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Herwig, Paige - Subject Files

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Folder Title:

Court of International Trade

Chad Millison

1171153

FG006-04

**Executive Office of The President
Barcode Scanning Sheet**



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Correspondent: **PAIGE HERWIG**

Subject/Description: **PAIGE HERWIG FILES; MATERIAL IS FROM BOX
OVERSIZE ATTACHMENT # 6131 NARA # 5390; FILE
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THE FOLDER FOR THIS CASE IS: 21) COURT OF
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Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	Jennifer Choe Groves - From: Michael Zubrensky	12	03/24/2015	P2; P5; P6/b6;

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COLLECTION:

Counsel's Office, White House (WHCO)

SERIES:

Herwig, Paige - Subject Files

FOLDER TITLE:

Court of International Trade

FRC ID:

6766

OA Num.:

6131

NARA Num.:

5390

FOIA IDs and Segments:

23-05244-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
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Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	Gary S. Katzmann - From: Adam D. Chandler	12	03/16/2015	P2; P5; P6/b6;

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Gary S. Katzmann - Brief Bio

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GARY S. KATZMANN is a Fellow in the Program on Criminal Justice Policy and Management at the John F. Kennedy School of Government at Harvard University, and a Fellow of the Governance Institute. He is director of the Governance Institute project on juvenile justice and youth violence, and is the editor and contributing author of that project's book, [Securing Our Children's Future: New Approaches to Juvenile Justice and Youth Violence](#) (Brookings/Governance, 2002).

He is an Assistant United States Attorney in the District of Massachusetts, based in Boston, where he has variously held the positions of Chief Appellate Attorney, Deputy Chief of the Criminal Division, and Chief Legal Counsel, and has engaged in criminal and civil litigation in the trial and appellate courts. He has served on detail to the Department of Justice in Washington, D.C. as an Associate Deputy Attorney General focusing on criminal justice policy (where his responsibilities included service as the Department's representative to the United States Sentencing Commission), and also on detail to the FBI (where he drafted health care fraud legislation). He is a recipient of the Department of Justice's Director's Award. Among his publications is [Inside the Criminal Process](#) (W.W. Norton), a book that, translated into Russian, was used to teach Russian law enforcement and judicial officers.

He has been a Lecturer on Law at Harvard University, and he has also taught at Yale and at the Russian Procuracy Institute program. Katzmann received his A.B. from Columbia College, an M.Litt. from Oxford University, an M.P.P.M. from Yale University, and a J.D. from Yale Law School, where he was an editor of the [Yale Law Journal](#). He served as a law clerk to then Circuit Judge Stephen G. Breyer of the United States Court of Appeals for the First Circuit and Judge Leonard B. Sand of the United States District Court for the Southern District of New York.

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Copyright 1993 The Atlanta Constitution
The Atlanta Journal and Constitution

October 17, 1993, Sunday

SECTION: LOCAL NEWS; Section A; Page 1

LENGTH: 1737 words

HEADLINE: Prison sentences set in stone: A deterrent or an injustice?

BYLINE: By Bill Rankin STAFF WRITER

BODY:

At Druid Hills High School, Antonio Martin was a B student and so highly regarded by his peers that he was named captain of his varsity football and basketball teams.

But today Martin, now 21, is serving a mandatory 10-year sentence at the Federal Penitentiary Prison Camp in Atlanta. He has no chance of parole.

In April 1992, he was arrested for selling 4 ounces of crack cocaine to an undercover Drug Enforcement Administration agent in a deal set up by a confidential informant.

"I could be outside working, helping my family," said the first-time offender. "I don't feel like I'm the type of person who should be in prison for 10 years."

Martin is one of thousands of federal drug offenders serving controversial "mandatory minimums." The sentences are praised by prosecutors and lawmakers, who say they are necessary penalties in the war on drugs. But they are detested by many judges and trial lawyers who call them unfair and unjust.

The sentencing laws are expected to generate intense debate in Congress soon. Legislation to abolish them has been introduced by Rep. Don Edwards (D-Calif.), chairman of the House subcommittee on civil and constitutional rights.

