Extent

8 folders, approximately 371 pages

Summary

This collection consists of records related to the January 1998 letter sent to the President by U.S. District Court Judge Luis Oberdorfer concerning the disparities in the Federal Sentencing Guidelines for possession of powder cocaine vice "crack-cocaine". It contains emails, faxes and memos from members of the Domestic Policy Council, the Office of National Drug Control Policy and the Federal Sentencing Commission. The collection also includes press statements, policy papers, and reports to the President and to Congress.

Scope and Content Note

The materials in FOIA 2016-0099-F are a selective body of documents responsive to the topic of the FOIA. Researchers should consult the archivist about related material. In January of 1998, U.S. District Court Judge Luis Oberdorfer wrote a letter to President Clinton suggesting that the President issue an Executive Order creating a commission to review the sentencing of non-violent drug offenders. This commission would review these cases in order to grant clemency to those who the Judge believed were unfairly targeted in what he described as, “the most flagrant practice of racial discrimination by the federal government since” the Truman administration. In response to a widely reported “Crack Epidemic” in the mid 1980’s, Congress passed the Anti-Drug Abuse Act of 1986, which increased penalties for crack cocaine possession and usage. It mandated a minimum mandatory sentence of five years without parole for possession of five grams of crack. To receive the same sentence with powder cocaine one had to possess 500 grams. This sentencing disparity was perceived by many, including Judge Oberdorfer, as racially and economically discriminatory. In 1997, the United States Federal Sentencing Commission reported to Congress on “Cocaine and Federal Sentencing Policy”. This

report recommended changing the crack/powder 100:1 sentencing ratio, finding it to be unjustified by the small differences between the two forms of cocaine. However, despite the efforts of the Attorney General and the Director of the Office of National Drug Control Policy, General Barry McCaffrey, Congress rejected the recommendations and maintained the 100:1 quantity ratio. This Collection contains Judge Oberdorfer's January 1998 letter to the president, and the 1997 report from the US Federal Sentencing Commission to Congress. The collection also contains memoranda from the Office of National Drug Control Policy and the Attorney General on the feasibility and wisdom of recommending changes to the drug sentencing minimums and reports from Domestic Policy Council staffers as well as press briefings and correspondence with individual members of Congress.

Record Type

Textual

System of Arrangement

Records that are responsive to this FOIA request were found in these collection areas—Clinton Presidential Records: White House Office of Records Management (WHORM) Subject Files, and Clinton Presidential Records: White House Staff and Office Files. The White House Office of Records Management (WHORM) contains a variety of series created to organize and track documents and correspondence. The WHORM Subject file was compiled by the White House Office of Records Management and is a series of categories designated by a letter/number combination. Staff and Office files were maintained at the folder level by staff members within their individual offices and document all levels of administration activity. WHORM files are processed at the document level; whereas, Staff and Office files are processed at the folder level, that is, individual documents are not selected and removed from a folder for processing. While this method maintains folder integrity, it frequently results in the incidental processing of documents that are not wholly responsive to the subject area. FOIA 2016-0099-F includes WHORM records from these subject codes: [FG001] [Federal Government – President of the United States] [HE006-01] [Health - Narcotics]

Access

Collection is open to all researchers. Access to Clinton Presidential Records is governed by the Presidential Records Act (PRA) (44 U.S.C. Chapter 22, as amended) and the Freedom of Information Act (FOIA) (5 U.S.C. 552, as amended) and therefore records may be restricted in whole or in part in accordance with legal exemptions.

Copyright

Documents in this collection that were prepared by officials of the United States government as part of their official duties are in the public domain. Researchers are advised to consult the copyright law of the United States (17 U.S.C. Chapter 1) which governs the making of photocopies or other reproductions of copyrighted material.

Provenance

Official records of William Jefferson Clinton’s presidency are housed at the Clinton Presidential Library and administered by the National Archives and Records Administration (NARA) under the provisions of the Presidential Records Act (PRA).

Processed by

Staff Archivist, 2015. Previously restricted materials are added as they are released.

Last Modified Date

2016-03-21

Container List

View all digitized files in the National Archives Catalog (NAC)

The following is a list of documents and folders processed in response to FOIA 2016-0099-F:
Box 1
Clinton Presidential Records: WHORM: Subject File
Category Case Number
FG001 257088SS
HE006-01 249551SS
Clinton Presidential Records: White House Staff and Office Files
Counsel's Office
Nolan, Beth
Sentencing (Crack and Powder Cocaine) [OA/ID 23485]
Ruff, Charles
Crack Cocaine [OA/ID 13213]
Clinton Presidential Records: White House Staff and Office Files (continued)
Domestic Policy Council
Shimabukuro, Leanne
Drugs: Crack Cocaine Sentencing [1] [OA/ID 23165]
Drugs: Crack Cocaine Sentencing [2] [OA/ID 23165]
Legislative Affairs
Ricchetti, Steve
H.R. 2259 Sentencing Guidelines Crack / Cocaine [OA/ID 11575]
Subject Files
Crack Sentencing [OA/ID 18360]

Content Available Online