stringent party lines when it came to issues he felt passionately about. As James Wright Domnick, Shafer's son-in-law, puts it, "whether he was a liberal, moderate or conservative depended pretty much on the issue and who was doing the assessing."[2] To some this might seem to suggest that Shafer was politically expedient, but in fact he was that rare politician who genuinely believed in doing what was right, and was never known to take the easy path to get there. In an era of increasingly divisive politics, Shafer often found himself at odds with members of both parties, the public and the media. This would prove to be true at each step of his career, including as Governor of Pennsylvania and as chairman of the National Commission on Marihuana and Drug Abuse.

[1] Raymond P. Shafer, "Obligations of Citizenship Speech," Box 7: Early Political Career (1948-1966), Raymond P. Shafer Collection, the Wayne and Sally Merrick Historic Archival Center, Allegheny College Pelletier Library, Meadville, PA.
[2] James Wright Domnick, "Gov. Raymond Philip Shafer: A Biography," (Working Paper, 2017), 6.

Raymond Philip Shafer was born on March 5, 1917, in New Castle, Pennsylvania, to David and Mina Shafer. As the son of a minister and a former school teacher, faith and education were paramount to his upbringing. He was the youngest of five children and even as a child began to display the traits and interests which would one day lead him to the Governor's mansion in Harrisburg.

Among Shafer's key influences while growing up was Horatio Alger, whose popular "rags-to-riches" stories motivated Shafer to work toward the "American Dream." According to Shafer's daughter Diane, Ray kept a full volume of Alger's stories his entire life, and read them to his kids when they were young.[3] The characters in his stories had a formative effect on Shafer; ingraining in him the values of courage, hard-work and honesty. One such character was Ragged Dick who wanted to grow up to be 'spectable.'[4] He refused to steal and often received aid from gentlemen who were impressed by his virtue and determination to succeed. A general lesson of the Alger books was that success was not as much about wealth as holding an honorable position and being respected. Many of the lessons Shafer learned from Alger, particularly the notion that hard work would be rewarded and the importance of connections, were the bedrock of his legal and political career.

When Shafer was seven-years-old, his family moved to Sebring, Ohio so that his father could become the pastor of a church there. This would not be the last time that Ray was uprooted. He learned at a young age how to make friends quickly - an important skill for a future politician. That said, Sebring was where Ray spent the majority of his formative years. By the time he got to high school, his talents both in the classroom and on the basketball court had become readily apparent. His favorite subject was history, and having watched his father deliver

[3] Diane Shafer Domnick, Interview by Author, February 15, 2017.
[4] Gary Scharnhorst, *Horatio Alger Jr*. (Boston, MA: Twayne Publishers, 1980), 75.

sermons for years, he came to appreciate the value of public speaking. It was also during this point in his life that Shafer began to take an interest in politics, and much like his parents, considered himself to be a staunch Republican.[5]

While in Sebring, Ray joined the Boy Scouts of America and rose from Cub to Eagle Scout, which was a significant factor in honing his skills as a young leader. It was also here that Shafer first developed an ambition to study law.[6] Nonetheless, just before his senior year of high school, his family moved once more; this time to a small blue-collar town called Meadville, in northwest Pennsylvania. Unlike Sebring, Meadville would remain Shafer's home for the rest of his life.

It did not take long for Shafer to endear himself to the people of Meadville. He was inducted into the National Honors Society as a senior, was chosen outstanding personality of his graduating class, and was also selected as the valedictorian. Everywhere Shafer went, he left a mark. Meadville High School's 1934 yearbook even said that "Ray has the determination, brilliance and personality it takes to get ahead in life. We know he won't fail."[7] Shafer had little interest in following in his father's footsteps as a minister, so when he was offered a scholarship at Allegheny College, he quickly accepted. This was a decision that would change not only his life forever, but the history of the college as well.

Shafer matriculated in the fall of 1934 but initially felt out of place. The college climate seemed elitist to Ray and he feared that he might not stack up against his wealthier, better dressed peers. He was used to working odd jobs just to have some spending money in his pocket; and the affluent environment of the college caused him to grow self-conscious about his

[5] Allen H. Barry, *Raymond P. Shafer. A Saga of Courage* (N.p., 1968), 16.
[6] Domnick, "Gov. Shafer," 11.
[7] Barry, *Saga of Courage*, 18.

background and his decision to commute to campus to save money.[8] His concerns about fitting in socially and stacking up academically dissipated quickly, especially after he was elected president of the freshman class. But Shafer's sense of inadequacy remained - not as a hindrance, but as the sort of motivation one might expect from a boy who had grown up reading Horatio Alger. His drive to succeed was fueled by his desire to improve his lot in life.

As biographer Allen H. Barry put it, Shafer "did not purposefully seek position or power, though granted when it became his he worked at it with great zeal. He liked to lead, to make decisions and assume responsibility; and doing so came quite naturally to him."[9] His peers recognized this and understood that he was well suited to lead. Shafer went on to serve as his class president during each of his four years at Allegheny College and was elected student body president as a senior. In addition to studying history and political science, he quickly immersed himself in a number of extracurricular activities. He became a member of the Pennsylvania Beta Chapter of Phi Kappa Psi Fraternity, joined the college choir, and began an illustrious athletic career as a three-sport star. By the time Shafer graduated, he had earned a combined nine varsity letters in soccer, basketball and track, but it was on the court where he truly shined. He served as team captain his senior year and led the team in scoring twice. Shafer's leadership development at the undergraduate level was in many ways a precursor to his future success in politics. He was drawn to public service and felt that a career in law was a good way to make a living and give back to his community.

Shafer took great pride in having gone to Allegheny College. His four years were characterized by tremendous academic, extracurricular and personal success. Yet perhaps the biggest milestone of Shafer's Allegheny career was the relationship he began during his

[8] Domnick, "Gov. Shafer," 18-19.
[9] Barry, *Saga of Courage*, 24.

sophomore year with a first year student named Jane Harris Davies. According to Jim Domnick, Shafer was "looking for a woman that was fun to be with and looked good on his arm, particularly at social events", while Jane wanted to find a successful man who could take care of her.[10] The two would ultimately marry in 1941 and have three children together - two of whom would follow in their parents' footsteps at Allegheny.

When Shafer graduated in 1938, he had been named a Rhodes Scholar candidate and was inducted as a member of Phi Beta Kappa Honor Society. Years later, when reflecting on his time at Allegheny, Shafer said that "my years as a student - the small classes and close relationships with both professors and fellow students, the general excellence of instruction, the broad range of curricular and extracurricular opportunities given me, the subtle but pervasive stimulus to seek higher goals - have had a profound effect on my life."[11] Shafer was not alone in his love for his alma mater. His graduating class adopted the moniker "38's Great" during their time at Allegheny, which served as a point of pride during reunions for decades to come.

The group had a laundry list of accomplished alumni and Raymond Shafer was at the top of the list; not simply for his accomplishments as an undergraduate or his distinguished political career, but for his years of service to the college as one of its most committed alumni. He joined the Board of Trustees in 1964, and served as its chair from 1972 to 1981.[12] In 1980, Shafer received the Alumni Medal, the College's oldest and most prestigious recognition awarded for steadfast loyalty and many years of distinguished service to Allegheny. Upon his retirement as chair, President David Harned moved that the campus auditorium be named in Shafer's honor.

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[10] Domnick, "Gov. Shafer," 21.
[11] Allegheny College History Department, "History Alumni," *Alumni Endorsements*, accessed February 3, 2017. http://sites.allegheny.edu/history/alumni/
[12] Jonathan Helmreich, *Through All the Years: A History of Allegheny College* (Meadville, PA: Smeltzer Bell Research Center, 2005), 427.

Yet, his most significant contribution came in 1985, when he agreed to serve as acting president of the College after the sudden resignation of Harned that summer.

At his inauguration in the fall of 1985, President Shafer stated that "I have always said that my love for Allegheny was behind only my love for my country and my family."[13] Though some surely expected the 68-year-old to treat his tenure as a lame-duck year, upon taking office Shafer emphatically said that "I will not have the college stand still, for standing still means moving backward."[14] Shafer immediately began repairing and strengthening alumni connections in the region while revitalizing the college's capital campaign. While he was focusing on rebuilding for the future, he also oversaw the recruitment process of his successor, Daniel F. Sullivan.[15] For all of Shafer's work, the Board voted to strike the word "acting" from his title. He was officially sworn in as the 18th president of Allegheny College at the June commencement ceremony of that year.

Long before his accomplishments as an alumni however, Shafer's interest in public service led him to pursue a career in the legal field. He admired Republicans like Gifford Pinchot, the 28th governor of Pennsylvania, and frequently read articles by Westbrook Pegler, a fierce opponent of the New Deal and labor unions.[16] Another of Shafer's role models was Thomas E. Dewey, a federal prosecutor in New York who would later garner the Republican nomination for the Presidency in the 1948 race against Harry Truman.

Shafer spent the two summers surrounding his senior year working in Quaker Hill, New York, where he endeared himself to Lowell Thomas, a famous American writer and broadcaster. In the process, Ray also connected with a number of other prominent figures, including Thomas

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[13] John Dorries, "Shafer Named Acting President," *The Campus of Allegheny College*, September 18, 1985, Meadville, PA.
[14] Dorries, "Shafer Named Acting President."
[15] Helmreich, *Through All the Years*, 427.
[16] Domnick, "Gov. Shafer," 24.

E. Dewey, who in the late 1930s was best known for his tenacity in taking on corruption in both organized crime and politics. Shafer admired this and came to envisage his own career path along a similar model to Dewey's.[17] With the encouragement of his New York connections and his professors at Allegheny, including then-President William P. Tolley, Shafer chose to attend Yale University over Cornell or Harvard for Law School.[18]

While at Yale, Shafer became the first student to ever serve on the boards of both the Barrister's Union and the Moot Court.[19] His successes there prompted his acceptance to Phi Delta Phi Fraternity - the International Legal Honorary Society. There he joined a distinguished group of other future lawyers and politicians. Among them were President Gerald Ford, Governor William Scranton, and Supreme Court Justices Potter Stewart and Byron White. In fact, a photo taken in 1940 of the organization's 77 members appeared in a 1966 *Life* magazine article entitled "Brothers in a Law Fraternity and How They Bloomed."[20] Unlike some of his peers, Shafer was not born well connected. As a minister's son from Meadville, he did not have the "Scranton" name or the political ties of a Potter Stewart, but what he did have was a jovial personality, a quick wit, and even at a young age, an unwavering commitment to what he believed to be right. As his political career progressed, the friendships he had made at Yale remained beneficial, to say the least.

After graduating from Yale with his L.L.B. in June of 1941, he and Jane got married and were ready to begin their life together. Shafer got a job in New York working for the prominent law firm of Winthrop, Stimson, Putman and Roberts, and it appeared that the couple would be headed toward a comfortable, if not prosperous life. But the attacks on Pearl Harbor later that

[17] Ibid., 32.
[18] Domnick, Interview by Author.
[19] Barry, *Saga of Courage*, 29.
[20] Life Magazine, "On the Newsfronts of the World," *Brothers in a Law Fraternity and How They Have Bloomed*, (May 20, 1966).

year drew the United States into World War II and led Shafer to enlist in the Navy - albeit without informing Jane first.[21] Fortunately, his initial assignment kept him in New York where he worked as an intelligence officer. In November of 1942, the Shafers' first child, Diane, was born, but in January of 1943, Shafer's sense of duty compelled him to seek action aboard a Patrol Torpedo (PT) Boat.[22] He shipped out in February to begin combat training and not long thereafter Jane discovered she was pregnant with a second child - a son named Philip. Jane returned home to Pittsburgh to stay with her parents, who were worried that Ray would not make it back and that their daughter would be widowed with a second child on the way.[23]

Like most 24-year-old men at the time, Shafer took great pride in his country. Though young, he was already a man of integrity who considered courage to be paramount to success. This approach would stick with him when he entered the political arena later in life. It was also why he rose the ranks quickly in the Navy, where after serving in Naval Intelligence, he became the first Commanding Officer of PT-359 and later the Lieutenant and Executive Officer of Squadron 27.[24] Of the 80 combat missions he saw, one in particular warrants mention as a defining moment in his career. During the Battle for the Recapture of Corregidor as part of the Liberation of Manila Bay in February 1945, 17 paratroopers were stranded and Shafer bravely went in to rescue each and every one of them, telling his men "don't worry, I'll be back."[25] If only Jane's parents could have had that reassurance.

The battle proved decisive in the Pacific Theatre and for his valor, Shafer was awarded a Bronze Star and a Purple Heart. Jerry Nolan, who had served under Shafer from their time in

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[21] Domnick, Interview by Author.
[22] Barry, *Saga of Courage*, 32.
[23] Domnick, Interview by Author.
[24] Amelia Carr, "Raymond P. Shafer Military Career," *Raymond P. Shafer: Allegheny's Governor of Pennsylvania*, accessed January 26, 2017, http://shafer.gandeleyn.com/military.html
[25] Barry, *Saga of Courage*, 33.

training school until Japan surrendered, said that "when a man does something out of the ordinary, when he risks his life for others and for something he believes in very strongly, you say that man has 'guts.' And I can truthfully say I don't think I've ever met a man with more guts than Ray Shafer."[26]

When the war ended, Shafer returned home a hero and was set to begin what would become a long and celebrated career in Pennsylvania politics, bolstered by his record of service with the Navy. At the behest of his wife, Shafer moved the family back to Meadville, where he joined the law firm of Herbert A. Mook. and Walter J. McClintock. Mook had graduated from Allegheny in 1929 and, like Shafer, was a brother of Phi Kappa Psi Fraternity and a staunch Republican.

After about a year of working, Mook, who having previously served two terms as Crawford County District Attorney and was thus highly in tune with the local political scene, suggested that Shafer run for the same position. At the time, there were a number of issues plaguing Crawford County- from gambling and juvenile delinquency, to drunk driving and an alarming number of incest cases.[27] In Shafer, Mook saw a fellow Republican whose aggressive approach to enforcing the law could help clean up the area's image.

Shafer entered his name into the race against the incumbent Kenneth E. Rice, who had the backing of the local Republican establishment. Having only been practicing the law for a short time, Shafer relied on his popularity, his record as a war-hero, and his post as secretary-treasurer of the Crawford County Bar Association to fuel his campaign. In the end, he defeated Rice by less than 200 votes to win the primary, while Mook, who had entered the race for Crawford County Judge, also won. Shafer then won the general election unopposed when the

[26] Ibid., 38.
[27] Domnick, "Gov. Shafer," 69.

Democrats nominated him as well; a reflection of the dominance that Republicans had over the political scene in Crawford County at the time.

Shafer took office in 1948 and served two terms, during which he handled thousands of complaints and inquiries. He was especially active in dealing with problems of youth, working directly with the juvenile court and juvenile probation office. Shafer was a firm believer in delinquency prevention and was active in several programs for young people, including the Boy Scouts. Shafer's toughest decision as District Attorney was reflective of his character and his principled approach to politics. Gambling, particularly through Bingo games, had become a nuisance in the low-income community and complaints began to mount.[28] Going against the games, which were often organized through the church, meant risking his political standing, but Shafer persisted. He met with local church leaders and explained the harms of Bingo as he saw them. Shafer was able to persuade local leaders to comply with a mandate prohibiting gambling, something that would have been difficult if not for his popular standing in the community.

To say Shafer gave back to the Meadville area would be an understatement. He was the campaign chairman of the Western Crawford County Community Chest, director of the Crawford County United Fund, Chairman of the local chapter of the American Red Cross, a member of the American Legion and the Veterans of Foreign Wars, and a board member of the Meadville City Hospital, Crawford County Mental Health Clinic, and the Community Nursing Service. In addition, Shafer was quite active in the legal community; he served as the secretary of the Crawford County Bar Association and held membership with the Bar of the U.S. Federal District Court of Pennsylvania, the Pennsylvania Bar Association, and the District Attorney Association of Pennsylvania. He even managed to find the time to teach Business Law at his alma mater, Allegheny College. In 1955, he opened a new law firm in the Diamond Park area of

[28] Barry, *Saga of Courage*, 43.

Meadville; and thus in January 1956, he stepped down from public office to devote more time to his private practice and young family, which in 1953 had grown to five with the birth of his third and final child, Janie.[29]

Shafer's ultimate goal was always to become a member of the United States Supreme Court, which was why when his second term as District Attorney was over in 1956, he decided to instead focus on his law practice. If he wanted to be appointed to a federal judgeship and subsequently the Supreme Court, he would need to first focus on developing his record as a prosecutor. Although he had always been interested in politics, Shafer's passion was in upholding the law rather than wielding public office. He turned down a request by Republican Party leaders to run for the 24th Congressional District seat in 1956, seemingly for this reason; but in the spring of 1958, he had a change of heart and announced his candidacy for the Pennsylvania State Senate.[30] His decision to refocus on politics was not an abandonment of his legal aspirations by any stretch, as the Supreme Court would remain his dream even as he climbed the political ranks over the ensuing decade. It is worth mentioning that these motives were not always well known. One historian even wrote that Shafer's political ambitions were fueled instead by his "inner demands for self-approval and public recognition."[31] In retrospect, such commentary seems shortsighted.

In the ensuing race for State Senate, Ray again found himself in the underdog role. The seat encapsulated both Crawford and Mercer counties, and Shafer's opponent in the primary was Edward Young, a resident of the larger Mercer area.[32] He ran as a candidate favoring constitutional revision, strengthening the public school system and improving the efficiency of

[29] Ibid., 44.
[30] Ibid., 44-45.
[31] Paul B. Beers, *Pennsylvania Politics Today and Yesterday* (University Park, PA: The Pennsylvania State University Press, 1980), 325.
[32] Ibid., 47.

state government. During the campaign, he said "I firmly believe that the individual citizen can receive a larger return for his tax dollar by eliminating excess personnel and other areas of waste in the various administrative and executive agencies, without the loss of any essential services to the people of Pennsylvania."[33] Shafer valued education highly and made it a point of emphasis at every level of his political career, not only because he had done so well at Allegheny and Yale, but also because his mother, who had been a school teacher, had made sure that Ray and his siblings received a college education. He believed it would be worthwhile to investigate the possibility of providing state loan funds to needy gifted students so that no student would be deprived of a higher education.