U.S. Attorney General Janet Reno is conducting a review of all defendants sentenced with mandatory minimums. Once this review is complete, she is expected to present Congress with the administration's proposals to change the sentencing laws.

Mandatory minimums first became law in 1790, when Congress set life sentences for first-degree murder and piracy. Through the years, Congress has enacted more than 100 mandatory minimums, such as life in prison for assassinating the president, five years for treason and one month for selling poison in China.

Sending 'a clear message'

Beginning in 1986, amid widespread reports of a drug epidemic, Congress swiftly passed anti-crime bills targeting drug dealers. Four of these laws account for 94 percent of the inmates serving mandatory minimums.

Prison sentences set in stone: A deterrent or an injustice? The Atlanta Journal and Constitution October 17, 1993,
Sunday

Federal prosecutors applauded the new laws, saying they shut the "revolving door" of state prisons where criminals serve small fractions of their prison terms. In the federal system, there is no parole - only a maximum 54 days a year that can be taken off the sentence for good behavior.

"What people are most concerned about is security in their neighborhoods and keeping drugs out of their communities," U.S. Attorney Joe Whitley said. "These penalties send a clear message that drug-dealing criminals won't be coming back anytime soon."

Said Richard Cullen, former U.S. attorney for the Eastern District of Virginia: "They are the most effective weapon prosecutors have in dismantling violent drug gangs in the United States."

But critics say the laws routinely result in longer sentences for low-level, nonviolent drug offenders in the federal system than those served by some killers, rapists and kidnapers in the state system.

Opposition to the laws has even spawned a nonprofit public interest group, Families Against Mandatory Minimums, which has more than 20,000 members and says it is growing at a rate of about 1,000 a month.

The Justice Department review so far has found that of the 9,212 offenders sentenced to mandatory minimum terms in 1992, 3,565 were nonviolent, first-time offenders, said Gary Katzmann, a Justice official helping conduct the study.

It costs \$ 56.84 a day - or \$ 20,746 a year - to house a federal prison inmate. In 1985, before Congress enacted the four widely used mandatory-minimum statutes, the annual budget of the federal prison system was \$ 623 million. Next year, the annual figure is projected to be \$ 2.3 billion.

Dan Dunne, a prison system spokesman, attributes the increases to the abolition of parole in the federal system, the rising costs of building new prisons and more aggressive federal prosecution of drug cases.

Katzmann noted that mandatory minimums have in large part caused the Federal Bureau of Prisons' inmate population to double since 1985, from 36,042 prisoners to 80,077 today. Of these prisoners, 4,444 are incarcerated in Georgia at prisons in Atlanta and Jessup. The total population is projected to reach 119,000 by 1999.

Reno is expected to ask Congress to reduce sentences against nonviolent first offenders. In a number of public appearances, she said it makes little sense that low-level drug dealers are serving 10 to 30 years in prison.

"Antonio is a perfect example of who Ms. Reno has on her mind," said Martin's lawyer, Bruce Maloy. "His sentence is a waste of his life and a waste of money to keep him in prison for 10 years. If his prosecution is an example of the war on drugs, then it's a phony war."

Martin, who was attending DeVry Institute in Decatur when he was arrested, was allowed by Senior U.S. District Judge Robert Hall to finish courses and obtain his business communications degree before serving his time. Martin now rises at 5:30 a.m. and, from noon until 8 p.m., washes the buses that transport prisoners in and out of the complex.

Deep divisions in Georgia

But if Reno seeks legislation to do away with some mandatory minimums, her proposal may get only a lukewarm reception in Congress. In hearings this summer, some key Democrats said they still support the current laws.

Georgia's congressional delegation appears to be sharply divided on the issue.

"Our prison system has failed to keep criminals locked behind bars," said Rep. Newt Gingrich, the 6th District Republican who is House minority whip and has announced his candidacy for minority leader. "Mandatory minimum sentences are our only protection from liberal judges who would release these criminals to prey again on society."

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But Rep. Sanford Bishop, a Democrat from the 2nd District, disagrees. "I have found over the years there are cases that on their own facts may deserve more leniency or severity. That is the value of a judge."