After winning the primary in another tight race, Shafer defeated Harold B. Turner to become the State Senator for Pennsylvania's 50th district.[34] This was hardly surprising given the history of Republican dominance in this region. During the 35 presidential elections from 1868 to 2004, Crawford County voted Republican in all but four elections.[35]

In 1948, historian Wayland F. Dunaway described Pennsylvania as "other than Maine and Vermont, the most consistently Republican state in the Union.[36] This was attributed to the fact that the Democrats were historically tied to the Confederacy, and the GOP was closely aligned with all the major economic powers in the state. In 1950, Republicans had a majority in 53 of the state's 67 counties, but over the next two decades they would gradually lose their grip, particularly in the more populous areas of the state. Crawford County and others in central Pennsylvania were the rural 'bible belt' of the state and remain the backbone of the Republican

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[33] Ibid., 48.
[34] Amelia Carr, "Raymond P. Shafer Elected Offices," *Raymond P. Shafer: Allegheny's Governor of Pennsylvania*, accessed January 30, 2017, http://shafer.gandeleyn.com/elections.html.
[35] Albert J. Menendez, *The Geography of Presidential Elections in the United States, 1868-2004* (Jefferson, NC: McFarland & Company, Inc., 2005), 286-289.
[36] John J. Kennedy, *Pennsylvania Elections: Statewide Contests from 1950-2004* (Lanham, MD: University Press of America, Inc., 2006), 1.

Party today, but the GOP's regional dominance did not extend to the state capitol in 1958. They badly needed young blood in Harrisburg, where the Democrats now controlled both the Executive Mansion and the House of Representatives. In Shafer, they found a man who would bolster the party's 'new guard' and help lead it on a more progressive track.

Once in office, Shafer wasted no time in making his voice heard. Among the highlights of his term in office were co-sponsoring a bill dealing with improving the conditions and pay for migrant farm laborers, voting in favor of an $8.8 million industrial development bill, and a $5 million urban renewal appropriation.[37] He served on numerous committees and made clear that he would not allow electoral concerns to affect how he voted on issues. Shafer often got into hot water with his own constituents, particularly on the occasions when he voted "yes" on the school reorganization (which would help urban areas and thus had no effect on the 50th district, who did not want to have their money go toward the rich cities) and fair housing acts.[38] The 50th was predominantly white and fair-housing was favorable to the black community. When pressed on the matter he said that "I voted with my conscience, and I shall always vote for legislation which helps human beings." He added that "the fair housing legislation is something that transcends the 50th district, my party and even the state as a whole. It is legislation intent on helping people - all people, black and white, rich and poor, old and young."[39]

Instances like this foreshadow Shafer's later experiences as Governor and as Chair of the National Commission on Marihuana and Drug Abuse. Going against the grain was not a matter of ideology or party lines to Shafer. He was a moderate politician and was proud to call himself a Republican, but he was not beholden to electoral considerations in the way that many of his contemporaries were. Partisan politics frustrated Shafer, who was a lawyer by trade and took a

[37] Barry, *Saga of Courage*, 51-52.
[38] Ibid., 52.
[39] Ibid., 52-53.

legalistic approach to political problems. He often garnered backlash from members of both parties, and some like Paul Beers, have suggested that Shafer took a naive approach to politics and was almost romantic about his crusade for Pennsylvania.[40]

In February 1962, Shafer announced that he would run for congress; but less than a month, he later abandoned that plan when he received a call from one of his classmates from Yale. Bill Scranton was running for Governor of Pennsylvania that year and wanted Shafer to join him on the ticket as his Lieutenant Governor. Both men were attractive figures with impressive political backgrounds. Scranton had worked in the State Department during President Dwight Eisenhower's administration and was elected to the U.S. House in 1960, where he became known as a centrist who backed President Kennedy's social agenda, including civil rights and the Peace Corps.[41]

In Scranton's own words, "I'm apt to be quite liberal on civil rights, conservative on fiscal policy and generally a middle-of-the-roader."[42] As author George Wolf points out, Scranton likely would not have been able to secure the party's nomination if Republican leadership in Pennsylvania had not been so weak and factionalized at the time.[43] He was an independently minded, wealthy congressman who had few ties to the old guard. But with the backing of Eisenhower, he and Shafer formed a team that offered a bright new outlook for the party in Pennsylvania. After eight years of Democratic control in Harrisburg, the two were able to defeat Philadelphia Mayor Richardson Dilworth and his running mate, State Representative Stephen McCann, the House Majority Leader, by nearly half a million votes.

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[40] Beers, *Pennsylvania Politics*, 320.
[41] Renée M Lamis, *The Realignment of Pennsylvania Politics since 1960: Two Party Competition in a Battleground State* (University Park, PA: Pennsylvania State University Press, 2009), 93.
[42] Philip Shriver Klein and Ari Arthur Hoogenboom, *A History of Pennsylvania*, (New York, NY: McGraw-Hill, 1973), 465.
[43] George D. Wolf, *William Warren Scranton: Pennsylvania Statesman* (University Park, PA: Keystone Books, 1981), 64.

Industrial development and economic revival were the central themes of the Scranton years. It was also a period in which the national economy was improving, and state government was more willing to commit funds to promote general welfare than ever before.[44] Although Governor Scranton benefited politically from the national economic recovery, he pushed Pennsylvania even further. In addition to facilitating industrial development, Scranton helped improve and expand the public educational structure and boost the sagging morale of local government. The Scranton administration thus produced more support for education, highways, business and industry, and also spent more money in the process than any of its predecessors.[45]

As Lieutenant Governor, Shafer's main responsibilities included serving as the President of the Senate, acting as counsel to Scranton, and chairing the Board of Pardons. In addition to his administrative duties, he acted as a salesman of ideas for the administration, which meant making countless appearances across the state. He was chairman of the committee that modified and increased school subsidies, and he helped draft a program that raised teachers' salaries."[46] Even then, Shafer was working on amending the outdated state constitution, which would become the crowning achievement of his tenure as Governor.

The Scranton administration's massive spending had relied upon a booming economy that was ultimately unsustainable.[47] By failing to establish a broad-based tax program to fund the expansion of public services into the future at a time when it was politically feasible, the Scranton administration doomed their successors. Tax reform is difficult with legislators whose interests rarely look beyond the next election, but in Scranton's case, the economy was growing at a rate that warranted an expansion in tax revenue if Harrisburg was to continue its aggressive

[44] Wolf, *William Warren Scranton*, 71.
[45] Ibid., 77.
[46] Barry, *Saga of Courage*, 54.
[47] Wolf, *William Warren Scranton*, 75-76.

programming. Although his administration did succeed in raising the sales tax from 4 to 5 percent and secured increases in the cigarette and liquor tax, Pennsylvania remained in a low tax bracket compared to other big states.[48] When Shafer confronted the issue during his term as Governor and recommended the implementation of a state income tax, he faced a legislature that would not risk political backlash and it proved his undoing.

The widespread success of the administration during its first two years helped fuel Scranton's ascension in the moderate wing of the Republican Party alongside the likes of New York Governor, Nelson Rockefeller, Gerald Ford, who in 1965 became the House Minority Leader, and Michigan Governor George Romney. With their support, Scranton reluctantly decided to run for the Republican presidential nomination in 1964 against Barry Goldwater, the conservative Senator from Arizona. Although momentum had been building for months to find a more moderate candidate to oppose Goldwater, the breaking point for Scranton was when he voted against the Civil Rights Act of 1964. Scranton refused to stand by while the party of Lincoln succumbed to racism - a sentiment that Shafer strongly shared.[49] In this sense, his belated candidacy was one of principle and protest, letting Americans know that other Republicans favored and understood the importance of civil rights for all.

This particular narrative is examined further in the second chapter, but Scranton's decision to run provided Shafer with some of his most meaningful experiences as Lieutenant Governor. He acted in the Governor's place during meetings, served as the head of the large Pennsylvania delegation to the Republican National Convention in San Francisco that year, and worked tirelessly, though in vain, to help Scranton obtain the party's nomination.[50]

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[48] Klein and Hoogenboom, *A History of Pennsylvania*, 466.
[49] Ibid., 108-109.
[50] Barry, *Saga of Courage*, 56.

Although the more liberal Scranton would ultimately lose the race for the nomination to Goldwater, it afforded Shafer the opportunity to prove that he was capable of achieving greater heights. By late 1965, discussions of Shafer running for Governor were in full swing. Newspaper editorials spoke glowingly of Shafer, pointing to him as the logical choice for the party's nomination. Gaeton Fonzi, a writer for *Philadelphia Magazine* at the time, wrote that "there is probably no Republican in the state who is as familiar with as many individual lower-level workers."[51] Many prominent members of the party backed him, including Scranton, Rockefeller and President Eisenhower. Riding the positive momentum of the Scranton administration, Shafer handily defeated Dr. George J. Brett, a hardened conservative, in the primaries.

No Lieutenant Governor had ever been elected to the governorship of Pennsylvania until Raymond Shafer defeated Milton Shapp, a wealthy Philadelphia businessmen, in the general election of 1966. In fact, he beat him by a healthy margin of nearly 250,000 votes, bolstered by, among other things, one third of the African American vote. This was a high figure for a Republican in the wake of the 1964 Goldwater campaign, which had alienated the black community nationwide.[52] More importantly, the favorable public view of the performance of Governor Scranton coupled with Shafer's skillful identification with the successes of the outgoing administration were key factors in the campaign. The GOP took the entire ticket statewide and regained control of the House of Representatives.[53]

Shafer's initial platform was as overarching as it was ambitious. One *New York Times* report said that it "was regarded as the most liberal Republican campaign document ever written in Pennsylvania."[54] Certainly his plans for office reinforced that notion. In his first address to the

[51] Ibid., 57.
[52] Lamis, *The Realignment of Pennsylvania Politics*, 97.
[53] Kennedy, *Pennsylvania Elections*, 98.
[54] Ben A. Franklin, "Shafer is Victor in Pennsylvania," *New York Times*, November 9, 1966.

Pennsylvania general assembly, Shafer proclaimed that "the time has come to put our commitments on the line for the people of Pennsylvania. The time has come for an excellence of leadership from all of us in state government."[55] He sought constitutional revision and continued industrial development. On education, Shafer said that Pennsylvania "must commit herself now to spending the money required to give all our children a quality education from preschool through post-graduate studies. Nothing is more critical to securing our future."[56] He wanted to expand the highway system, improve environmental conservation efforts and modernize state government to better serve the people. Of these, Shafer decided to start with constitutional revision, an endeavor which would prove the crowning achievement of his administration.

Shafer believed that the 1874 Constitution was antiquated and to blame for many of the state's problems. Any effective modernization of Pennsylvania's government was dependent upon first modernizing its outdated constitution. He was also aware that a number of prior administrations had tried to revise the constitution, including Scranton's, and all had failed.[57] More than any other decision Shafer made during his term in office, this move was one that reflected his legal approach to politics.

He was ultimately able to call for a Constitutional Convention for 1968, which required the authorization of the voters and their subsequent approval of five major articles for revision. The convention lasted 91 days and addressed the areas of taxation, the judicial system, local governance, apportionment, and financing. Upon its passage, Shafer announced that this "is the most significant long-range achievement for Pennsylvania in this century" and that "nothing has pleased me more in my lifetime than this victory."[58]

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[55] Barry, *Saga of Courage*, 65.
[56] Ibid., 64.
[57] Ibid., 66.
[58] Ibid., 68.

Among Shafer's other accomplishments during his tenure were his commitment to conservation efforts and the education system. Interstate 79 was named the "Raymond P. Shafer Highway" for his help in facilitating its construction. He also helped to expand welfare coverage and was a strong proponent of combatting poverty and inequality by incentivizing industries to expand in low-income areas. Of particular relevance to Shafer's term were his creation of the Crime Commission in October 1968 and his dealings with race riots in York, PA, in 1969. These contributed to his reputation of upholding law and order, which was a common national issue due to the rhetoric of the Nixon Administration.

According to Shafer's friends and family, Richard Nixon even asked him to be his running mate for the 1968 Presidential election. In fact, his daughter Diane has said that he asked on three separate occasions, but Shafer turned him down every time because "he felt that Nixon was out for himself and was a vindictive character."[59] Given Shafer's ties to the moderate eastern wing of the party, it would make sense that he was on the short list for Vice President. Of course, this was before Shafer endorsed his friend Nelson Rockefeller for the party nomination later that year, which certainly did not win him any favors with the future President. Instead, Nixon chose Spiro Agnew, the Governor of Maryland, who later resigned after he was investigated on charges of extortion, tax fraud, bribery and conspiracy. This was before the 1974 Watergate scandal led to Nixon's own resignation and allowed Gerald Ford to ascend to the White House. It is fair then to wonder what might have been had Shafer accepted Nixon's initial offer. Someone else would have been appointed to chair the National Commission on Marihuana and Drug Abuse and Raymond P. Shafer may very well have become the 38th President of the United States.

Unfortunately for all of Shafer's ambitions and potential, the ensuing tax struggle associated with his expansion of government came to dominate his administration, which spent

[59] Domnick, Interview by Author.

$3.9 billion more than Scranton's had during their four years.[60] Shafer proposed a $2.5 billion budget for the 1970 fiscal year, which represented a 25% increase in spending and necessitated almost $500 million in new taxes. In order to balance this record budget, Shafer pushed for an income tax, as well as corporate tax increases and a continuation of the 6% sales tax, which his administration had proposed as a 'temporary' measure back in 1968.[61] These proposals came after prior increases to cigarette, liquor, inheritance, and various business taxes. Although the legislature agreed to continue the sales tax rate, they remained deadlocked for the next 13 months trying to balance the massive budget.

This period made Shafer unpopular with voters and members of his own party. Legislative Republicans fought the Governor on his income tax proposal, putting the commonwealth on a course for bankruptcy and effectively handing the 1971 gubernatorial race to Shapp and the Democrats, who defeated Broderick easily. The income tax was hardly a novel idea at the time, especially in other "Rust Belt" states. New York had implemented it decades earlier in 1919, while West Virginia (1961), Indiana (1963), Michigan (1967) and Illinois (1969) had all followed suit in recent years.[62] In fact the only remaining holdout in the region besides Pennsylvania was Ohio, both of whom succumbed in 1971 after Shafer had left office. In an article from the *Philadelphia Inquirer* entitled "Man Ahead of His Time," they pointed out that Shafer had "done the spadework for the reform that is the promise of the incoming Administration."[63] They were referring to Shapp, who - with a democratic majority in the legislature - was successful in implementing a 1% income tax in March of that same year.[64]

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[60] Beers, *Pennsylvania Politics*, 348.
[61] Klein and Hoogenboom, *A History of Pennsylvania*, 474.
[62] Clara Penniman, *State Income Taxation* (Baltimore, MD: The Johns Hopkins University Press, 1980), 2.
[63] "Man Ahead of His Time: Constitutional Reform Stands as Hallmark of Shafer Years," *The Philadelphia Inquirer*, January 10, 1971, from the Personal Collection of James Wright Domnick.
[64] Klein and Hoogenboom, *A History of Pennsylvania*, 475.

Although the 1968 constitution allowed incumbent governors to run for reelection, Shafer was bound by the previous rules and was limited to one term. When he left office, he said that "selfish, blind partisanship has led us into the state's current fiscal dilemma. Pennsylvania was gripped by this type of partisanship in the first year of my administration, and it never let go."[65] Shafer's ambitious platform was poorly timed economically, and without an income tax, the state simply could not afford to fund his activist platform. His reputation among the voters in Pennsylvania was deeply damaged by the time he left office.

Toward the end of Shafer's career, he said that "I think time will show that the long-range goals sought are much more beneficial to our Commonwealth than just temporary successes."[66] The trouble with this approach is that short term successes are what win elections. When Shafer first took office, he did so with Republican majorities in both houses. Of the few authors who have studied Shafer's administration, there are varying opinions of how this affected his administration. To Barry, whose biography of Shafer is altogether without criticism, the combination of dissenting conservatives on the Right and partisan Democrats on the Left made formulating effective legislation for Shafer difficult.[67] In contrast, Beers places the blame wholly on Shafer's shoulders. He points out that despite having a five seat majority in the Senate and a four-seat majority in the House during his first two years in office, the "hot-blooded" and "thin-skinned" Shafer was unable to work with members of his own party to find more reasonable solutions.[68]

Shafer was certainly courageous, as Barry puts it, but his courage came from his commitment to principle. He was a good 'ol boy, the son of a minister, and he was never one for

[65] Beers, *Pennsylvania Politics*, 320.
[66] Ibid., 327.
[67] Barry, *Saga of Courage*, 66.
[68] Beers, *Pennsylvania Politics*, 320.

'playing' politics. Beers referred to Shafer as a "crusading romantic" and accused him of being naive when it came to the realities of partisan politics.[69] Therefore, the challenge, as Beers would see it, came in Shafer's resistance to the realities of contemporary politics. To Shafer, this was probably difficult to accept because until his term as Governor, adhering to his beliefs and doing what he deemed "right" had been the key to his success. An article from the Meadville Tribune released the week before Shafer left office, said that "Shafer really believes that good government is good politics. He believed these things were needed and he was prepared to let the chips fall where they might. Such an attitude, such grit and determination, make Ray Shafer stand out as a man and an individual as well as a political leader."[70]

In 1992, Shafer participated in a roundtable discussion of Pennsylvania politics and government from 1950 to 1970. As he reflected on his time as Governor, he said that whereas the new constitution was the crowning achievement of his term in office, his biggest disappointment was not securing a one percent income tax.[71] He goes on to point out that although the legislature wanted the programs he proposed, they refused to raise the taxes needed to pay for them. Kenneth Lee, the former Speaker of the Pennsylvania House of Representatives, pointed out that Shafer's mistake was in the timing of the proposal; stating that "you just cannot support taxes while legislators are seeking re-election."[72] This conversation, though brief, offers credence to both the cynicism of Beers and the optimism of Barry.

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[69] Ibid.
[70] "The Man and the Office," *The Meadville Tribune*, January 15, 1971, from the Personal Collection of James Wright Domnick.
[71] Robert G. Crist, Genevieve Blatt, George M. Leader, Kenneth B. Lee, A. James Reichley, and Raymond P. Shafer. "Pennsylvania Politics and Government, 1950-1970: A Round Table Discussion," *Pennsylvania History: A Journal of Mid-Atlantic Studies* 59, no. 4 (1992), 302.
[72] Crist, "Pennsylvania Politics and Government," 302.

Despite the frustrating end to Shafer's term, he was not ready for retirement. According to Shafer's daughter Diane, her father still hoped to join the Supreme Court.[73] At that point, however, he had not practiced in more than ten years and was advised that he did not qualify for an appointment at the state level. Still, he maintained high-level contacts and began inquiring about the possibility of a federal judgeship. Two of his biggest advocates were Senators Hugh Scott and Richard Schweiker, who lobbied Nixon and his Attorney General, John Mitchell, to appoint Ray to a federal judgeship.

When Shafer was appointed the chair of the National Commission on Marihuana and Drug Abuse on January 30, 1971, it overlapped with his judicial search. It is likely that Shafer hoped that if the Commission's findings were successful, it would bolster his chances of a potential court appointment. If Paul Beers was hoping that Shafer would have learned his lesson about idealistic politics, he did not. Rather than corroborate the White House's 'law & order' platform, the Shafer Commission argued for decriminalization in the face of the mounting conservative movement under Nixon. He believed in maintaining "law & order," although his means to doing so were rooted in the *law* and not politics - a stark contrast to Nixon's approach.

After the President rebuffed the report, *The Patriot* in Harrisburg wrote that Shafer "has a stubborn courage about himself that Pennsylvanians well know. His drug report is typically 'Shaferian' - controversial, compromising and farsighted."[74] Ray's chances of being appointed to the federal circuit were dashed, but to Pennsylvanians, this was typical of a man that local media members had commonly referred to as "Dudley Do-Right" - a jab at Shafer's tendency to do the

[73] Domnick, Interview by Author.
[74] "Drug Report: Shafer Panel Makes Good Sense," *The Patriot-News,* April 1, 1972, from the Personal Collection of James Wright Domnick.

wrong thing for the right reason.[75] "38's Greatest" was never one to take the politically-advantageous route, whether in Meadville, Harrisburg, or Washington. The tragedy of his career was that few others in his field could say the same.

[75] Sean D. Hamill, "Raymond P. Shafer, 89, Governor of Pennsylvania, Dies," *New York Times*, December 14, 2006.

Chapter 2

The Conservative Movement and the Quest for a New Majority

While Raymond Shafer was maneuvering his way through the ranks of state politics, a new brand of conservative ideology was building momentum within the national Republican Party. The evolution of the movement from a disparate group of ideologues into a cohesive grassroots campaign, culminated in the nomination of Barry Goldwater as the party's nominee in 1964. Despite his loss in the general election to Lyndon B. Johnson, the conservative coalition of the GOP was here to stay, and liberal Republicans soon found themselves on the wrong side of history.

From 1965 to 1968, broad social unrest gripped the United States, from the Vietnam War and protests on college campuses, to the Civil Rights Movement, race riots, and increasing street crime. The broader threat of counterculture, including more rampant drug use, concerned older generations of white Americans who felt that the country was coming apart at the seams. This proved politically advantageous for Richard Nixon, who ran for the presidency in 1968 as a candidate representing the "Silent Majority" of Americans who were disillusioned by the chaos that they saw each night on the evening news. Nixon's commitment to law and order and his promise to be 'tough' on crime were hallmarks of his administration. Equally important was the president's belief that with the fracturing of the New Deal coalition, the GOP could establish itself as the majority party in the 1972 election. Part of this strategy involved bring the southern bloc under Republican control. As John Micklethwait and Adrian Wooldridge put it, "the Republican Party, which had once been characterized by Northeastern gentility, acquired a more

ideological edge and a Southern fried flavor."[1] His first term in office reflected this strategy and was a significant factor in the president's rejection of the Shafer Commission.

The "Party of Lincoln" was originally one of national power to protect the Union; predicated on abolition efforts and a desire to promote business enterprise. During the Gilded Age, the party moved toward the interests of the business community and favored smaller government that was geared more toward the rights of individual states.[2] This became a matter of contention during the Progressive Era, as the party grappled with what the government's role should be in regulating an increasingly complex industrial society.

To deal with the social problems associated with industrialization, Teddy Roosevelt believed that the government needed to curb corporate power and clean up politics. If they did not, they risked dividing the country into two parties where one contained "the bulk of property owners and conservative people, the other the bulk of the wage workers and less prosperous people generally."[3] Despite Roosevelt's efforts, the majority of Republicans preferred a course of action to limit the role of government power and organized labor in favor of free enterprise. In fact, this issue split the party at the 1912 Republican National Convention as Roosevelt lost his bid for the party's nomination to the incumbent President, William Howard Taft.[4] Roosevelt and his supporters broke off in protest to begin the Progressive Party; effectively handing the election to Woodrow Wilson. The party moved further to the right during Wilson's presidency, which Lewis L. Gould points to as the beginning of a pattern of political discourse that endured in the

[1] John Micklethwait and Adrian Wooldridge, *The Right Nation: Conservative Power in America* (New York, NY: The Penguin Press, 2004), 10.
[2] Lewis L. Gould, *Grand Old Party: A History of the Republicans* (New York, NY: Random House Inc., 2003), xi.
[3] Roosevelt to Philander Knox, November 10, 1904, in Morison, *Letters of Theodore Roosevelt*, IV, p. 1023, cited in Gould, *Grand Old Party*, 152.
[4] Gould, *Grand Old Party*, 191.

party's domestic issues for the eight decades that followed.[5] This nuance is important to understanding that conservatism, broadly speaking, was not new to the Republican Party in the 1950s and 1960s but the particular form it ultimately took *was*.

When Warren G. Harding defeated Woodrow Wilson for the presidency in 1920, it marked the beginning of a brief period of Republican political dominance. But the euphoria of the 'Roaring Twenties' was brought to a screeching halt when the Stock Market crashed in October of 1929, ushering in the Great Depression. Until then, antagonism toward government activism cut across party lines, but Herbert Hoover's resistance to the call for intervention placed Republicans squarely on the side of conservatism and created an opportunity for the Democrats to exploit.

Hoover's defeat at the hands of Franklin D. Roosevelt in 1932 was the American people's rejection of unfettered capitalism and marked the last time that the GOP would hold the White House until 1953. The 1930s thus are understood as one of the major periods of realignment in the history of the American party system.[6] The GOP was discredited and the Democrats became the country's majority party. The welfare state that emerged from the New Deal era replaced the business-dominated politics that had preceded it. The United States was a nation in need of pressing reforms to make society more equitable and just for its citizens, and that was what Roosevelt intended to do.

The overwhelming popularity of FDR's New Deal programs presented a significant challenge to the Republican orthodoxy. Among their points of contention were the president's willingness to use the power of government to establish permanent programs such as Social Security, his sympathy for organized labor, and his reliance on deficit spending to pay for his

[5] Ibid., 227.
[6] James L. Sundquist, *Dynamic of the Party System: Alignment and Realignment of Political Parties in the United States*, Revised Edition (Washington D.C.: The Brookings Institution, 1983), 7.

initiatives.[7] Conservatives argued that the best and most intellectually honest course of action was to oppose the programs on principle. It was not only Midwestern Republicans who were concerned though. The New Deal coalition that FDR built disgruntled a number of southern Democrats who were uncomfortable with a national party that supported greater federal power and was becoming increasingly friendly toward civil rights. This period marked the beginning of the gradual dealignment of the "Solid South" from the Democratic Party.

One of the key faces of the Right at the time was Ohio Senator Robert H. Taft, who said that "the measures undertaken by the Democratic Administration are alarming. Whatever may be said for them as emergency measures, their permanent incorporation into our system would practically abandon the whole theory of American government, and inaugurate what is in fact socialism."[8] The problem was that the majority of Americans did not want to return to the old Republican orthodoxy of high tariffs, permissive regulation for business and the near-complete absence of a government social safety net.[9] Moderate and liberal Republicans, particularly those in the northeast, understood this and favored political expediency. They realized that Roosevelt's programs had particular resonance with the voters in their states and felt that they would need to adapt for the sake of the future of the party. This difference in approach remained a major point of contention within the GOP for decades.

In addition to domestic policy concerns, intellectuals on the Right took exception to the Roosevelt administration's internationalist foreign policy. Many Americans preferred neutrality and nonintervention during World War II, including Taft. In this sense, resistance to the New Deal and internationalism present a common theme of early conservative thought: opposition to

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[7] Gould, *Grand Old Party*, 267.
[8] James T. Patterson, *Mr. Republican: A Biography of Robert A. Taft* (Boston: Houghton Mifflin, 1972), 151-152, quoting a 1934 Taft letter.
[9] Geoffrey Kabaservice, *Rule and Ruin: The Downfall of Moderation and the Destruction of the Republican Party, from Eisenhower to the Tea Party* (New York, NY: Oxford University Press, 2012), 4.

equality that does not come about naturally. Whether it be economic equality among people or international equality among nations, anything engendered by the government was seen as a threat to such American values as individualism, self-reliance and the rule of law.[10] The challenge of course was that government-induced or not, a postindustrial society was ushering in a new global order that challenged the accepted ideas of nationalism and patriotism. Although in time most conservatives abandoned their isolationist outlook as fears of communism spread, their hostility to globalization remained a central tenet of conservative thought. This reality contributed to the their opposition to many of the international organizations that were born out of the post-war period, including the World Bank, World Trade Organization and perhaps most commonly, the United Nations.

With the war over, the Republicans took both houses in 1946 and began to dismantle the New Deal's social legislation, most notably through the passage of the Taft-Hartley Act of 1947, which relaxed protections for unionists and sanctioned anti-union laws in the states.[11] This was the crowning achievement of Taft's career and offered optimism for the Republican Party that it could take back the White House as well in 1948. Ultimately however the nomination process would reinforce divisions in the party.

The Midwestern conservative wing often found itself at odds with the party's eastern bloc, which was more liberal on economic and welfare issues and internationalist on foreign affairs. They were also supported by bankers, financiers and public-opinion makers who held significant sway over the party and public opinion.[12] In 1948 the moderates backed Thomas Dewey, an internationalist from New York for the party's nomination. On the other side stood

[10] Donald T. Critchlow, *The Conservative Ascendancy: How the GOP Right made Political History* (Cambridge, MA: Harvard University Press, 2007), 11.
[11] Nicol C. Rae, *The Decline and Fall of Liberal Republicans* (New York, NY: Oxford University Press, 1989), 159.
[12] Critchlow, *Conservative Ascendency*, 38.

Taft, who was the champion of the conservative coalition during the New Deal era and the early years of the Cold War. He was opposed to reform, Easterners, foreigners and Wall Street and accused FDR of being a communist.[13] He was also a fervent isolationist which, though popular with certain segments of the electorate, did not help in his bid for the party's nomination. This was a blow to the conservative wing, made all the worse when Dewey ultimately lost to Harry Truman in the general election. The loss proved a galvanizing force for those on the Right, who had grown sick of the moderate faction toting out "me too" candidates, whose policies were liberal in nature but cloaked in conservative rhetoric.[14]

They were determined for 1952 to be different. The trouble for Taft, who would make his third bid for the party's nomination, was that Dwight Eisenhower stood in his way. The former Supreme Commander of the Allied Expeditionary Forces in Europe during World War II had not declared an allegiance to either party and both the Republicans and Democrats were eager to court the beloved war hero.[15] Eisenhower chose to ally himself with the Republicans due to the groundswell of public support, his sense of duty to his country and his dissatisfaction with Taft.[16] His candidacy was backed by the party's liberals, including Dewey, from the large industrial states of the Northeast whereas Taft had the backing of the Midwestern conservatives. Unfortunately for "Mr. Republican" and his supporters, the influence of the liberal wing was too great to overcome, and he lost a close race to Eisenhower.

During the 1930s, conservatism had been more of a frame of mind that was broadly opposed to socialism and internationalism than a coherent political philosophy. The influx of intellectual literature over the ensuing decades played a significant role in solidifying the

[13] Kabaservice, *Rule and Ruin*, 5.
[14] Gould, *Grand Old Party*, 315.
[15] Steven Wagner, *Eisenhower Republicanism: Pursuing the Middle Way* (Dekalb, IL: Northern Illinois University Press, 2006), 3.
[16] Wagner, *Eisenhower Republicanism*, 4.

movement's political platform. Friedrich Hayek's 1944 book, *The Road to Serfdom*, decried socialism as a detriment to personal freedoms, while Ayn Rand's "objectivist" philosophy questioned the ethos of a welfare state.[17] Written in 1953, Russell Kirk's *The Conservative Mind* provided intellectual substance to the movement. In it, he outlines the central tenets of conservative thought: that all political problems are inherently religious and moral problems; that civilized society requires orders and classes; that true equality cannot be forced by legislation; that property and freedom are inseparably connected; and that economic levelling is not economic progress.[18] His writings were as influential as any during this period in both formulating a more tangible platform and in recruiting adherents to it. Kirk also drew the line between traditional conservatism and the libertarian conservatism of Hayek and Rand.

At the same time that Kirk and others were solidifying the conservative platform, anti-Communist hysteria reached its zenith during the era of McCarthyism. With Eastern Europe lost behind the Iron Curtain, the Soviets building a nuclear arsenal and China in the hands of the Communists, the Red Scare reached new heights. In February of 1950, Joe McCarthy, a Republican Senator from Wisconsin, accused 57 State Department officials of being "card carrying members or certainly loyal to the Communist Party, but who nevertheless are still helping to shape our foreign policy."[19] His witch-hunt for communists gradually became a reign of terror and greatly damaged the quality of both the state department and the political system more broadly. Few dared challenge McCarthy for risk of being labeled a communist as well. His rise demonstrated the risks of demagogic leaders. Although his career would be short lived, his

[17] Micklethwait, *The Right Nation*, 46.
[18] Russell Kirk, *The Conservative Mind from Burke to Santayana* (Chicago: Henry Regnery Company, 1953), 7-10, found in Story, *The Rise of Conservatism*, 46-48.
[19] Joseph R. McCarthy, "Lincoln Day Address," *Congressional Record* (February 20, 1950), found in Story, *The Rise of Conservatism*, 40-42.

work with the House Committee for Un-American Activities (HUAC), particularly during the trials of the Hollywood Ten, remains an infamous footnote in American history.

Although he was ultimately censured by the Senate and discredited, the effect of McCarthyism was far reaching on both the American public and conservative ideology. For those on the Right, communism represented an overarching threat to their entire platform. As apprehension grew, grassroots movements began to pop up around the country during the ensuing decade, which proved to be an excellent springboard for the expansion of conservative intellectualism. Despite McCarthy's fall from grace, there were many on the Right who continued to defend who they saw as a champion of protecting American values in the face of creeping communism.

William F. Buckley was among those who actively endorsed McCarthy and defended his methods and goals. He founded the *National Review* in 1955 as a means of expounding conservative ideology against the mountain of liberal publications at the time.[20] Buckley was a fervent anti-Communist and anti-New Deal conservative, who supported Cold War interventionist foreign policy. His publication was a significant step in rallying people to the conservative cause. A few years later, the John Birch Society was founded by Robert Welch in 1958, and proved to be pivotal in mobilizing people to the conservative cause, particularly in California and the Sun Belt. The "Birchers" saw the battle against communism as a life-and-death ideological battle. Additionally, Young Americans for Freedom (YAF) was founded in 1960 to win over college students, who brought a youthful presence to the conservative movement, while providing a pool of talent for the next two decades.[21] These trends on the Right

[20] William F. Buckley Jr., "Publisher's Statement on Founding *National Review*," *National Review*, November 19, 1955, 5, found in Story, *The Rise of Conservatism*, 40-42.
[21] Critchlow, *Conservative Ascendency*, 59.

grew in contrast to the moderate wing of the party under Eisenhower, who did little to solidify their influence at the grassroots level.

Eisenhower had won the election to become President in 1952 in a landslide victory over the Democratic nominee, Adlai Stevenson. He had chosen Richard Nixon as his running mate because of his strong record of anti-Communism through the HUAC. His two terms in office were marked by peace, material abundance and what he termed "the middle way."[22] Conservatives had hoped that Ike would repeal New Deal programs like Social Security, slash taxes and government spending, repudiate agreements made at Yalta and attempt to roll back the communist gains in Eastern Europe and Asia.[23] But Eisenhower believed in practicality and understood that the status quo should only be challenged if done so gradually. For the most part, this plan was effective. The 1950s have since become known as a decade defined by broad political consensus, as most Americans' political identities were determined by factors other than ideology. But conservatives had become increasingly dissatisfied with Eisenhower. They appreciated his fiscal responsibility but disapproved of his foreign policy and his expansion of federal aid programs as an extension of the New Deal.

For the moderates who had finally succeeded in taking the White House, the 1950s have proven to be a missed opportunity. Ike did not take an active role in party affairs and did little to advance the interests of the moderate wing. In his presidential memoir, Eisenhower wrote that he was disappointed that he had failed to revitalize the party, and that he "did not succeed in the hope of increasing the party's appeal to the American electorate as to assure a few more years, after 1960, of Republican government."[24] He was unable to change the party's direction, refused to support campaigns for conservatives who had opposed him during his presidency and failed to

[22] Wagner, *Eisenhower Republicans*, 145.
[23] Kabaservice, *Rule and Ruin*, 14.
[24] Wagner, *Eisenhower Republicanism*, 132.

find capable leaders to perpetuate his legacy of a "middle way." During this period, the conservative base of the party was building support at the grassroots level, a step that the moderate faction overlooked. Although they were not united to the point of running a functional campaign in 1960, the steps taken during the Eisenhower years and their opposition to middle ground politics, were significant steps in the evolution of the conservative movement. The divisions that gripped the party in the coming years were therefore as much a result of conservative action as liberal inaction.

The race for the nomination in 1960 came down to Nixon and Nelson Rockefeller, the exorbitantly wealthy Governor of New York, whose family name and background had allowed for a fast rise in politics which he hoped might one day lead to the White House. Despite his wealth, Rockefeller was a pragmatist and the face of the liberal eastern wing of the party. In 1960 though, Nixon had greater appeal across the ideological spectrum of the GOP. For conservatives, his rabid anti-communism and fiscal responsibility were attractive traits, while liberals admired his internationalist world outlook and support of Civil Rights bills in 1957 and 1960.[25]

Rockefeller realized that the party was united behind his opponent and removed his name from the nomination but called Nixon to meet with him in New York in the middle of the Republican convention. The two agreed to platform planks pushing for stronger national defense and a more vigorous policy in support of civil rights. The "Compact of Fifth Avenue," as it came to be known, infuriated conservatives who felt that the Eastern bloc had manipulated the party again in favor of their own interests.[26] A last ditch effort to get conservative Arizona Senator Barry Goldwater to accept the nomination fell short when he stood up to withdraw his name and

[25] Arthur Paulson, *Electoral Realignment and the Outlook for American Democracy* (University Press of New England, Lebanon, NH, 2007), 82.
[26] Critchlow, *Conservative Ascendency*, 51.

admonished his supporters, saying "let's grow up conservatives! If we want to take this party back, and I think we can some day, let's get to work."[27] And that was exactly what they did.

Despite periodic intra-party struggles for power, political pragmatism and considerable common ground among moderate and conservative Republicans on matters such as fiscal policy and a pro-business mentality had always been able to keep the party united throughout its first hundred years. The 1960s proved the undoing of this narrative. After Nixon lost to John F. Kennedy in the general election, it created a power vacuum within the party.

The conservatives recognized this and began a furious effort to seize the nomination for Goldwater in 1964. Among their most significant successes in this regard were their ability to mobilize students on college campuses through YAF and the expansion of Young Republicans. Part of their success can also be fairly attributed to the fact that the rest of the party was asleep at the wheel during the Kennedy administration and assumed that Goldwater was too conservative to possibly be nominated.[28] Another key factor was that Rockefeller, who would again seek the nomination in 1964, watched his campaign fall apart after his marriage to "Happy" Murphy, a recent divorcee and mother to four children, created controversy that sank his lead in the polls.[29] It was at this point that Scranton entered the race as part of the "stop Goldwater" coalition, but it would ultimately prove unsuccessful.