It is hardly surprising that some of the most vocal opponents of the sentences are federal judges, who occasionally find themselves apologizing to convicted defendants while imposing sentences.

"People talk about these being deterrents, but that's a lot of hogwash," said former U.S. District Judge Lawrence Irving of San Diego. "Most people on the street don't understand these laws or know they exist."

Irving, who imposed 1,600 sentences during his 8 1/2-year tenure, resigned from the federal bench last year to protest the mandatory minimums. "They're too Draconian. We're sending kids with minor roles in offenses away to jail for five to 10 years, even more. You wonder what in the world we're trying to accomplish."

In giving his reasons for taking senior status as a federal judge in New York so he can refuse to hear any more drug cases, Jack Weinstein cited "my sense of depression about much of the cruelty I have been party to in connection with the war on drugs."

The only way for judges to depart from issuing a mandatory minimum sentence is to have a federal prosecutor file a "substantial assistance" motion on behalf of a defendant. Thus the defendants who are able to turn evidence and testify against others may get lesser sentences.

Cullen, now a trial lawyer in Richmond, Va., recalls the arrests of 26 members of the violent "Bush-Davis" drug gang that ran crack cocaine from Brooklyn, N.Y., into northern Virginia.

"The hammer of those mandatory sentences, telling some members of that gang they could be put away for the rest of their life, created a domino effect of cooperation with the government," he said. "We didn't have to indict anybody; we convicted all of them, and we took out a terribly violent gang."

But giving federal prosecutors so much power to induce plea bargains and cooperation by defendants has its downside, some federal judges say.

"Mercy is not always given - it is sold or extracted," U.S. District Judge Avant Edenfield of Savannah told the 1993 State Bar of Georgia annual meeting. Among federal prosecutors, he said, "I have seen a few terrorists."

Incentives to lie

Said U.S. District Judge Vincent Broderick of New York, chairman of the U.S. Judicial Conference's criminal law committee, "There are serious inherent incentives to perjury" by high-level offenders who agree to cooperate.

"There are few federal judges engaged in criminal sentencing who have not had the disheartening experience of seeing major players in crimes before them immunize themselves from mandatory minimum sentences by blowing the whistle on their minions, while the low-level offenders find themselves sentenced to the mandatory minimum prison term so skillfully avoided by the kingpins," Broderick added.

Such is how Nicole Richardson, a 20-year-old from Mobile, Ala., is serving a mandatory minimum sentence.

Richardson's crime was telling a government informant, in a taped telephone conversation, where to find her boyfriend to finalize an LSD sale. Because she had no information to trade for a reduced sentence, she was convicted of conspiracy to distribute LSD and sentenced to 10 years in prison.

Her boyfriend, Jeff Thompson, was able to help prosecutors; his sentence was reduced to five years.

U.S. District Judge Alex Howard, who imposed the sentence on Richardson, called the case "a gross miscarriage of justice."

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"One thing that particularly disturbs me is the lack of discretion allowed for a younger defendant with a life to live or an older defendant who has lived his life," said Chief U.S. District Judge Duross Fitzpatrick, a Reagan appointee who presides over the Middle District of Georgia.

"If I had my choice, I'd throw them out," said Senior U.S. District Judge Marvin Shoob in Atlanta. "After 45 years in this business, quite frankly, I think I'm well-qualified to issue a fair sentence. . . . If it's not cruel or inhumane treatment to sentence a 19-year-old who sells crack to 30 years or life in prison, what is?"

Even Whitley, the outgoing U.S. attorney in Atlanta, agrees that giving a lengthy mandatory sentence to a first-time, nonviolent offender "may be overly harsh."

But the idea of voting to reduce sentences for convicted drug dealers in today's political climate is anathema to most legislators, who don't want to appear soft on crime.

Said Sen. Phil Gramm (R-Texas), a member of the Judiciary Committee: "I will go so far to say that as long as I am in the Senate, we will be imposing more minimum sentences, not repealing them."