Goldwater's base of support was bolstered by the publication and mass distribution of Phyllis Schlafly's *A Choice not an Echo* in 1964. In it, she argued that in every election since 1936, a small group of eastern Republican liberals, whom she labeled "kingmakers" and "me too" Republicans, had always selected the party's presidential nominee. What the party needed,

[27] Kabaservice, *Rule and Ruin*, 29.
[28] Paulson, *Electoral Realignment*, 83.
[29] Critchlow, *Conservative Ascendency*, 66-67.

she believed, was a genuine conservative who could actually win the election.[30] The book resonated at the grassroots level who were sympathetic to the idea that the party was ruled by a secret, elite group and by November 1964, the book had sold more than 3.5 million copies.[31] In addition, the Birch Society played a significant role in mobilizing voters, particularly in California, which was vital to securing the nomination. As John H. Kessel points out, he won the nomination "because many Goldwater supporters were more intense in their attitudes and more likely to vote."[32]

A central theme of Goldwater's candidacy was the question of race. Many conservatives believed that the party needed to adopt a "southern strategy" in order to win elections. Among the most influential pieces of literature on this subject came in 1962 when William Rusher penned an article for the *National Review* entitled "Crossroads for the GOP," in which he argued that the party needed to adopt southern segregationists in order to be a national party.[33] Further, he suggested that only Barry Goldwater was capable of such a feat and therefore the only Republican capable of actually winning the presidency.[34] This thinking clashed with moderate Republicans who supported civil rights legislation; particularly those in the north like Rockefeller and Scranton, where adhering to racism would damage their political viability. In the end, Goldwater's opposition to civil rights demonstrated a total disconnect between the conservative faction and the rest of the Republican Party.

Of course, the dynamics of racial politics had been changing for years before Goldwater's ascendency. At the 1948 Democratic National Convention, Strom Thurmond of South Carolina

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[30] Phyllis Schlafly, *A Choice Not an Echo* (Alton, IL, 1964, third edition), 6, cited in Critchlow, *Conservative Ascendency*, 68.
[31] Critchlow, *Conservative Ascendency*, 68.
[32] John H. Kessel, *The Goldwater Coalition: Republican Strategies in 1964* (Indianapolis, IN: The Bobbs-Merrill Company, Inc., 1968), 88.
[33] William A Rusher, "Crossroads for the GOP," *National Review* (February 12, 1963), 109-112.
[34] Kabaservice, *Rule and Ruin*, 62.

led a coalition of disaffected southern Democrats over the issues of states' rights to form the States' Rights Democratic Party. Although the Democrats still won the election that year, they lost four southern states to the "Dixiecrats," as they would come to be known. This moment shattered the "Solid South" which had been vital to the Democratic coalition during the New Deal era.[35] The party's platform stated, among other things, that "we oppose and condemn the action of the Democratic Convention in sponsoring a civil rights program calling for the elimination of segregation, social equality by Federal fiat regulations of private employment practices, voting, and local law enforcement."[36] Thurmond became a symbol of racial conservatism from then on and in 1964 switched to the Republican Party; a significant step in the development of Goldwater's "southern strategy."[37]

Despite being a landslide victory for Lyndon B. Johnson and the Democrats, the general election of 1964 was among the most politically significant of the 20th century. Johnson carried 44 states, including all but one of the ones that had supported Nixon just four years earlier. What makes it so significant is in relation to the history of political realignment. More than 1000 counties across the country switched from Nixon to Johnson, including 46 that were first-ever Democratic counties.[38] The bright spot for Goldwater was that his campaign had entered new territory as well, as he carried five states of the Deep South for the first time since Reconstruction. Of course, this was almost entirely due to Goldwater's opposition to the 1964 Civil Rights Act, as he carried all 71 southern counties that had gone for States' Rights fringe

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[35] Ronald Story and Bruce Laurie, *The Rise of Conservatism in America, 1945-2000: A Brief History with Documents* (Boston, MA: Bedford / St. Martin's, 2008), 6.
[36] Strom Thurmond et al., "Platform of the States' Rights Democratic Party," in Story, *The Rise of Conservatism, 1945-2000*, pp. 38-40.
[37] Kari Frederickson, *The Dixiecrat Revolt and the End of the Solid South, 1932-1968* (Chapel Hill, NC: The University of North Carolina Press, 2001), 236.
[38] Albert J. Menendez, *The Geography of Presidential Elections in the United States, 1868-2004* (Jefferson, NC: McFarland & Company, Inc., 2005), 90.

parties in 1960.[39] To African Americans, Goldwater's candidacy was seen as a last ditch effort to save white supremacy and it was reflected in the polls. After Nixon received 32% of the national black vote in 1960, Goldwater only mustered 6%.[40] Another area of concern was that although conservative women like Schlafly supported Goldwater, women on the whole did not and he received just 38% of the female vote.[41]

In contrast to Rusher's argument mentioned earlier, in 1965, the Ripon Society, which was formed by a group of academics, lawyers and businessmen at Harvard in 1962, issued a 124 page report analyzing the mistakes of the 1964 campaign. They called on party leaders to reverse its "weird and frightening" southern strategy, which had sought to capitalize on white resentment against the 1964 Civil Rights Act and instead urged the GOP to embrace the cause of civil rights. Moreover they recommended the "unequivocal dissociation" of the Republican Party from "irrational and irresponsible extremist elements" and the recruitment of "qualified, vigorous, articulate and moderate candidates" to run for Congress in 1966.[42] Liberal Republicans certainly would have hoped that 1964 election was an aberration but in retrospect stands as a decisive moment in the realignment of factional forces within the GOP.[43] The liberals were now clearly the minority party coalition and their influence began to be increasingly limited.

From 1965 to 1968, a series of prominent social issues swept the country, each of which disrupted the party lines that had held sway since the New Deal alignment. Racial problems were at the top of list and were soon joined by the Vietnam War and street crime. These three issues remained intertwined for the duration of the decade. The Watts riots in Los Angeles in August of

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[39] Menendez, *The Geography of Presidential Elections*, 90.
[40] Rae, *Liberal Republicans*, 75.
[41] Catherine E. Rymph, *Republican Women: Feminism and Conservatism from Suffrage through the Rise of the New Right* (Chapel Hill, NC: The University of North Carolina Press, 2006), 172.
[42] Ripon Society, *Election '64: A Ripon Society Report* (Cambridge, MA: Ripon Society, 1964), 19.
[43] Rae, *Liberal Republicans*, 77.

1965 set off a series of racial confrontations across the country. U.S. involvement in Vietnam gradually escalated into a full-scale war that necessitated a draft and led to protests on college campuses nationwide. Opposition to the establishment led to the explosion of a counterculture characterized by casual drug use, new styles of music and free love. The broad social unrest of this period encouraged other traditionally marginalized groups like feminists and homosexuals to join in the fight for equal rights as well.

To average Americans, particularly white, middle-class suburbanites, these changes triggered alarm and fear. As Sundquist puts it, "ghetto riots, campus riots, street crime, anti-Vietnam marches, poor people's marches, drugs, pornography, welfarism, rising taxes, all had a common thread: the breakdown of family and social discipline, of order, of concepts of duty, of respect for law, of public and private morality."[44] As a result, a political polarization took place between the people associated with causing the social unrest and those who were concerned with what they saw as the breakdown of society. This latter group supported the police and wanted the issue of law and order to be taken seriously.

There were undercurrents of racism associated with their call to action. Law and order politics, however subtly, were rooted in keeping black crime and disorder out of white neighborhoods. The Vietnam issue was also tied to law and order as its opponents - mainly the young - burned flags and draft cards, ransacked draft offices, interfered with military recruitment on college campuses, harassed ROTC organizations and held demonstrations that could often become unruly.[45]

In the race for the 1968 Republican nomination Nixon defeated Ronald Reagan, the new face of the Right and Rockefeller, who was introduced at the convention by Governor Shafer. In

[44] Sundquist, *Dynamics of the Party System*, 383.
[45] Ibid.

a speech reflective of the challenges facing the nation Shafer said "we are not a sick nation, but a good and great nation with very serious problems that can and must be solved." He goes on to say that "we must have someone who can build bridges across the deep and fragmented divisions that separate black from white, young from old, poor from rich - someone who is sincerely determined to bring every citizen into the mainstream of American life."[46] Shafer believed that Rockefeller was that man but the rest of the party did not and Nixon won the nomination on the first ballot. Much like 1960, Nixon presented a middling option between the conservatives and the liberals in the party.

In Nixon's acceptance speech at the convention, he said that he was a candidate for the "forgotten Americans - the non-shouters, the non-demonstrators, that are not racists or sick, that are not guilty of the crime that plagues the land."[47] Nixon wanted to be tough on law and order, but was a moderate candidate overall and had little patience for ideologues. He once commented to an aide in 1965 that "the far right kooks are just like the nuts on the left… There is only one thing as bad as a far left liberal and that's a damn right wing conservative."[48] In the general election, Nixon was again the middle candidate, between the liberal Hubert Humphrey and George Wallace, the segregationist Governor from Alabama. He won the election in a tight race and took office as a candidate intending to crack down on crime and restore order to a society run amok.

From 1932 to 1968, the only electoral victories that the Republican Party had had were few and brief. Eisenhower's victory in 1952, the greatest accomplishment of the party since its

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[46] "Speech by Governor Raymond P. Shafer of Pennsylvania Nominating Nelson A. Rockefeller for the Presidency," August 7, 1968, Box 12: Governor 1967-1970, Republican Party Materials (National Convention 1968), Raymond P. Shafer Collection, Wayne & Sally Merrick Historic Archival Center, Allegheny College.
[47] Perlstein, *Nixonland*, 304-305.
[48] Dean J. Kotlowski, "Unhappily Yoked? Hugh Scott and Richard Nixon," *The Pennsylvania Magazine of History and Biography*, Vol. 125, No. 3 (July, 2001), 237

discrediting following the Hoover years, was more a result of Ike's widespread personal popularity and strong record of leadership than his identity as a Republican. Nixon's victory represented a chance for the Republicans to change their fortunes for the future. He recognized that the instability caused by social unrest and the Vietnam War presented an opportunity for the GOP to replicate the sort of dominance that the Democrats had enjoyed since 1932. Nixon believed that he could bring Americans together in the same vein as FDR's coalition and this belief permeated his administration's policy decisions during his first term in office.

The Nixon administration immediately began looking toward 1972, believing that the dealignment of the "Solid South" from the Democrats was an indication of the lasting breakup of the New Deal coalition that had dominated national elections for the past three decades.[49] The "Southern Strategy" as it came to be known, coupled with Nixon's continued attempts to swoon the "Silent Majority" of Americans who were opposed to the social unrest of the mid 1960s, were part of his larger strategy of establishing a new majority for the Republican Party.

Nixon's quest for a new majority stemmed from his belief that he could bring about a permanent realignment of American politics that would solidify the Republican Party's majority for years to come. This belief animated his administration and affected how he structured public policy so as to forge better relationships with individual groups. As Robert Mason argues, even if realignment was largely unsuccessful under Nixon, his search for a new majority is central to understanding his presidency. He hoped to retain the votes of Middle America, and expounded rhetoric about the importance of traditional values to contemporary society.

American politics assumed a more conservative form in 1968 that has continued to grow since. To Nixon, the primary concern was on social issues, and his electoral formula became

[49] Rick Perlstein, *Nixonland: The Rise of a President and the Fracturing of America* (New York, NY: Simon & Schuster Inc., 2008), 464.

"patriotism, morality, religion."[50] The problem with fostering lasting realignment was that while many Americans may have supported this platform at the presidential level, it did little to help the Republican Party at the state and local levels. Without the commitment of Republicans in Congress to mirror Nixon's agenda, his new majority stood little chance of long term permanence. To further chip away at the chance of establishing a new majority was the reality that Nixon's creation of a "new majority" in the presidential election of 1972 could also be largely attributed to the lackluster campaigning of the Democratic George McGovern.

When Shafer was appointed to chair the Marihuana Commission, it came at a time when the influence of the liberal wing was deteriorating in favor of a growing conservative consensus. In 1973, the Ripon Society published *Jaws of Victory*, an extensive analysis of the 1972 presidential election, Watergate and the future of the party. Addressing the troubling nature of ideological extremism, they argued that "if conservatives can define to their own satisfaction who is a "real" Republican, they have a virtual power of excommunication. They put the rest of the party on the defensive with respect to its party patriotism and acquire an impressive instrument for placing their personnel in key party posts."[51]

Moreover, they ask "why should the real Republican be the one that adheres to a set of doctrines that very few Republicans believed in a decade ago, that no Republican President has embraced extensively, that are diametrically opposed to the historical principles of the party, and that have recently pirated from both wings of the Democratic Party?"[52] Despite what could now be seen as prophetic analysis about the ability of conservatives to marginalize ideological dissent, the authors were generally unsure about the movement's staying power. They point out

[50] Robert Mason, *Richard Nixon and the Quest for a New Majority* (Chapel Hill, NC: The University of North Carolina Press, 2004), 238
[51] The Ripon Society & Clifford W. Brown Jr., *Jaws of Victory* (New York, NY: Little, Brown and Company, 1973), 306.
[52] The Ripon Society, *Jaws of Victory*, 285.

that "to some, the conservatives who came to party power in the 1960s appear to be a monolithic force, while to others they appear to be an aggregation of fragmented, often quarrelling, factions."[53]

The Ripon Society analysis shows that it was not entirely clear where the party was heading in the early 1970s and the answer lied in the long term effect of conservatism on the party. The ability of the New Right to marginalize non-purists was already rearing its head though and influencing the Nixon administration. It is within this climate of gradual marginalization that 'open-minded' and intellectually honest recommendations like those of the Shafer Commission were found at odds with the new party line.

[53] Ibid., 289.

Chapter 3

The Shafer Commission and Nixon's War on Drugs

Too often, conventional wisdom leads people to believe that if something did not work the first time, then the answer is simply to escalate, rather than reevaluate. This is a common theme in the history of federal drug legislation in the United States. A prime example of this is the result of the National Commission on Marihuana and Drug Abuse, whose proposal for decriminalization in 1972 challenged President Nixon's law and order platform during an election year.[1] The report was ignored by the White House, whose response was instead to get 'tougher' in the War on Drugs. As the chairman of the Commission, Raymond P. Shafer's hopes of securing an appointment to a federal judgeship were dashed once and for all. This offers a lesson in how the Republican Party's ideologically driven social platform marginalized dissenting opinion and continued its track toward the conservative juggernaut contemporary readers are familiar with. Although this story is a common footnote in the literature of drug politics, historians of the Republican Party have not yet considered how it relates to the conservative movement. This chapter traces the evolution of narcotics as a cultural issue in the United States and shows how the rejection of the Shafer Commission's proposals are a continuation of decades of misguided policies while also adding nuance to the history of conservatism in the Republican Party.

[1] The term "marihuana" comes from Mexican Spanish, and in the early twentieth century it was used as a colloquial or slang term to describe cannabis. In the 1970s, many preferred to use the proper Spanish spelling with a "j." In this paper, cannabis will be referred to by its contemporary spelling, "marijuana," except in instances where it is cited using the prior spelling. For a more thorough explanation, see: John Hudak, *Marijuana: A Short History* (Brookings Institution Press, 2016), 23-27.

To most Americans today, the notion that using hard drugs like heroin or cocaine is wrong seems like common sense - but this was not always the case. It was not until the 1930s that drug use was publically condemned and support for prohibition and punishment for users became commonplace. Drugs and crime came to be linked in the public consciousness while users and dealers were seen as threats to society. Government became a central actor in curbing the problem with punitive law enforcement as the accepted *modus operandi*. This became particularly evident in the 1970s and 1980s, as the push for law-and-order became a hallmark of the conservative movement. The war on drugs that emerged is an example of public policy that, despite overwhelming evidence of its failure to achieve its stated goals, has persisted for decades.

In 1900, opium and its derivatives morphine and heroin, cocaine, and cannabis were all legal substances, readily available to anyone who wanted to acquire them. Common usage of these substances as medication and product additives led to rampant addiction, particularly among the middle and upper classes. But these addicts were not stigmatized as degenerates or criminals; they were instead regarded as people afflicted with physiological problems.

Concerns over drug use and addiction grew during the late nineteenth and early twentieth centuries, although with varying motives in mind. The Pure Food and Drug Act of 1906 required that all narcotic ingredients be listed on the labels of patent medicines with accurate information about the strength of the drug.[2] Sales of these products declined substantially in a victory for reformers.

On the other side of the aisle were 'anti-vice' crusaders who enabled alcohol Prohibition in 1919. These puritanical moralists sought to root out those causes they deemed as undermining traditional values - from intoxication, gambling and prostitution to urbanization and immigration.

[2] James P. Gray, *Why Our Drug Laws Have Failed and What We Can Do About It: A Judicial Indictment of the War on Drugs* (Philadelphia, PA: Temple University Press, 2001), 21-22.

Their nativist tendencies instilled a connection between drug use and racial minorities. Propaganda from this group stoked fear in the public of cocaine-using African Americans in the South, opium-smoking Chinese in the West and disturbing indigenous drug use in newly acquired U.S. territories.[3]

With heroin use reportedly on the rise, Representative Francis Burton Harrison (D-NY) criticized the "shameless traffic" in drugs that had spawned "criminal classes" and "moral and economic degradation."[4] The resulting Harrison Narcotics Act of 1914 prohibited the sale of heroin, cocaine, and their derivatives, except by a doctor's prescription, with the only caveat being that they be administered "in good faith."[5] It also required that producers and distributors register with the federal government and pay taxes. In order to appease the concerns of southern states who saw the act as an extension of federal control, it had to be grounded in the constitutional power to tax - which meant that enforcement of the law fell to the Treasury Department.[6] This law reflected the early strategy of the federal government to control supply in the drug trade in order to limit its use and subsequently, the risk of addiction and abuse. The law did not criminalize users or brand them as immoral though. Use was still legal, so long as they were registered with their doctor.

Over the ensuing decade, the market became inundated with unlabeled and contaminated drugs at prices that were many times higher than what they had been before.[7] Incidentally, narcotic use came to be advertised as a criminal problem and a national consensus began to emerge regarding its depravity. The Treasury Department's Narcotics Division led a crackdown

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[3] Eva Bertram, Morris Blachman, Kenneth Sharpe and Peter Andreas: *Drug War Politics: The Price of Denial* (Berkeley, CA: The University of California Press, 1996), 64.
[4] Bertam, *Drug War Politics*, 67.
[5] U.S. Congress, *Harrison Narcotics Tax Act, 1914* (Public Acts of the Sixty-Third Congress of the United States, December 17, 1914) quoted in Bertram, *Drug War Politics*, 68.
[6] Bertram, *Drug War Politics*, 67.
[7] Gray, *Why Our Drug Laws Have Failed*, 22.

against physicians and pharmacists, who in turn backed away from prescribing cocaine and opiates for fear of government repression. This was a result of the failures of the Harrison Act, which left distribution entirely up to a medical community that was ill-equipped to deal with the vast number of addicts seeking prescriptions. Meanwhile, drug users who were unable to cure their addiction turned to the black market for answers. This period marked a lasting shift in drug rhetoric from a medical concern to a law enforcement problem; where suppliers were no longer pharmacists but drug dealers and addicts were criminals rather than patients. Just as significantly, a consensus arose that any nonmedical narcotics use - even non addictive use - was a vice and that users should be punished.[8]

In 1930, the Federal Bureau of Narcotics (FBN) became an agency of the Department of the Treasury under notorious commissioner Harry J. Anslinger. One of his earliest victories was the criminalization of possession under the 1932 Uniform Narcotics Drug Act, which was adopted by most states during the ensuing decade. Anslinger believed that that the primary enforcement challenge was to control the drug supply, particularly from abroad, while also building up the capabilities of local police enforcement. In an effort to expand his department amid the budget cutbacks of the Great Depression, Anslinger worked to drum up public support for narcotics control by linking certain ethnic, foreign and ideological groups with the country's addiction problem. He also worked actively with social reform groups, lending a moralistic edge to the crusade.

It was during this era that marijuana entered the debate over narcotics control. Prior to the 1930s, the drug was virtually ignored on the national level. It had been overlooked in the Harrison Act and the 1922 Narcotic Drug Import-Export Act, and was not mentioned in the

[8] Bertram, *Drug War Politics*, 77.

major drug studies of the late 1910s and 1920s.[9] Similar to the racial stigmatization of the Chinese in regard to opium use, the wave of poor immigrants from Mexico and Central America during the 1920s was accompanied by stories of violent rampages by Spanish-speaking aliens crazed by marijuana.[10] Many began to fear that whites would turn to marijuana as a substitute for opiates and alcohol. In response, anti-marijuana laws spread at the state level with little opposition.[11] Anslinger and the FBN then led the charge in Congress for federal legislation. The Marijuana Tax Act of 1937 was passed without any medical witnesses after just three days of hearings.[12] It was modeled on the Harrison Act, and classified cannabis similarly to heroin, opium and cocaine.

The act did not actually ban the use of marijuana but did prohibit non-medical and unlicensed possession or sale. During this time, Anslinger asserted marijuana consumption caused criminal actions. He labeled it as a "killer weed" because the user could be aroused "to a state of menacing fury or homicidal attack" at the slightest opposition.[13] The movie *Reefer Madness*, produced in 1936 with the close collaboration of the Bureau of Narcotics, told the story of how "one puff of pot can lead clean-cut teenagers down the road to insanity, criminality and death."[14]

The only notable opposition to the Tax Act came in the early 1940s, when Mayor Fiorello LaGuardia appointed a special committee to investigate the marijuana problem in New York City. The report found that marijuana was not addictive, did not seriously disturb mental or

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[9] Jerome L. Himmelstein, *The Strange Career of Marihuana: Politics and Ideology of Drug Control in America* (Westport, CT: Greenwood Press, 1983), 43.
[10] David Boaz, "Lessons from the Failure of Prohibition," *Los Angeles Daily Journal*, December 28, 1993: 6, quoted in Gray, *Why Our Drug Laws Have Failed*, 23.
[11] Richard J. Bonnie and Charles H. Whitebread II, "The Forbidden Fruit and the Tree of Knowledge: An Inquiry into the Legal History of American Marijuana Prohibition," *Virginia Law Review* (October 1970), 1021.
[12] Gray, *Why Our Drug Laws Have Failed*, 25.
[13] John C. McWilliams, "Through the Past Darkly: the Politics and Policies of America's Drug War," *Journal of Policy History* 3, no. 4 (1991): 368, quoted in Bertram, *Drug War Politics*, 82.
[14] Gray, *Why Our Drug Laws Have Failed*, 24.

physical functioning, and did not lead to violence or harder drugs. They concluded that "the publicity concerning the catastrophic effects of marihuana smoking in New York City is unfounded."[15] Anslinger and the FBN condemned the report and branded it "unscientific."[16] FBN efforts to discredit the commission worked and the general consensus regarding the overall drug strategy remained. The experience of the LaGuardia Commission therefore foreshadows the later experience of the Shafer Commission, which also challenged the status quo of the federal drug strategy.

As the Cold War began, the FBN was quick to tie drugs to the foreign threat of communism. "Red" China was accused of trying to destroy Western society and of securing hard cash through heroin sales to U.S. drug pushers.[17] Heightened by the McCarthy era of the early 1950s, the American people were all too receptive to the propaganda of the anti-drug movement. In 1951, Hale Boggs (D-Louisiana) proposed a bill which established the most severe federal law to date, imposing a mandatory minimum two-year sentence for a first time conviction of possession, five-to-ten years for the second offense and ten-to-twenty years for a third offense.[18] But it only contained a few fleeting mentions of marijuana, which was not the main concern at the time.[19] The early 1950s also saw the introduction of the 'stepping-stone' theory, which suggested that marihuana use would eventually lead to heroin and other hard drugs. There was already a widespread belief that the "killer weed" caused violence in its users, and this was now enhanced by the idea that its use would also lead to stronger narcotics that were synonymous with crime.

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[15] Ibid, 252.
[16] Himmelstein, *The Strange Career of Marihuana*, 77-84.
[17] David F. Musto, *The American Disease* (New York: Oxford University Press, 1987), 231, cited in Bertram, *Drug War Politics*, 84.
[18] McWilliams, "Through the Past Darkly," 370 in Bertram, 84.
[19] Himmelstein, *The Strange Career of Marihuana*, 43.

The Boggs Act was expanded in 1956 by the Narcotics Control Act, which increased the length of the mandatory minimums and permitted juries to impose the death penalty on any adult who sold heroin to a minor.[20] These legislative gains reflected how it had become conventional wisdom that any drug use, even of relatively mild drugs such as marijuana, would cause crime and lead to 'harder' drugs, and that punishment was the best deterrent. Distinctions between drug use and abuse and between more or less harmful drugs disappeared. The public response was simply to 'get tougher' on drugs.

As the previous chapter discussed, the 1960s marked a significant turning point in American social and political history. The Civil Rights movement, anti-war protests, the liberation of marginalized groups and the dawn of the "counterculture" movement characterized the "New Left." But this powerful insurgence also produced an equally strong reaction by southern racists, patriots and moralists, who longed for the simplicity of days gone by. It was within this more conservative social climate that the "war on drugs" found fertile soil.

It was not simply users though that brought about the changes in public opinion. President John F. Kennedy's Ad Hoc Panel on Drug Abuse in 1962 and the Advisory Commission on Narcotic and Drug Abuse in 1963 both questioned the existing penalties regarding marijuana, which at the time were identical to those of opiates and cocaine.[21] Further bolstering the cause of marijuana users was the departure of Anslinger in 1962. The early 1960s therefore began to challenge the long held image of the 'killer weed' as a stepping-stone to heroin, which for nearly three decades had been the pillar of federal marijuana policy in the United States. The consensus that the FBN had built under Anslinger was predicated on the fact that few, if any organized groups had an interest in the fate of the drug or its users, who were

[20] Douglas Kinder, "Shutting Out the Evil: Nativism and Narcotics Control in the United States," *Journal of Policy History* 3, no. 4 (1991), 484, cited in Bertram, *Drug War Politics*, 84.
[21] Himmelstein, *The Strange Career of Marihuana*, 90-91.

traditionally socially marginalized as it was. This strategy began to show cracks because of what Himmelstein refers to as the 'embourgeoisment' of marihuana - the large scale spread of marihuana use to "middle class youth - the offspring of the professional, managerial, and business strata, the affluent and the rich and the college educated."[22]

The insurgent mood of many Americans made psychedelic drugs more appealing. Marijuana, along with LSD, became far more commonplace, particularly among young, white, college students. As Patrick Anderson describes it, "young blacks had smoked during the civil-rights movement of the early 1960s and they passed the habit along to young white activists, and as the civil-rights movement gave way to the anti-war movement, marijuana smoking began to spread rapidly."[23] These people questioned the government's stance on marijuana and argued against its claim that drug use was inherently immoral, dangerous and criminal. No other drug triggered campaigns for its decriminalization like marijuana, which advocates labeled a "soft" drug. Many of whom tied their use of marijuana to individual rights and their ability to rebel against a "higher" authority - whether from their parents, the school or the state. While some people wanted to legalize sales and others simply wanted to decriminalize possession and use, both sides agreed that the idea of someone being imprisoned for using marijuana was overly harsh. These people were often the same ones who took to the streets to voice their displeasure with the unjust war in Vietnam, the denial of minority rights and the broader hypocrisies of 'the system.'

As a result of the changing demographics of marijuana use, the predominant opinion of the late 1960s held that the dangers of its use had been greatly exaggerated in previous years and that its effects were fairly mild. One of the more peculiar allies of this shift was the libertarian

[22] Ibid, 98.
[23] Patrick Anderson, *High in America: The True Story Behind NORML and the Politics of Marijuana* (New York, NY: The Viking Press, 1981), 54.

wing of the conservative movement, who were more concerned with individual liberties than with moralism. That said, few policy-makers advocated for marijuana use, but many at least tacitly acknowledged that it was not the 'hard' drug it had been labeled as.

Not everyone agreed however. The strongest reaction to the shift in public attitude was mounted by moralistic, conservative groups, who grew anxious to reverse the new trend toward tolerance for drugs. The long months of urban riots and social unrest had left an enduring legacy of fear of street crime and of a broader breakdown of order. Above all, the idea that drugs were dangerous and morally wrong had been so deeply ingrained in American minds by decades of official reinforcement that it was difficult for many conservatives to embrace the notion of drug tolerance. As Shafer later described it "opposition to the war in Vietnam was so vociferous and the' hippie image' was so much in the forefront that marijuana inevitably was suspected of being a contributing factor… anything they [hippies] embrace is, to many people, automatically evil."[24] Nixon's "Silent Majority" identified marijuana with threats to patriotism and American security and therefore saw reformers as part of a larger threat from the left. It was no coincidence, they believed, that many of the people who were protesting the Vietnam War were also using and promoting marijuana: at the root of both was a fundamental contempt for traditional American values.[25]

This "silent majority" of Americans were who Richard Nixon believed the Republicans could build an enduring majority out of, that would take the place of the Democratic coalition that had existed since the New Deal era. In his view, the Johnson administration and the tumult of the 1960s had alienated many Americans, who were now ready to rethink their affiliation with

[24] Unmarked speech reflecting on time as Chairman of the National Commission on Marihuana and Drug Abuse, page 5, Box 24: "Post-Gubernatorial Career 1971-1973," Folder: "Interviews and Statements Related to Governor Shafer's chairmanship of the National Commission on Marijuana and Drug Abuse," *The Raymond P. Shafer Collection*, (Meadville, PA: Wayne & Sally Merrick Historic Archival Center).
[25] Bertram, *Drug War Politics*, 98.

the Democrats. Among the many problems plaguing society at this point were increasing lawlessness and what many citizens perceived as threats to traditional notions of morality. Nixon promised to solve these problems; not to mention the racial unrest, ongoing war in Vietnam and the overreaching egalitarian social programs of the previous administration.

Nixon's answer as he campaigned his way to the White House in 1968 was a platform predicated on restoring law and order - which would inherently require a tough stance on drug use. With the nation reeling from urban riots and FBI reports confirming rising street-crime rates, Nixon's line on crime was harsh and unyielding. "I say that doubling the conviction rate in this country would do far more to cure crime in America than quadrupling the funds for [Hubert] Humphrey's war on poverty."[26]

Anti-vice crusaders had railed against the crime-causing effects of drugs since the turn of the century; and the campaigns of Anslinger and his allies had solidified the conceptual link between drugs and crime in the 1930s. But if drug use was linked to crime in public thinking, the general phenomenon of crime was not automatically linked to drugs – until the Nixon years. From the beginning Nixon identified drugs as a major source of crime and his decision to place crime at the top of his domestic policy agenda thus made drug control a central issue.

As Patrick Anderson points out, "Marijuana became the Achilles' heel of the counterculture. The dominant culture might hate dirty clothes and the long hair and the rock music, but it was difficult to punish people for those offenses. It was simplicity itself, however to arrest young people for the weed in their pocket."[27] This is the reality at the heart of the any discussion regarding drug legislation. Marijuana use became politicized as a result of the social unrest of the era, and opponents of the counterculture used that to their advantage. For example,

[26] Arnold S. Trebach, *The Heroin Solution* (New Haven, CT: Yale University Press, 1982), 231, cited in Bertram, *Drug War Politics*, 105.
[27] Anderson, *High in America*, 54.

J. Edgar Hoover sent a memo to all FBI field offices in 1968 which said that "since the use of marijuana and other narcotics is widespread among members of the New Left, you should be alert to opportunities to have them arrested by local authorities on drug charges."[28] Politically speaking, it did not make sense for men like Hoover or Nixon to acquiesce to the counterculture, even if objective studies found that policies were unjust or that punishments were too harsh.

After decades of low-intensity anti-drug efforts, the Nixon Administration launched a fierce rhetorical campaign to make a war on drugs and crime a national priority. In 1969, after winning office, the President declared drugs to be a "national threat." He helped spearhead new laws, pushed for dramatic funding increases, launched crime fighting treatment programs, and expanded the small federal antidrug bureaucracy into a "narco-enforcement complex."[29] Nixon drew on the long-standing association between drugs and crime in the public mind to heighten popular concerns and forge a new consensus on action. Although the tie between drug use and crime was not a new phenomenon, the fact that it was coming from the White House, rather than the head of the FBN, made a considerable difference in its effect on electoral politics, departmental funding and public perceptions.

One of Nixon's strategies was utilizing the presidential bully pulpit. By July 1969 he was addressing the nation on the grave dimension of the national drug and crime problem: "within the last decade the abuse of drugs has grown from essentially a local police problem into a serious national threat to the personal health and safety of millions of Americans," he announced in a major address to Congress. "A national awareness of the gravity of the situation is needed; a

[28] Michael W. Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (New York, NY: Columbia University Press, 2005), 126-127.
[29] Bertram, *Drug War Politics*, 105.

new urgency and concerted national policy are needed at the Federal level to begin to cope with this growing menace to the general welfare of the United States."[30]

Although the number of people using drugs remained a minority, state-level arrests for marijuana possession rose from 18,000 in 1965 to 188,000 in 1970.[31] Under Nixon the federal budget for drug treatment, education, research, and law enforcement increased from $81.4 million in 1969 to $760 million five years later.[32] This period emphasized the widespread divisions in American society, but it was clear the Nixon was going to do whatever it took to make sure he appeased the 'silent majority' who found the counterculture so appalling. As Mary Brennan put it, "many people, shocked by scenes from Haight Ashbury and college campuses, began to reassess the traditionalist values of Goldwater that they had found old-fashioned only a few years earlier."[33]

On October 27, 1970, while sitting behind a table with confiscated pills, weed and other narcotics, President Nixon signed the Comprehensive Drug Abuse Prevention and Control Act. During his address to Congress that day, Nixon said that "those who have a drug habit find it necessary to steal, to commit crimes, in order to feed their habit" and "that drugs are alarmingly on the increase in use among our young people. Under these circumstances, this is a national problem. It requires an urgent action on the part of the Federal Government and that action now has been taken by the Congress."[34]

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[30] "Text of Nixon Message on Plan to Attack Drug Abuse," *Congressional Quarterly Almanac* 24 (1969): 57A, quoted in Bertram, *Drug War Politics*, 105.
[31] Robert Mason, *Richard Nixon and the Quest for a New Majority* (Chapel Hill, NC: The University of North Carolina Press, 2004), 21.
[32] Peter Goldberg, "Federal Government's Response to Illicit Drugs, 1969-1978," in "*The Facts About "Drug Abuse."* The Drug Abuse Council (New York: Free Press, 1980) 57.
[33] Mary C. Brennan, *Turning Right in the Sixties: The Conservative Capture of the GOP* (Chapel Hill, NC: University of North Carolina Press, 1995), 118.
[34] Richard M. Nixon, "389 - Remarks on Signing the Comprehensive Drug Abuse Prevention and Control Act of 1970," October 27, 1970, Public Papers of the Presidents, *The American Presidency Project*.

The law is best known for consolidating prior anti-drug legislation and establishing five schedules (classifications) of illicit drugs under the "Controlled Substances Act." Marihuana was classified as a Schedule I controlled substance as a hallucinogenic substance on the grounds that it had a high potential for abuse, that there was no currently accepted medical use in treatment in the United States and that there was a lack of accepted safety for use of marihuana under medical supervision.[35] A lesser known provision under Section 601 of the law also called for the establishment of an "Advisory Commission" - to be known as the Commission on Marihuana and Drug Abuse.[36]

The 1970 drug act was a distinctly mixed bag from the outset. The Nixon administration wanted a tough drug law to highlight its law-and-order campaign, while there was a growing awareness in Congress of the need for drug-law reform. Both sides won a partial victory. The Nixon administration won the reclassification of marijuana as a dangerous drug, while reformers won the reduction of the federal penalty for possession of marijuana from a felony to a misdemeanor.[37] The 1970 act also set off a wave of reform at the state level. Within two years, first-offense marijuana possession had been reduced to a misdemeanor in almost every state. This simply meant that in most states someone could be sentenced to up to a year in jail for possession, but not more than a year.[38]

The provision was added largely because of the efforts of Rep. Ed Koch (D-NY) who later became mayor of New York. The federal law did not go far enough to satisfy Koch, who believed that if a serious commission looked at the facts, it would recommend the end of all

[35] *Comprehensive Drug Abuse Prevention and Control Act of 1970*, Public Law 91-513, U.S. Statutes at Large, 1247, 1249
[36] *Comprehensive Drug Abuse Prevention and Control Act of 1970*, 1280.
[37] Anderson, *High in America*, 63.
[38] Ibid.

criminal penalties for marijuana use.[39] He therefore added a provision for the creation of the Marihuana Commission. Its creation was praised by many members of Congress, including Gilbert Gude (R-MD), who commented that "I hope the Commission can clear up some of the confusion and conflicting reports that have made it so difficult to formulate a sound policy on marihuana."[40]

The commission was to be composed of two members of the Senate appointed by the President of the Senate, two members of the House of Representatives appointed by the Speaker of the House and nine members appointed by the President of the United States. The law stipulated that the Senate and House appointments could not be from the same political party and no more than five of the nine Presidential appointments could be from the same political party. It was up to the President to decide who would be appointed chairman and vice-chairman.