GRAPHIC: How Georgia's lawmakers stand Here's how the Georgia congressional delegation stands on legislation introduced by Rep. Don Edwards (D-Calif.) to abolish mandatory minimum prison sentences: Sen. Sam Nunn (D-Ga.): Voted for mandatory minimum legislation in the 1980s; he still generally supports such laws, but has yet to take a position on the Edwards legislation. Sen. Paul Coverdell (R-Ga.): Supported mandatory minimum sentencing in the past but has yet to take a position on the Edwards legislation. Rep. Jack Kingston (R-1st District): Undecided whether he supports the Edwards bill; he does not want to take sentencing discretion away from judges and wants the length of the sentence imposed to equal time served. Rep. Sanford Bishop (D-2nd District): Opposes mandatory minimums, saying they remove discretion from judges and contribute to the high rate of incarceration in federal prisons. Rep. Mac Collins (R-3rd District): Supports mandatory minimum sentencing, saying they focus on victims' rights and that the Edwards bill takes "criminal justice in the wrong direction." Rep. John Linder (R-4th District): Says mandatory minimums are "in theory a good idea," because criminals too often are back on the streets shortly after they're convicted and become repeat offenders. Rep. John Lewis (D-5th District): A co-sponsor of the Edwards bill, he says mandatory minimums often result in "overly severe" sentences for non-violent, first-time offenders. Rep. Newt Gingrich (R-6th District): Strongly favors mandatory minimums and opposes the Edwards bill. Rep. George "Buddy" Darden (D-7th District): Voted for legislation to enact mandatory minimums and opposes the Edwards bill, but believes judges should have more flexibility in sentencing non-violent criminals. Rep. J. Roy Rowland (D-8th District): Not inclined to support abolition of all mandatory minimums, particularly those for repeat offenders, but is concerned that they take flexibility away from federal judges. Rep. Nathan Deal (D-9th District): No position yet on the Edwards bill, but he says he doesn't like mandatory minimums because they result in disparate sentences for similar crimes on the state and federal levels. Rep. Don Johnson (D-10th District): Opposes some, but not all, mandatory minimums, saying the disparity between state and federal sentences for similar crimes "does not make sense." Rep. Cynthia McKinney (D-11th District): Supports the Edwards bill and says mandatory minimums lead to unfair sentencing and "tend to work against people of color." Compiled by Bill Rankin Photo: Antiono Martin in prison standing by a window. The certainty of punishment Regardless of extenuating circumstances, sentencing laws set "mandatory minimum" penalties that are triggered solely by the weight of the drug involved. Mandatory 5 years Penalty is for the first offense DRUG.....QUANTITY Crack cocaine.....5 grams Powder cocaine.....500 grams Heroin100 grams LSD.....1 gram Marijuana.....100 kilograms Methamphetamine.....10 grams PCP.....10 grams If the defendant has a previous drug conviction, penalty is 10 years Mandatory 10 years Penalty is for first offense DRUG.....QUANTITY Crack cocaine.....50 grams Powder cocaine.....5 kilograms Heroin1 kilogram LSD.....10 gram Marijuana.....1,000 kilograms Methamphetamine.....100 grams PCP.....100 grams If the defendant has a prior drug conviction, penalty is 20 years. If two previous convictions, the sentence is life. Note A kilogram (2.2 pounds) is equal to 1,000 grams Doing time Since 1980, the number of federal prison inmates has

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grown from 19,023 to 61,026. During that time, the population of prisoners serving time for drug offenses has grown sevenfold. 1980: Total prison population: 19,023 Total drug offenders: 4,749 1986: Total prison population: 31,831 Total drug offenders: 12,119 1992: Total prison population: 61,026 Total drug offenders: 36,349 Source: General Services Administration / staff Graph: Federal prison budget Here's a look at how the federal prison system has grown (In billions): For the years of: 1980 1982 1984 1986 1988 1990 1992 1994 Total: \$ 2,323,064 Source: General Services Administration / staff Photo: Antonio Martin has his college degree and would like to be out supporting his family, but a single drug offense means he must serve 10 years in prison. /JOHNNY CRAWFORD / Staff

LOAD-DATE: October 20, 1993

P6/b(6)

JENNIFER CHOE GROVES, ESQ.