They were given a budget of one million dollars to conduct research on the extent of the usage of marihuana in the United States, emphasizing its various sources, the number of users, the types of users, the number of arrests and convictions, the amount of marihuana seized and the nature of its use. In addition, they were to study the pharmacology of marihuana and its immediate and long-term effects, both physiological and psychological. The commission was also asked to analyze the relationship of marihuana use to aggressive behavior and crime, as well as the relationship between marihuana and the use of other - presumably 'harder' - drugs. Lastly, they were to offer their thoughts on the efforts of the United States to control the international drug trade.

After one year, the Commission would then submit a comprehensive report to the President and Congress on its study and investigation, including its evaluation of the efficacy of

[39] Ibid, 64.
[40] Congressional Record, House of Representatives, September 24, 1970, p. 33617, quoted in Hudak, *Marijuana*, 60.

existing laws, with recommendations and proposals for legislation and administrative action necessary to carry out its recommendations. This first report would focus on marihuana specifically. After two years, the Commission would then submit a final report on its findings, conclusions and legislative recommendations regarding the larger issue of drug abuse as a whole. The Commission would cease to exist sixty days after the final report was submitted.

The two senators appointed by Vice President Spiro Agnew were Harold E. Hughes (D-IA) and Jacob K. Javits (R-NY). Hughes had previously chaired a Special Subcommittee on Alcoholism and Narcotics and was vocal in his call for treatment of addiction. Javits was a liberal Republican who was first elected to the Senate in 1956 and who supported Johnson's Great Society programs. Yet, despite being from Nelson Rockefeller's state, Javits was not considered to have been one of his contemporaries. While he had never been personally close to Nixon and frequently criticized many of the President's policies, Javits supported his Presidential candidacy in 1968 and 1972.[41]

The two members of the House that were chosen by Speaker Carl Albert (D-OK), were Paul G. Rogers (D-FL) and Tim Lee Carter (R-KY). Carter was a physician by trade while Rogers was known in Congress as "Mr. Health" for his leading role in passing dozens of measures promoting health care and the environment.[42] The nine appointments made by Nixon included three physicians: Henry Brill, M.D., a well-known psychiatrist and Director of the Pilgrim State Hospital, Maurice H. Seevers, M.D., Ph.D., a former professor and chairman of the Department of Pharmacology at the University of Michigan, and J. Thomas Ungerleider, M.D., a Los Angeles psychiatrist at the UCLA Neuropsychiatric Institute and founder of a widely known and respected drug abuse program for young people. For a legal perspective, Nixon appointed

[41] James F. Clarity, "Jacob Javits Dies in Florida at 81: 4-Term Senator from New York," *New York Times*, March 8, 1986.
[42] Dennis Hevesi, "Paul G. Rogers, 'Mr. Health' in Congress, is Dead at 87," *New York Times*, October 15, 2008.

Mitchell Ware, J.D., a Chicago attorney and former Superintendent of the Illinois Bureau of Investigation and Charles O. Galvin, S.J.D., the Dean of the Southern Methodist University Law School. Joan Ganz Cooney, the President of the Children's Television Workshop and Producer of Sesame Street was chosen for her influence in popular culture while John A. Howard, Ph.D., the President of Rockford College and the President of the American Association of Independent College and University Presidents, was a significant figure given the prevalence of drug use on college campuses. Nixon's final two appointments for chairman and vice chairman, were former Pennsylvania Governor Raymond P. Shafer and Dana L. Farnsworth, M.D., a psychiatrist at Harvard, respectively. The commissioners were mostly white, middle-aged, and, with three or four exceptions, conservative. Many reformers feared that this Nixon-appointed commission existed only to rubber-stamp the administration's well-known anti-marijuana, anti-drug orthodoxy.[43]

In terms of their personal experiences with drug use, Seevers was the only member of the Commission to openly admit that he had smoked marijuana, acknowledging that he had used himself over the years as a laboratory "animal" to learn the effects of other, harder drugs.[44] As Shafer put it, there are two schools of thought on studying marijuana use: "you can't know anything about marihuana if you haven't tried it" or that "if you try marihuana, you can't possible remain objective. We have both schools of thought on the Commission."[45]

Why Shafer was chosen as the chairman is a matter of debate. Some sources have suggested that Nixon appointed Shafer because of his conservative track record, but this appears

[43] Anderson, *High in America*, 64.
[44] "National Commission on Marihuana and Drug Abuse," page 4. Box 24: "Post-Gubernatorial Career 1971-1973," Folder: "Interviews and Statements Related to Governor Shafer's chairmanship of the National Commission on Marijuana and Drug Abuse," *The Raymond P. Shafer Collection*, (Meadville, PA: Wayne & Sally Merrick Historic Archival Center).
[45] Ibid.

shortsighted when considering his more liberal platform at the state level. Others have simply chalked it up to him being "an old friend" of Nixon's.[46] Shafer had turned down Nixon's offer to be his running mate in 1968 as many as three separate times. This, coupled with Shafer's allegiance to Nelson Rockefeller, and "because he didn't trust Nixon," make his appointment rather perplexing.[47] It also makes it unlikely that Nixon was simply throwing him a bone.

Part of the answer likely lies in the limited options that Nixon would have had at his disposal. The chair of a commission would need to be someone who was not currently in public office but who had the credibility to manage a project of this scope and magnitude, given its pervasiveness in the present social climate. This argument is reinforced when considering that Nixon had previously appointed Bill Scranton, Shafer's predecessor, as the chair of another presidential commission on campus unrest following the deaths at Kent State. Incidentally, the Scranton Commission criticized most parties involved, including the President. Nixon ignored its findings, just as he would with the Shafer Commission.[48] Regardless, the need for a chair with a proven track record made picking a former governor a logical choice. Shafer left office in January 1971, just in time for the commission to begin its research. Nixon certainly would not have picked a Democrat, so his choice of prominent Republicans at the time was limited and Shafer likely had the greatest clout of his potential choices.

After the commission's office opened up in February, 1971, Shafer's first action was to appoint Michael Sonnenreich, a 33-year-old former Deputy Chief Counsel of the Bureau of Narcotics and Dangerous Drugs, as Executive Director. Sonnenreich assisted in filling out a staff of more than 70 people to assist in the commission's research. These people included a

[46] Hudak, *Marijuana*, 60.
[47] Sean D. Hamill, "Raymond P. Shafer, 89, Governor of Pennsylvania, Dies," *New York Times*, December 14, 2006.
[48] Mason, *Richard Nixon*, 99.

commission staff, a support staff, youth consultants and student researchers. In March of 1971, they began conducting a series of studies, projects, formal hearings, surveys, and attitude polls dealing with marijuana and drug abuse, to begin formulating their recommendations for the President and Congress. From the outset, the Commission worked closely with the Bureau of Narcotics and Dangerous Drugs, the Bureau of Customs and the National Institutes of Mental Health and the Department of Defense.

They spent the year holding three sets of public hearings and countless private meetings with public health officials and private citizens, including those of public officials, community leaders, professional experts and students.[49] In the process, they recorded thousands of pages of transcripts that solicited all points of view. Members of the commission also traveled to many foreign nations to talk to scientists and political leaders and carried out major public-opinion surveys to determine the number of people who smoked and what their attitudes toward smoking were. It was the most exhaustive study of marijuana ever conducted in the United States.[50]

While the commission was conducting its research, in June, 1971, President Nixon addressed Congress and announced that "America's public enemy number one in the United States is drug abuse. In order to fight and defeat this enemy, it is necessary to wage a new, all-out offensive."[51] He went on to say that "the threat of narcotics among our people is one which properly frightens many Americans. It comes quietly into homes and destroys children, it moves into neighborhoods and breaks the fiber of community which makes neighbors."[52] The commission thus found itself attempting to bring clarity to an issue as the White House was

[49] William John Cox, "Richard Nixon's Vengeful War on Marijuana" *AlterNet* (September 16, 2010).
[50] Anderson, *High in America*, 91.
[51] Richard M. Nixon, "202 - Remarks about an Intensified Program for Drug Abuse Prevention and Control," June 17, 1971, Public Papers of the Presidents, *The American Presidency Project*.
[52] Richard Nixon, "203 - Special Message to the Congress on Drug Abuse Prevention and Control," June 17, 1971, Public Papers of the Presidents, *The American Presidency Project*.

preparing its "all-out offensive" - a campaign that came to be generally referred to as the "War on Drugs."

As John Hudak points out, Nixon likely saw the commission as an opportunity to produce propaganda in support of the War on Drugs.[53] He expected the commission to corroborate the myths that his administration had propounded against crime and drug use, which would then enhance the White House's platform in the months leading up to his re-election. Although Shafer was in no way an advocate of liberalizing drug laws, and generally opposed to the counterculture movement of the 1960s, he was not the hardliner that one might have expected Nixon to choose. It is fair then to speculate that Nixon underestimated Shafer's adherence to principle over conservative ideology. Based on conversations the President had with Shafer, he seemed to expect that if there were dissenting opinions on marijuana usage, that Shafer, as Chairman, would be able to "keep them in line."[54] Had Nixon known that the Shafer Commission would challenge his administration's agenda in an election year, it is unlikely he would have supported its creation in the first place, let alone appointed Shafer.

Even before the commission released its initial report, President Nixon publicly promised to ignore any potential proposal that marijuana be legalized.[55] This put the commission's credibility in jeopardy, as the public came to also believe that its findings were going to be a corroboration of whatever the Nixon Administration wanted. To this Shafer replied that "the President is a fair man and our job is to seek out the facts. If we come to believe that marijuana should be legalized, that's what we'll recommend." He added that "the commission's only purpose is to get at the truth of the marijuana issue and to report its conclusions and

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[53] Hudak, *Marijuana*, 59.

[54] Oval Office Tapes, September 9, 1971, 3:03 pm to 3:34 pm - Oval Office Conversation 568-4: The President met with Raymond P. Shafer, Jerome H. Jaffe, and Egil ("Bud") Krogh, Jr.: the White House photographer was present at the beginning of the meeting.

[55] Felix Belair Jr., "Shafer Discounts Marijuana Veto," *New York Times*, May 20, 1971.

recommendations as fairly and objectively as possible"[56] Although it would have come across as a fairly 'political' answer at the time, this was exactly what the Commission did. Shafer's honest approach to politics was in character for a man who was never one to shy away from challenging popular opinions.

In the process of their research, the commission came to realize just how skewed the system was. Anderson cites one member, who later said in an interview that "law-enforcement people were very cooperative with us, because we were perceived as conservative. They were very candid about how they practiced selective enforcement. We talked to "hanging judges" who were quite proud of throwing the book at marijuana smokers. We talked to federal officials who admitted they'd lied about marijuana for years - it had been official policy to lie. Some of us were impressed by the secret meetings we had with successful people, doctors and lawyers, who were smokers - they obviously didn't belong in jail. After a while it became very hard to maintain the old myths. Of course, some of us had children who smoked."[57]

On March 22, 1972, the commission released *Marihuana: A Signal of Misunderstanding*, a 184 page book which made a series of recommendations that challenged the status quo of Nixon's "war on drugs." Principle among these was its call for decriminalization of marihuana use at the state and federal levels because "its actual impact on society does not justify a social policy designed to seek out and firmly punish those who use it."[58] The decriminalization theory, while familiar to people in the drug field, was a new idea to the nation at large. It was an attempt to find a compromise between two powerful forces: widespread opposition to marijuana use on the one hand and, on the other, a growing sense that to jail people for smoking was a punishment

[56] Belair, "Shafer Discounts Marijuana Veto."
[57] Anderson, *High in America*, 92-93.
[58] National Commission on Marihuana and Drug Abuse, *Marihauna: A Signal of Misunderstanding*; First Report, (Washington D.C.: United States Government Printing Office, 1972), 130. [hereinafter cited as the "Shafer Report"]

that far exceeded the crime. The Shafer Commission had found that 52 percent of Americans opposed jailing their fellow citizens for smoking pot.[59]

The major features of the recommended policy scheme were that production and distribution of the drug would remain criminal activities as would possession with intent to distribute commercially. Marijuana would be contraband, subject to confiscation in public places but criminal sanctions would be withdrawn from private use and possession. They also made clear that they rejected regulatory or legalization schemes because it would institutionalize availability of a drug which had uncertain long-term effects and which may have been of transient social interest. The members of the Commission were in no way advocates of using marijuana and argued that the United States must "deglorify, demythologize, and de-emphasize the use of marijuana and other drugs." But the reality remained that even with a policy of discouragement, it came very close to legalization.

The report's release did not come at an opportune time for the Nixon administration. The White House was in the midst of an election-year effort to paint the administration as uncompromising in its fight against crime and drugs. Nixon was campaigning to get Congress to fund his War on Drugs and his strategy was to stoke fear in voters and drive them to his cause. In the two days prior, Nixon had declared drug abuse "public enemy number one" during a press conference and the next day he signed into law the Drug Abuse Office and Treatment Act which formally established the Special Action Office for Drug Abuse Prevention (SAODAP).[60] Even if Nixon had agreed with the Commission's findings, he likely would not have found it feasible to try to explain the difference between legalization and decriminalization to the public without seeming weak on drugs.

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[59] James M. Markham, "Marijuana," *The New York Times*, December 3rd 1972.

[60] David F. Musto and Pamela Korsmeyer, *The Quest for Drug Control: Politics and Federal Policy in a Period of Increasing Substance Abuse, 1963-1981* (New Haven, CT: Yale University Press, 2002), 113.

Not only did the report challenge the President's strategy, but it analyzed its historical roots at length. The commission wrote that "the marihuana explosion of the mid-sixties occurred within the context of 30 years of instilled fear," that was based "much more on fantasy than on proven fact."[61] They commented that the "drug has evolved in the late sixties and early seventies, as a symbol of wider social conflicts and public issues."[62] By considering the politics behind the marijuana issue, the 'Shafer Report' was more insightful, but also more controversial.

In a section describing the "Perceived Threats" of marihuana use, the Commission wrote that "the threat which marihuana use is thought to present to the dominant social order is a major undercurrent of the marihuana problem. Use of the drug is linked with idleness, lack of motivation, hedonism and sexual promiscuity. Many see the drug as fostering a counterculture which conflicts with basic moral precepts as well as with the operating functions of our society. The "dropping out" or rejection of the established value system is viewed with alarm. Marihuana becomes more than a drug; it becomes a symbol of the rejection of cherished values."[63] To the proponents of a prohibitory legal system - the moralists, and anti-vice crusaders - who contended that marijuana was a dangerous drug, the Commission was a setback. Shafer and his team found no conclusive evidence that marijuana was a cause of crime, insanity, sexual aberration, promiscuity or led to other drug use. Unfortunately for the Commission, the President they were reporting to was both a vocal member of this group and dependent on them for electoral reasons.

The commission looked at the different types of users - recreational, moderate and heavy - and found that there was little proven danger of psychological harm from experimental or intermittent use. The risk of harm lay in the heavy, long term use of the drug, but they found that

[61] Shafer Report, 12.
[62] Ibid., 8.
[63] Ibid., 8.

of American marijuana users, less than 2% would be categorized as such.[64] They also found that no brain damage had been documented relating to marihuana use, and that there had not been a single human fatality in the United States that was proven to have resulted solely from the use of marijuana.[65] In regard to the "stepping stone" theory, the commission said that "the fact should be emphasized that the overwhelming majority of marihuana users do not progress to other drugs. Either they remain with marihuana or forsake its use in favor of alcohol. No verification is found of a causal relationship between marihuana use and subsequent heroin use."[66] In addition, they found no evidence to suggest that physical dependence on marijuana was anywhere near as severe as heroin and alcohol, and that withdrawal could compared to quitting cigarette smoking.

Production and distribution of the drug would remain criminal activities as would possession with intent to distribute commercially. Marihuana use in public would still be against the law and subject to fines at the state level, which was part of a larger policy recommendation that marijuana legislation be handled primarily by the states, with a more uniform set of rules in place. For example, in 1972 someone caught holding an ounce of marijuana in New Mexico would receive a maximum of 15 days in jail, but across the border in Texas, a first offender could receive two years to life imprisonment for the same offense.[67] They stressed that "the present heavy penalties in most jurisdictions generate a disrespect for the law and are far more harsh in view of the relatively "innocent" nature of marijuana."[68]

The proposals were endorsed by a number of mainstream professional organizations, including the American Bar Association, the American Medical Association, the American

[64] Ibid., 48.
[65] Ibid., 70.
[66] Ibid., 88.
[67] Markham, "Marijuana," December 3rd 1972.
[68] "U.S. Commission Urges End to Penalties for Personal Possession of Marijuana," *New York Times*, March 23, 1972, from the Personal Collection of James Wright Domnick

Public Health Association, the National Education Association, the Consumers Union, the National Council of Churches the National Conference of Commissioners on Uniform State Laws and the American Academy of Pediatrics.[69] The response in the media was also largely positive, particularly in Shafer's home state. The *Meadville Tribune* wrote that "whether it be impartial enforcement of laws against bingo games, enactment of a much-needed personal income tax in Pennsylvania, consolidation of school districts or a public finding that the mere possession of marijuana should be decriminalized, former Governor Raymond P. Shafer never avoids taking unpopular stands on public issues when fulfilling the dictates of his conscience, his honest convictions and his intellect."[70] The *Erie Times News* said that "we think the report from the presidential commission headed by former Pennsylvania Gov. Raymond P. Shafer is a breath of fresh air on a subject that has been hidden for too long behind a curtain of half-truths and rumors."[71] *The Patriot* in Harrisburg, which had been critical of his term as Governor, pointed out that "Raymond P. Shafer has been in hot spots before. He has a stubborn courage about himself that Pennsylvanians well know. His drug report is typically Shaferian - controversial, compromising and farsighted."[72] They added that it wouldn't be surprising if time and social evolution of public attitudes prove the commission's findings correct. Unfortunately, the commission's findings did not please everyone.

In a news conference two days after the first report was issued Nixon said, "I oppose the legalization of marijuana and that includes sale, possession, and use. I do not believe you can have effective criminal justice based on a philosophy that something is half-legal and half-

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[69] Himmelstein, *Strange Career*, 104-105.
[70] "Findings of Fact," *The Meadville Tribune*, March 25, 1972, from the Personal Collection of James Wright Domnick.
[71] "Sensible Solution to Marijuana," *Erie Times-News*, March 31, 1972, from the Personal Collection of James Wright Domnick.
[72] "Drug Report: Shafer Panel Makes Good Sense," *The Patriot,* April 1, 1972, from the Personal Collection of James Wright Domnick.

illegal."[73] By saying he opposed the legalization of marijuana, Nixon simply ignored the decriminalization concept that the commission hoped would provide a happy medium. Another president might have endorsed the report, supported it with the power and prestige of his office, reversed federal policy, and set off a wave of legal reform in states across the nation. Had that happened, there might have been decriminalization, if not outright legalization, in all of America by 1980. But Nixon was content to play election-year politics with the issue. The same man who overcame a lifetime of anti-communism by going to China could not bring himself to support a report that opposed putting people in jail for smoking marijuana.[74]

The commission member who had commented on the corruption of the system during the research phase, also commented that "some of us visited as many as thirty countries, and time after time the same thing would happen. We would talk to the government officials and they would give us the official line: marijuana use is very serious, we are concerned about it, we want to work with your government to stamp it out. Then at night, we'd go out drinking with them, and they'd tell us the truth: they thought marijuana was harmless, but the Nixon administration wanted a hard line and they feared economic reprisals if they didn't go along."[75] In this sense, global leaders realized what the commission either did not understand, or simply was brave enough to challenge: that the Nixon administration already had its answer to the marijuana question, long before March 1972.

The reality of Nixon's rejection was multifaceted. On the surface he seemed genuinely concerned about drug use and it was hardly surprising for a President seeking re-election to disregard a report which pulled the floor out from under his entire "law and order" platform. But

[73] Richard M. Nixon, "103 - The President's News Conference," March 24, 1972, Public Papers of the Presidents, *The American Presidency Project*.
[74] Anderson, *High in America*, 94.
[75] Ibid., 93.

recent evidence and testimony reveals that there were other forces at play as well. In 1994, John Ehrlichman, Nixon's domestic policy advisor who later served 18 months in prison for his role in the Watergate scandal, said that "the Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people. You understand what I'm saying? We knew we couldn't make it illegal to be either against the war or black but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did."[76]

If that were not enough, Nixon's Chief of Staff, Bob Haldeman is quoted in his diaries as saying that the President "emphasized that you have to face the fact that the whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to." He adds that Nixon "pointed out that there has never in history been an adequate black nation, and they are the only race of which this is true. [He] says Africa is hopeless."[77] The history of the Prison Industrial Complex, predicated on creating new systems of oppression along racial lines, has some of its roots in the drug legislation of the Nixon Administration, which these quotes prove was no accident.[78]

As was discussed in the previous chapter, race was a central component of the conservative movement of the 1960s. Even if Richard Nixon was not as far to the right as figures like Barry Goldwater or Ronald Reagan, his campaign for the Republican nomination in 1968 required adhering to the changing demographics of the party. Ehrlichman's quote is the "smoking gun" that proves that the "law and order" platform of the Nixon Administration was a

[76] Dan Baum, "Legalize it All: How to Win the War on Drugs," *Harper's Magazine*, April 2016.
[77] "Haldeman Diary Shows Nixon was Wary of Blacks and Jews," *New York Times*, May 18, 1994.
[78] *13th*, Directed by Ava DuVernay (Kandoo Films, Netflix, October 7, 2016), 100 minutes.

coded way of institutionalizing new systems of oppression. This practice has since become commonplace, and the ramping up of the War on Drugs under the Reagan administration was of a similar design. The 'Southern Strategy' that Nixon employed and hoped to use to solidify a new majority for the GOP, made racialized policy, however well coded, a central component of the party platform. Maintaining law and order therefore was an assurance to the "silent majority" - middle class, white, conservatives - that his administration would put a stop to the social unrest of the era more broadly, which meant not just the Civil Rights Movement, but counterculture in general.

Further evidence of this came out when tapes of Oval Office conversations from 1971 and 1972 were declassified in March of 2002. These tapes offer a veritable highlight reel of Nixon's homophobic, anti-Semitic, racist and altogether prejudiced ways of thinking when it came to cultural issues, including the War on Drugs and the Shafer Commission. They illustrate that Nixon's rejection of decriminalization was rooted in a twisted social outlook and blatant dishonesty.

One particularly colorful example came on May 13, 1971. Nixon and his advisors were discussing the favorable treatment of homosexuality in an episode of the primetime television show, "All in the Family." He tied both drugs and homosexuality to the destruction of the United States from within: "Dope? Do you think the Russians allow dope? Hell no… You see homosexuality, dope, immorality in general: these are the enemies of strong societies. That's why the communists and the left-wingers are pushing the stuff, they're trying to destroy us" and "God damn it, we have to stand up to these people."[79]

[79] Oval Office Tapes, May 13, 1971, 10:30am to 12:30 pm - Oval Office Conversation 498-5 - Meeting with Nixon, Haldeman and Ehrlichman, from *Common Sense for Drug Policy*: http://www.csdp.org/research/nixonpot.txt.

On May 26, less than a month before Nixon's announced his all-out offensive in the War on Drugs, he told Bob Haldeman that "by God we are going to hit the marijuana thing, and I want to hit it right square in the puss."[80] He also expressed frustration over the commission, saying that "I want a Goddamn strong statement on marijuana. Can I get that out of this of sonofabitching 'Domestic Council'?" He added "I mean one on marijuana that just tears the ass out of them." Nixon also shows his antagonism toward Jews, observing that "every one of the bastards that are out for legalizing marijuana is Jewish. What the Christ is the matter with the Jews, Bob? I suppose it's because most of them are psychiatrists."[81]

One of the released conversations found in these tapes included a meeting between Nixon and Shafer, which took place on September 9, 1971. Shafer asked for the meeting because members of the commission were - correctly - concerned that Nixon would not listen to their report if it challenged his increasingly vocal convictions. Shafer said "that [what] we need from you is your public support, as a commission; not from the standpoint that you're going to accept what we say but that here is a commission that is working on a problem that cuts across the cross-section of every family in the nation."[82] To this, Nixon warned Shafer that "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." He also instructed him to "keep your commission in line" and pointed out that "the thing that is so terribly important here is that it not appear that the Commission's frankly just a bunch of do-gooders. I mean [if] they say well they're a bunch of

[80] Oval Office Tapes, May 26, 1971, 10:03am to 11:35 am - Oval Office Conversation 505-4 - Meeting with Nixon and HR "Bob" Haldeman, from *CSDP*.
[81] Oval Office Conversation, May 26, 1971, from *CSDP*.
[82] Oval Office Tapes, September 9, 1971, 3:03 pm to 3:34 pm - Oval Office Conversation 568-4: The President met with Raymond P. Shafer, Jerome H. Jaffe, and Egil ("Bud") Krogh, Jr.: the White House photographer was present at the beginning of the meeting.

old men who don't understand, that's fine, I wouldn't mind that, but if they get the idea you're just a bunch of do-gooders that are going to come out with a quote soft on marijuana report, that'll destroy it, right off the bat."[83]

In the tapes, Shafer sounds as though he is carefully choosing every word he says, so as to not offend the President. At certain points, the former Governor sounds audibly uncomfortable as Nixon appears to be telling his commission, in advance, what to conclude. One particularly troubling example was his suggestion that "I think there's a need to come out with a report that is totally oblivious to some obvious differences between marijuana and other drugs, other dangerous drugs. 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."[84] Nixon acknowledges that "I'd much rather have uniformity than diversity" but appears to be trying to avoid anything that could be construed as infringing on states' rights - which would be detrimental to his Southern Strategy in an election year.

At a number of points, Nixon simply dismisses Shafer's concerns, saying that "it doesn't make a damn bit of difference what we say about drugs. If people want them [and] they think it's all proper, they're going to use them. They're going to find ways to get it. I think the most important function of the Commission really, is education."[85] If that weren't enough, the President instructs Shafer not to seek input from the Department of Health, Education and Welfare, which he believes is soft on drugs, apparently because it is filled with psychiatrists; who he earlier stereotyped as a Jewish profession.

This conversation is also useful in developing a better understanding of Shafer's approach to the commission. He commented at one point to Nixon that "when you asked me to

[83] Oval Office Conversation, September 9, 1971.
[84] Ibid.
[85] Ibid.

take this job I hesitated in fact... I could see clouds of what [happened] with the Scranton Commission. I thought that was a disgrace… I said that if I would take it of course I had to have your support."[86] Unfortunately for Shafer, his commission would meet a similar, albeit more controversial, end. He also attempted to mollify the President by saying that they never intended to "do nothing that would in any way embarrass you or the administration because in the long run that's going to hurt the country, if we have a Commission that just comes through with a report that creates controversy and gives fodder for the newspapers to create a lot of conflict." Of course, despite Shafer's intentions in this regard, the Commission's report did just that.

These tapes show that the President believed many of the myths about marijuana that the Commission was trying to debunk. Worse yet, Nixon tied them specifically to blacks, Jews, homosexuals and the counterculture in general. He saw a connection between civil rights and anti-war demonstrators and marijuana use, even though the Shafer Commission tried to minimize the differences in lifestyle and the effect of marijuana on social order. In this sense, not only was conservatism a factor in Nixon's electoral calculations, but its exclusionary traits pervaded his personal views more prominently than perhaps people realized at the time. His prejudices, as illustrated by these tapes, were a continuation of the moralist platform that had long pervaded prohibitionist rhetoric. Unfortunately Nixon used his power as President to formulate a policy that responded to the commission's findings by instead ramping up the War on Drugs; a trend that has continued, often unabated for the last forty-five years.

After defeating George McGovern in a landslide to win re-election, Nixon devoted the first State of the Union address of his second term to drug prevention.[87] In March of 1973, just as the Commission was releasing its second report on drug abuse in general, Nixon submitted the

[86] Ibid.
[87] Ibid., 63.

"Reorganization Plan 2 of 1973" to Congress. This request would merge a number of agencies into the Drug Enforcement Administration (DEA), which would operate under the Department of Justice. In 1974, the DEA had 4,075 employees and a budget of $116 million. By 2014, it had 11,055 employees and a budget of $2.882 billion.[88] In addition to its growth in manpower and funding, the jurisdiction of the DEA has grown over the year, reflective of that of the War on Drugs more broadly. One year after the first report's release, marijuana arrests jumped from 292,179 to 420,700; the largest increase over one year in American history.[89]

Despite the commission's fallout, there were some positive outcomes as well. At the state level, more people paid attention to these recommendations, particularly during periods of budget shortfalls, because they recognized that law enforcement resources were targeting low-level, nonviolent marijuana offenses instead of more serious drug crimes.[90] In 1973, Oregon passed the nation's first marijuana decriminalization legislation, which removed criminal penalties for low-level possession. Rather than being arrested, booked, and tried, those caught with small amounts of marijuana would receive the equivalent of a traffic ticket and fine. Other states followed suit, including Alaska, Maine, Colorado, California, and Ohio in 1975; Minnesota in 1976; Mississippi, New York, and North Carolina in 1977; and Nebraska in 1978.[91]

The Commission also cost Shafer his chance at an appointment to a federal judgeship. In April 1971, well before the first report was released, another recording shows that Nixon and his advisors already harbored hostility toward the former Governor. In a conversation with John Mitchell, the Attorney General, Nixon was told about Shafer's desire to become a circuit court

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[88] Ibid., 64.
[89] Kevin B. Zeese, "Nixon Tapes Show Roots of Marijuana Prohibition: Misinformation, Culture Wars and Prejudice," *Common Sense for Drug Policy,* March 2002, citing "Marijuana Arrests 1972-2000," from FBI Uniform Crime Reports, 1972-2000.
[90] Hudak, *Marijuana,* 119.
[91] Ibid., 120.

judge for the third district in Pennsylvania, which was being advocated for by Pennsylvania Senators Hugh Schott and Richard S. Schweiker. The President responded that "everybody else told me never give Shafer a damn thing… but you want him, fine." To which Mitchell said "hell, I don't want him," but "it's a hell of a good place to get him out of the way where he can't cause any problems."[92] What kind of problems Mitchell is referring to is unclear, but it is fair to speculate that Shafer's reputation as a Rockefeller Republican in an era when the party was turning further to the right would have been enough to classify Shafer as a potential 'problem.' Years later while confined to prison, Mitchell was known to grumble to other pro-drug inmates that "he'd always known Raymond Shafer was too wishy washy to run that commission."[93]

Their derision of Shafer had nothing to do with his qualifications though. Nixon remarked that Shafer "does have a legal background. He was a prosecuting attorney and incidentally had a damn good record. He's a good lawyer. He'd be a good judge, as good as anybody… he's qualified, that's the point."[94] At this point the tape cuts off for the final two minutes and 25 seconds "for personal reasons" with no further explanation than that.

Needless to say, when the Commission disbanded in 1973, Shafer's name was no longer in consideration, almost certainly as payback for challenging the White House's drug stance. His daughter Diane said that it was the hardest decision her father had ever had to face.[95] Shafer's true passion had always been for the law, which was reflected in his approach to politics. It was why Shafer was so determined to revise the state constitution while Governor and why the commission took a systematic approach to critiquing existing drug laws. He often framed his thoughts on the commission in terms of the judiciability of the matter, and felt that if it was

[92] Oval Office Tapes, April 21, 1971, 4:18 pm to 6:13 pm - Oval Office Conversation 485-4: The President met with H.R. (Bob) Haldeman and John N. Mitchell.
[93] Anderson, *High in America*, 92.
[94] Oval Office Conversation, April 21, 1971.
[95] Diane Shafer Domnick, Interview by Author, February 15, 2017.

grounded in sound, legal criticism, that the White House and Congress might listen. Unfortunately, his stance seemingly cost him the career he had always coveted.

Richard Nixon's actions, be they rhetorical or organizational, continue to have lasting effects on American drug policy. The key to its sustainability has been through the exercise of fear, coercion, force, and fail-safe strategy to always "get tougher" on drugs and crime. Much as conservatism became monolithic in the GOP by squeezing out ideological dissent rather than reform its practices, politicians, particularly those on the Right, have instead "gotten tougher" on drug use. This practice is that one that found fertile soil in the social unrest of the 1960s that became a calling card of the conservative coalition on the Right. By appeasing this constituency in a quest for a new Republican majority, the Nixon administration established anti-drug use as a tenet of the party platform that has endured for decades.

The story of the Shafer Commission therefore is one that must be understood as a consequence of a number of circumstances. Within the historical context, the Commission followed decades of misguided legislation and propaganda, most importantly in regard to moralism and the effect of conservative backlash to the counterculture of the 1960s. On the other side of the coin, the report and the President's rejection of it were a product of the White House's political strategies in an election year, coupled with Nixon's own personal prejudices and views on drug use. In this sense, moral conservatism and realignment politics were both relevant factors in the Commission's fallout. At the same time, it is important to consider how Shafer's own more liberal views and open-minded politics came into play in the report's eventual arguments. Taken together, the story of the Marihuana Commission is one that tells three separate but connected stories, from Shafer's career and personal politics, to the Conservative Movement and the marginalization of political dissent in the GOP to the War on Drugs under

Nixon as an increasingly partisan issue. By considering the Shafer Commission from each of these three perspectives, historians of each subject are able to build a more nuanced outlook.

Conclusion

After completing his work with the National Commission on Marihuana and Drug Abuse in 1973, Raymond P. Shafer found his political career largely at a close. He did not abandon politics altogether, serving on a handful of councils including the National Committee on U.S. China Relations and the Council on Foreign Relations.[1] When Nelson Rockefeller became Vice President in 1974 under Gerald Ford, Shafer served as counsel to him until Jimmy Carter entered the White House in 1977. But his pursuit of a federal judgeship was over and he spent his remaining years briefly working for TelePrompter and then for the firm of Coopers & Lybrand.

Shafer continued to advocate for the Commission's reports for the rest of his life. In one set of his personal papers, he reflected that the War on Drugs "demonstrates how fear can precipitate laws that do far more damage than the evil at which they are aimed. There are, at this minute, thousands of people in prisons throughout this country - quite a few under severe, and even sadistic sentences, for possession or sale of one of the least harmful of all psychoactive drugs."[2] Of course, the same thing could still be said today, as the War on Drugs has waged on for the last 45 years.

The Watergate scandal brought an end to Nixon's presidency and for a brief period under Gerald Ford and Jimmy Carter, anti-drug legislation tempered, particularly under Carter, who pushed for decriminalization.[3] The Shafer Report seemed to make more of a dent at the state

[1] James Wright Domnick, "Gov. Raymond Philip Shafer: A Biography," (Working Paper, 2017), 3.
[2] Unmarked speech reflecting on time as Chairman of the National Commission on Marihuana and Drug Abuse, page 2, Box 24: "Post-Gubernatorial Career 1971-1973," Folder: "Interviews and Statements Related to Governor Shafer's chairmanship of the National Commission on Marijuana and Drug Abuse," *The Raymond P. Shafer Collection*, (Meadville, PA: Wayne & Sally Merrick Historic Archival Center).
[3] John Hudak, *Marijuana: A Short History* (Washington, D.C.: Brookings Institution Press, 2016), 120.

level where 11 states passed decriminalization efforts from 1973 to 1978.[4] They had come to realize that law enforcement resources were targeting low-level, nonviolent marijuana offenses instead of more serious drug crimes, which was a poor use of taxpayer dollars. In 1978, Nebraska was the last state to decriminalize until Barack Obama was elected. Since then, more states have begun to decriminalize marijuana and some have even legalized it altogether.[5]

Ronald Reagan's ascendancy to the White House in 1980 marked the culmination of the conservative movement, particularly since 1964. It also marked a turning point in the War on Drugs, as he amplified the efforts made by Nixon to new heights. Since 1970, the prison population has increased from 357 thousand inmates to 2.3 million in 2014.[6] More than 50% of those incarcerated are for drug related offenses. In 1970, that figure was only 16%.[7] As a result of Nixon's rejection, millions of Americans have been imprisoned for simple possession of a drug that the Commission felt was no worse than alcohol or cigarettes. The resultant Prison Industrial Complex presents a system of oppression that has been particularly harmful in low-income black communities.

In another set of Shafer's papers, he reflected on whether the Commission - all the work, personal effort and taxpayer money - had been worth it given Nixon's rejection. To this he wrote that "my answer was, and still is, an emphatic 'yes.' … the recommendations of many commissions, including those of our Commission, have become the center of national debate and discussion that have put the issues studied in much clearer perspective." He goes on to point out that because the commission's recommendations came "from what was considered a

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[4] Ibid.
[5] Ibid., 121.
[6] *13th*, Directed by Ava DuVernay (Kandoo Films, Netflix, October 7, 2016), 100 minutes.
[7] Kathleen Miles, "Just How Much the War on Drugs Impacts our Overcrowded Prisons, In One Chart," *The Huffington Post* (March 10, 2014), http://www.huffingtonpost.com/2014/03/10/war-on-drugs-prisons-infographic_n_4914884.html

'conservative' commission, [it] shocked some citizens"... which "was good, because it made many people rethink the marihuana issue and consider the drug in its proper perspective."[8]

Shafer is correct in his belief that the Commission's report had value in spreading awareness. Drug reformers continue to sight the Shafer Report more than four decades later.[9] He was also correct in believing that "many of the alleged 'heresies' that the report initially recommended [will] begin a mystical transformation into 'facts,' and 'truths' at a later date."[10] Unfortunately though, the hyper-criminalization of drug users since 1972 has continued largely unabated. Some, including Richard Bonnie who served on the Shafer Commission, have actually pointed to the need for another commission to investigate drug usage.[11]

It is not that the Shafer Commission was a failure, or a waste of time, but that it represents a missed opportunity in the history of federal drug legislation and reflects the problematic nature of politicians allowing ideology to trump the greater good. Shafer believed that "a commission should be a search and destroy mission. It should gather all available information, evaluate it and then destroy those studies, beliefs, illusions and speculations that are out of date, out of touch with reality, or downright false."[12] The Commission accomplished this for many people, but missed its mark with the people who most needed to hear the message.