EXECUTIVE SUMMARY

Attorney with 20 years of experience in international trade, intellectual property, litigation and corporate law. Currently CEO of a law firm in Washington, D.C. focused on serving small- and medium-sized enterprises (SMEs). Formerly served in the Executive Office of the President in the Office of the U.S. Trade Representative as Senior Director of Intellectual Property and Innovation and Chair of the Special 301 Committee, as well as an Assistant District Attorney in the Manhattan District Attorney's Office. Currently a member of the Republican National Lawyers' Association (former Officer, Secretary, and Board Member), and a current Board Member of the non-profit organizations NAPABA Law Foundation and Legal Momentum.

PROFESSIONAL EXPERIENCE

Titanium Law Group PLLC Washington, D.C. (2014 – present)
Chief Executive Officer

Founder and CEO of a law firm representing small- and medium-sized enterprises (SMEs) in international trade, intellectual property, litigation, government relations, and corporate matters.

Eckert Seamans Cherin & Mellott LLC Washington, D.C. (2012 – 2013)
Vice-Chair of Intellectual Property Group, Co-Chair of Diversity Committee, Partner
Represented companies on matters of international trade, intellectual property, litigation, and business counseling.

Hughes Hubbard & Reed, LLP Washington, D.C. (2010 – 2012)
Chair of the International Intellectual Property and Entertainment Group, Partner
Represented companies on matters of international trade, government relations, intellectual property, litigation, and business counseling.

**Executive Office of the President,
Office of the U.S. Trade Representative** Washington, D.C. (2005 – 2010)
Senior Director for Intellectual Property and Innovation, Chair of the Special 301 Committee
Served in the Office of the U.S. Trade Representative under President George W. Bush (January 2005 to January 2009) and President Barack Obama (January 2009 to March 2010).

- Developed international trade and intellectual property policies for the United States.
- Represented the United States in negotiations of intellectual property chapters of international free trade agreements (FTAs) and bilateral agreements with foreign countries, including negotiations between the United States and Malaysia, Thailand, United Arab Emirates, Morocco, Jordan, and Israel, among others.

- Chaired the interagency Special 301 Sub-Committee and led the committee's work on issues of international trade and international intellectual property protection and enforcement. Primary drafter of the annual Special 301 Reports from 2005-2009.

O'Melveny & Myers LLP Washington, D.C. (2001 – 2005)
Counsel - Intellectual Property, Entertainment, and Litigation Departments

Fish & Neave LLP (now Ropes & Gray LLP) New York, N.Y. (1998 – 2001)
Associate - Intellectual Property Litigation

Manhattan District Attorney's Office New York, N.Y. (1994 – 1998)
Assistant District Attorney

EDUCATION

Columbia University School of Law LL.M. 1998
 Specialized in Intellectual Property, International and Comparative Law

Rutgers School of Law – Newark J.D. 1994
 Editor, *Rutgers Law Review*
 Legal Research and Writing Instructor

Princeton University A.B. 1991
 Major in English, Minor in Women's Studies, National Merit Scholar

The Juilliard School Degree in Piano and Composition, 1987
 Piano performances at Carnegie Recital Hall and The Juilliard School

AWARDS

Named one of the Best Lawyers Under 40 by the National Asian Pacific American Bar Association (NAPABA).
 Alumni Achievement Award, Newark Academy.

BAR MEMBERSHIPS

State Bars of New York, New Jersey, and the District of Columbia

COMMUNITY INVOLVEMENT

Legal Momentum Board Member	(2010 – present)
The Juilliard School Juilliard Council Member	(2011 – 2014)
National Asian Pacific American Bar Association Current Law Foundation Board Member and Former Officer (Secretary) Entertainment Law Committee Founder and Chair	(2010 – present) (2010 – 2013)
Asian Pacific American Bar Association of Washington, D.C. Law Foundation President and Board Member Matsui Writing Competition Co-Founder and Board Member	(2003 – present) (2003 – 2005) (2004 – present)
Operation Smile Volunteer and Medical Team Member on Missions to Kenya, Africa	(1994 – 2000)
Pancreatic Cancer Action Network Volunteer and Committee Member	(2012 – present)

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