The Nixon White House, particularly in light of the Watergate scandal, was overly paranoid about the election of 1972, which they ultimately won in a landslide anyway. They

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[8] "National Commissions - To Be Or Not To Be," page 2, Box 24: "Post-Gubernatorial Career 1971-1973," Folder: "Interviews and Statements Related to Governor Shafer's chairmanship of the National Commission on Marijuana and Drug Abuse," *The Raymond P. Shafer Collection*, (Meadville, PA: Wayne & Sally Merrick Historic Archival Center).

[9] Eric E. Sterling, "Shafer Commission Report on Marijuana and Drugs, Issued 40 Years Ago Today, Was Ahead of its Time," *Huffington Post* (March 21, 2013) http://www.huffingtonpost.com/eric-e-sterling/shafer-commission-report-_b_2925777.html.

[10] "National Commissions - To Be Or Not To Be," page 3, Box 24, *The Raymond P. Shafer Collection*.

[11] Richard J. Bonnie, "America's Drug Policy: Time for Another Commission?" *Contemporary Drug Problems* (Federal Legal Publications, Inc., Fall 1992), 395.

[12] "National Commissions - To Be Or Not To Be," page 4, Box 24, *The Raymond P. Shafer Collection*.

were so consumed with their quest for "new majority" that an administration that had tried to appeal to the moralism of middle America, ironically abandoned all sense of virtue. In this light, their rejection of the report and the escalation of their anti-drug efforts are hardly surprising. While electoral concerns and personal prejudice were certainly prevalent in understanding why the Shafer Report was rejected, the effect of conservatism also warrants consideration.

As the influence of right-wing ideology grew in prominence, Nixon built his majority around factions that a decade later under Ronald Reagan, fully realigned into the contemporary Republican constituency. Although Nixon is generally regarded as a moderate, his thoughts and actions reflect someone whose social prejudices were more in line with the conservative strand of the party than is generally understood. By disregarding the Commission, Nixon's action reflected a trend in conservative politics to marginalize opinions that do not fit ideology, regardless of their merit. This is a trend that has continued for decades and pushed the Republican Party further and further to the right of the ideological spectrum.

Since the Reagan presidency, the Republican Party has become increasingly homogenous. Their political identity has been formed around complete opposition to the Democratic Party and is now composed almost entirely of ideological conservatives. Over time, these ideologues have succeeded in "silencing, co-opting, repelling, or expelling nearly every competing strain of Republicanism from the party, to the extent that the terms "liberal Republican" or "moderate Republican" have practically become oxymorons."[13]

In 2012, Geoffrey Kabaservice prophesied that "it seems increasingly likely that right-wing activists may prevail over the party professionals and nominate an extreme presidential candidate. Such a candidate might so alienate the American majority, as Goldwater did in 1964,

[13] Geoffrey Kabaservice, *Rule and Ruin: The Downfall of Moderation and the Destruction of the Republican Party, from Eisenhower to the Tea Party* (New York, NY: Oxford University Press, 2012), xvi.

that Republican candidates would be wiped out across the board."[14] Five years later, Donald Trump has moved into the White House and while Republicans have not been wiped out, they might have come close if Hillary Clinton had defeated the New York businessman as most originally expected. As E.J. Dionne Jr. put it, "Trump's rise is testimony to a profound distemper in our politics and to the depth of the conservative crisis."[15]

As of this writing, Donald Trump has been in office for less than 100 days and his legacy is far from written. But his tactics in campaigning offer striking parallels to some of his conservative predecessors and what that says about the evolution of the Republican Party. During a campaign stop in Virginia Beach on July 11, 2016, Donald Trump announced that "I am the law and order candidate."[16] Almost 50 years after the Nixon campaign used this same strategy to appeal to the "Silent Majority," Trump employed similar rhetoric saying that "The forgotten men and women of our country will be forgotten no longer"[17]

In 1968, Nixon's call for 'law-and-order' was coded language for other anxieties plaguing middle America. This referred to broad social unrest, particularly among African-Americans, anti-war protesters and drug users. Trump understood that there was a significant portion of the electorate who felt "left behind" in a country that was less white, less Christian and less homogenous than it once was. In Trump's case, restoring law and order refers largely to standing up for the police who have come under attack by the Black Lives Matter movement,

[14] Kabaservice, *Rule and Ruin*, 401.
[15] E.J. Dionne Jr., *Why the Right Went Wrong: Conservatism from Goldwater to Trump and Beyond* (New York, NY: Simon & Schuster, 2016), 478.
[16] Louis Nelson, "Trump: 'I am the Law and Order Candidate," *Politico* (July 11, 2016). http://www.politico.com/story/2016/07/trump-law-order-candidate-225372
[17] John Kass, "President Trump and the Forgotten Man," *Chicago Tribune* (January 20, 2017), http://www.chicagotribune.com/news/columnists/kass/ct-donald-trump-inauguration-kass-0122-20170120-column.html.

opposing illegal Mexican immigration, getting 'tough' on terrorism and stemming the 'browning' of America.[18]

It appears that the Trump administration will also mirror Nixon's in terms of their approach to drug legislation. Trump's attorney General Jeff Sessions recently said that "I am astonished to hear people suggest that we can solve our heroin crisis by legalizing marijuana—so people can trade one life-wrecking dependency for another that's only slightly less awful. Our nation needs to say clearly once again that using drugs will destroy your life."[19] As was stated in the introduction, the purpose of this project is not to offer support of particular drug legislation - legalization least of all - but seeks to draw out parallels in recent history to better understand the present state of the GOP.

Given the state of contemporary politics, the story of the Shafer Report helps explain a number of a themes that were born during the 1960s and 1970s and have continued to evolve over time. As the two major parties realigned into their present forms, they took an increasingly ideological tone. The conservative consensus that has taken a complete hold of the Republican party has continued to polarize the two sides and in doing so, damaged the overall health of America's democratic institutions. Democrats and Republicans are more divided than ever and the practice of marginalizing dissenting ideology is rooted in the emergence of conservatism during the period that the Shafer Report was released. The War on Drugs has continued to escalate, systems of oppression remain and there appears to be no end in sight given recent electoral trends.

[18] Isaac J. Bailey, "How Trump Exposed America's White Identity Crisis," *Politico* (August 22, 2016), http://www.politico.com/magazine/story/2016/08/trump-race-white-america-identity-crisis-214178.
[19] Jay Willis, "Jeff Sessions Just Kicked Off the Next War on Drugs," *GQ* (March 15, 2017). http://www.gq.com/story/jeff-sessions-war-on-drugs

The Republican Party badly needs more leaders like Raymond P. Shafer, who made decisions based on what was right, rather than what adhered to a set of ideological principles. He had no qualms challenging his own party and making unpopular decisions. Today, elected leaders pale in comparison. The present climate in Washington necessitates representatives to vote with their party or risk losing office. Although Shafer's career is a bit of an anomaly, it is one that highlights how government *should* work. Over the past fifty years, too many politicians have shifted away from serving the people and instead focus on self-interest and in Trump's case, whatever gets him the most re-tweets. Forty-five years after the Commission released its first report, Shafer's example continues to stand as one that ought to be emulated by our elected officials. The United States desperately needs it.

Bibliography

Primary Sources

Archival Collections

National Archives: Nixon Presidential Materials Project. White House Central Files - Subject Files: FG 308 Commission on Marihuana and Drug Abuse. Accessed online: https://nixonlibrary.gov/forresearchers/find/textual/central/subject/FG308.php

Personal Collection of James Wright Domnick.

Raymond P. Shafer Collection. The Wayne and Sally Merrick Historic Archival Center. Allegheny College Pelletier Library. Meadville, PA.

Raymond P. Shafer Papers, 1967-1971. Manuscript Group 209. Pennsylvania Historical & Museum Commission (Online). Harrisburg, PA. Accessed Online: https://archon.klnpa.org/psa/?p=collections/classifications&id=705.

Films

13th. Directed by Ava DuVernay. Released October 7, 2016. Kandoo Films, 2016. Distributed by Netflix, 100 minutes.

Government Records

National Commission on Marihuana and Drug Abuse. *Marihuana: A Signal of Misunderstanding*. Washington D.C.: United States Government Printing Office, 1972.

Nixon White House Tapes, 1971-1972. Transcript accessed online through *Common Sense for Drug Policy*. http://www.csdp.org/research/nixonpot.txt.

Nixon, Richard. *Public Papers of the Presidents of the United States: Richard Nixon*. Washington D.C.: U.S. Government Printing Office, 1971-1975. Accessed through the American Presidency Project online, 1999-2017. http://www.presidency.ucsb.edu/richard_nixon.php.

Interviews

Domnick, Diane Shafer. "Discussion with Diane Shafer Domnick on the Life of her Father: Raymond Philip Shafer." Interview by author. Unpublished, Meadville, PA. February 15th, 2017.

Periodicals

AlterNet

The Campus of Allegheny College

Chicago Tribune

Common Sense for Drug Policy Foundation.

Erie Times-News.

Harper's Magazine.

Huffington Post

GQ

Life Magazine

Los Angeles Daily Journal.

The Meadville Tribune.

New York Times.

The Patriot-News

Politico

Slate.

Washington Post

Websites

Allegheny College History Department, "History Alumni," *Alumni Endorsements*, accessed February 3rd, 2017, http://sites.allegheny.edu/history/alumni/.

Carr, Amelia. *Raymond P. Shafer: Allegheny's Governor of Pennsylvania*, accessed January 30, 2017, http://shafer.gandeleyn.com/elections.html.

Pennsylvania Historical & Museum Commission, "Governor Raymond Philip Shafer," *Pennsylvania Governors*, accessed February 9, 2017, http://www.phmc.state.pa.us/portal/communities/governors/1951-2015/raymond-shafer.html.

Journal Articles

Bonnie, Richard J. “A Presidential Commission on Drug Policy: Instrument of Reform of Defender of the Status Quo?” Contemporary Drug Problems, Spring 1998. Federal Legal Publications, Inc. Pages 169-183

Bonnie, Richard J. “The Virtues of Pragmatism in Drug Policy.” Journal of Health Care Law & Policy Volume 13:7. HeinOnline 2010. Pages 7-30

Bonnie, Richard J. “America’s Drug Policy: Time for Another Commission?” Contemporary Drug Problems, Fall 1992. Federal Legal Publications, Inc. Pages 395-408

Crist, Robert G., Genevieve Blatt, George M. Leader, Kenneth B. Lee, A. James Reichley, and Raymond P. Shafer. "Pennsylvania Politics and Government, 1950-1970: A Round Table Discussion." *Pennsylvania History: A Journal of Mid-Atlantic Studies* 59, no. 4 (1992): 297-309.

Kinder, Douglas. “Shutting Out the Evil: Nativism and Narcotics Control in the United States.” *Journal of Policy History* 3, no. 4 (1991).

Kotlowski, Dean J. "Unhappily Yoked? Hugh Scott and Richard Nixon." *The Pennsylvania Magazine of History and Biography* 125, no. 3 (2001): 233-66.

McWilliams, John C. “Through the Past Darkly: the Politics and Policies of America’s Drug War.” *Journal of Policy History* 3, no. 4 (1991).

Secondary Sources

Anderson, *High in America: The True Story Behind NORML and the Politics of Marijuana*. New York, NY: The Viking Press, 1981.

Barry, Allen H. *Raymond P. Shafer. A Saga of Courage*. N.p., 1968.

Beers, Paul B. *Pennsylvania Politics Today and Yesterday*. University Park, PA: The Pennsylvania State University Press, 1980.

Bertram, Eva, Morris Blachman, Kenneth Sharpe and Peter Andreas. *Drug War Politics: The Price of Denial*. Berkeley, CA: The University of California Press, 1996.

Bonnie, Richard and C.H. Whitebread II. “The Forbidden Fruit and the Tree of Knowledge: An Inquiry into the Legal History of American Marijuana Prohibition.” *Virginia Law Review* (October 1970).

Brennan, Mary C. *Turning Right in the Sixties: The Conservative Capture of the GOP*. Chapel Hill, NC: University of North Carolina Press, 1995.

Critchlow, Donald T. *The Conservative Ascendancy: How the GOP Right made Political History*. Cambridge, MA: Harvard University Press, 2007.

Dionne Jr., E.J. *Why the Right Went Wrong: Conservatism from Goldwater to Trump and Beyond*. New York, NY: Simon & Schuster, 2016.

Domnick, James Wright. "Gov. Raymond P. Shafer: A Biography." Unpublished Manuscript, 2017.

Donaldson, Gary. *Liberalism's Last Hurrah: The Presidential Campaign of 1964*. Armonk, NY: M.E. Sharpe Inc., 2003.

Flamm, Michael W. *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s*. New York, NY: Columbia University Press, 2005.

Frederickson, Kari. *The Dixiecrat Revolt and the End of the Solid South, 1932-1968*. Chapel Hill, NC: The University of North Carolina Press, 2001.

Gifford, Laura Jane and Daniel K. Williams. *The Right Side of the Sixties: Reexamining Conservatism's Decade of Transformation*. New York, NY: Palgrave Macmillan, 2012.

Goldberg, Peter, "Federal Government's Response to Illicit Drugs, 1969-1978," in *The Facts About "Drug Abuse"* by The Drug Abuse Council. New York, NY: Free Press, 1980.

Gould, Lewis L. *Grand Old Party: A History of the Republicans*. New York, NY: Random House Inc., 2003.

Gray, James, P.: *Why our Drug Laws Have Failed and What We Can Do About It: A Judicial Indictment of the War on Drugs*. Temple University Press, Philadelphia, PA, 2001.

Helmreich, Jonathan. *Through All the Years: A History of Allegheny College*. Meadville, PA: Smeltzer Bell Research Center, 2005.

Himmelstein, Jerome L. *The Strange Career of Marihuana: Politics and Ideology of Drug Control in America*. Westport, CT: Greenwood Press, 1983.

Himmelstein, Jerome L. *To the Right: The Transformation of American Conservatism*. Berkeley, CA: University of California Press, 1990.

Hudak, John. *Marijuana: A Short History*. Washington, D.C.: Brookings Institution Press, 2016.

Jacobs, Meg and Julian E. Zelizer: *Conservatives in Power: The Reagan Years, 1981-1989: A Brief History with Documents*. Boston, MA: Bedford / St. Martin's, 2011.

Kabaservice, Geoffrey. *Rule and Ruin: The Downfall of Moderation and the Destruction of the Republican Party, from Eisenhower to the Tea Party*. New York, NY: Oxford University Press, 2012.

Kennedy, John J. *Pennsylvania Elections: Statewide Contests from 1950-2004*. Lanham, MD: University Press of America, Inc., 2006.

Kessel, John H. *The Goldwater Coalition: Republican Strategies in 1964*. Indianapolis, IN: The Bobbs-Merrill Company, Inc., 1968.

Klein, Philip Shriver and Ari Arthur Hoogenboom. *A History of Pennsylvania*. New York, NY: McGraw-Hill, 1973.

Kolkey, Jonathan Martin. *The New Right, 1960-1968 with Epilogue, 1969-1980*. Lanham, MD: University Press of America, 1983.

Lamis, Renée M. *The Realignment of Pennsylvania Politics since 1960: Two Party Competition in a Battleground State*. University Park, PA: Pennsylvania State University Press, 2009.

Mason, Robert. *Richard Nixon and the Quest for a New Majority*. Chapel Hill, NC: The University of North Carolina Press, 2004.

Menendez, Albert J. *The Geography of Presidential Elections in the United States, 1868-2004*. Jefferson, NC: McFarland & Company, Inc., 2005.

Micklethwait, John and Adrian Wooldridge. *The Right Nation: Conservative Power in America*. New York, NY: The Penguin Press, 2004.

Musto, David F. and Pamela Korsmeyer. *The Quest for Drug Control: Politics and Federal Policy in a Period of Increasing Substance Abuse, 1963-1981*. New Haven, CT: Yale University Press, 2002.

Paulson, Arthur. *Electoral Realignment and the Outlook for American Democracy*. Lebanon, NH: University Press of New England, 2007.

Penniman, Clara. *State Income Taxation*. Baltimore, MD: The Johns Hopkins University Press, 1980.

Rae, Nicol C. *The Decline and Fall of the Liberal Republicans from 1952 to the Present*. New York, NY: Oxford University Press, 1989.

Ripon Society. *Election '64: A Ripon Society Report*. Cambridge, MA: Ripon Society, 1964.

Ripon Society and Clifford W. Brown Jr. *Jaws of Victory: The Game-Plan Politics of 1972, the Crisis of the Republican Party and the Future of the Constitution*. New York, NY: Little, Brown and Company, 1973.

Rymph, Catherine E. *Republican Women: Feminism and Conservatism from Suffrage through the Rise of the New Right*. Chapel Hill, NC: The University of North Carolina Press, 2006.

Scharnhorst, Gary. *Horatio Alger Jr*. Boston, MA: Twayne Publishers, 1980.

Shafer, Raymond P. *Government Control of Individual Behavior: Its Right and Proper Role*. San Francisco, CA: American Public Health Association, 1973.

Skowronek, Stephen. *The Politics Presidents Make: Leadership from John Adams to Bill Clinton*. Cambridge, MA: Belknap Press, 1993.

Story, Ronald and Bruce Laurie. *The Rise of Conservatism in America, 1945-2000: A Brief History with Documents*. Boston, MA: Bedford / St. Martin's, 2008.

Sundquist, James L. *Dynamics of the Party System: Alignment and Realignment of Political Parties in the United States*. Revised edition. Washington D.C.: The Brookings Institution Press, 1983.

Thurber, Timothy N. *Republicans and Race: The GOP's Frayed Relationship with African Americans, 1945-1974*. Lawrence, KS: University Press of Kansas, 2013.

Wagner, Steven. *Eisenhower Republicanism: Pursuing the Middle Way*. Dekalb, IL: Northern Illinois University Press, 2006.

Wolf, George D. *William Warren Scranton: Pennsylvania Statesman*. University Park, PA: Keystone Books, 1981.