



Presents

**The House I Live In**

December 2, 2013

1:30pm - 4:45pm

Approval Pending for 3.0 CLE Hours

**AGENDA**

1:30 – 1:55

**Introduction & History** (10 minute film, 15 minute discussion)

- Screen intro to film + history section + Richard Miller thesis
- Lay out the history of drug laws in America, back to origins of opium, cocaine and marijuana prohibitions. Film clip will shows origins of initial drug policies
- Richard Miller’s concept of “step-by-step” encroachment of civil rights

**Presenter(s): David Kuhn, Esq., Charlotte Street Films**

**FILM CLIP #1: TOTAL RUNNING TIME (TRT) = 8:06**

*Note: introduces the film and broad issues in it. Good overview for audience.*

*NIXON: PUBLIC ENEMY #1 = DRUG ABUSE*

*REAGAN: WINI THE CRUSADE FOR A DRUG FREE AMERICA.*

*OBAMA: OPPORTUNITY, LIBERTY, HOPE*

*STEADY EROSION OF CIVIL RIGHTS OVER 40 YEARS. SET PLAYING FIELD.*

*MEET NANNIE JETER.*

*SEE PERSONAL STORIES THAT ILLUSTRATE:*

*\*PROBLEMS OF DRUG ABUSE*

*\*PROBLEM OF DRUG POLICY*

*\*DEVASTATION OF COMMUNITIES FROM WAR ON DRUGS.*

*DAVID SIMON: PRISON INDUSTRIAL COMPLEX.*

*40 YEARS. \$1 TRILLION. 4.5MM DRUG ARRESTS.*

*DRUG ADDICTION UNCHANGED.*

**FILM CLIP #2: TOTAL RUNNING TIME (TRT) = 7:16**

*Note: history section of film.*

*CHARLES BOWDEN: WAR ON DRUGS NOT ABOUT DRUGS.*

*RICHARD MILLER (LINCOLN HISTORIAN):*

*\*DRUG LAWS ASSOCIATED WITH RACE.*

*\*CHINESE = OPIUM. BLACKS = COCAINE. MEXICANS = HEMP 30'S*

*MOVES FROM PUBLIC HEALTH ISSUE TO A CRIME ISSUE.*

*DANGEROUS PRECEDENT OF RACIAL CONTROL.*

*DAVID SIMON:*

*\*AF-AM HISTORY IS IMMIGRANT STORY (RURAL TO URBAN).*

*\*THE GREAT MIGRATION.*

*JIM CROW LAWS: DIFF APPLICATION OF LAWS TO B/W*

*\*NORTH AS A WAY OUT.*

*MICHELLE ALEXANDER: THE AMERICAN GHETTO.*

*\*THE NEW JIM CROW.*

*\*SIMON = HOUSING AS DESIGN FOR GHETTOS.*

1:55 - 2:30

**Current Situation: Overview** (10 minute film, 25 minute discussion)

- Screen section on mandatory minimums, Nixon/Reagan/Rockefeller drug policy
- Screen Anthony Johnson Vermont story, Kevin Ott Oklahoma story
- Discuss mandatory minimums, and sentencing in general
- What are the costs of these sentencing policies? Are they working?
- Financial analysis
- Effects on communities

**Presenters:** **David Kuhn, Esq.,** *Charlotte Street Films*

**Joseph Miles Gibson, Jr.,** *Franklin County Prosecutors' Office*

**Moderator:** **Bryan M. Griffith,** *Sanborn Brandon Duvall & Bobbitt Co, LPA*

**FILM CLIP #3: TOTAL RUNNING TIME (TRT) = 11:53**

*Note: section on costs of the drug war.*

*First clip: policing.*

*Second clip: personal story of Anthony Johnson/Dennis Whidbee.*

*\*POLICING = ENVIRONMENT OF DRUG WAR.*

*NOTE A BLAME GAME, BUT WE HAVE TO UNDERSTAND WHERE WE ARE.*

*PROBABLE CAUSE HAS ERODED AS A CONCEPT. ROUNDED EDGES.*

*DAVID KENNEDY: LAW ENFORCEMENT = THING GEOGRAPHICALLY.*

*\*MAKES WHOLE COMMUNITIES ANGRY.*

*DAVID SIMON:*

*\*COPE INCENTIVES: \$\$, PROMOTIONS, SAFETY/EASE*

*\*CRIME SOLVING SKILLS DOWN*

*\*DEPT'S SEIZE VEHICLES, CASH*

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*ANTHONY JOHNSON/DENNIS WHIDBEE*

*\*DRUG DEALER HAS A ROLE IN THE COMMUNITY*

*\*HOOD FAMOUS*

*\*SELL = \$\$ = POWER*

*\*WHAT IS BEING REPLACED?*

*KEVIN OTT = LWOP FOR 3 OZ METHAMPHETAMINE (SELLING)  
\*COSTS OF THESE POLICIES  
\*\$ TO KEEP HIM IN PRISON, TAX \$ FOR OK LOST, PERSON DEAD*

2:30 - 3:25

**Current Situation: The Laws** (10 minute film, 45 minute discussion)

- Screen Judge Bennett on sentencing discrepancies between cocaine and crack
- FAIMM Julie Stewart, The Sentencing Project Marc Mauer
- Felony Drug Laws in Ohio (pre- and post-sentencing reform)(Joe)
- Drug Prosecution: drug trafficking organizations and opiate trafficking (Joe)
- The focus in this section will be on Ohio law and reform issues

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**Joseph Miles Gibson, Jr., Franklin County Prosecutors' Office**

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**FILM CLIP #4: TOTAL RUNNING TIME (TRT) = 7:33**

*Note: section mandatory minimums.*

*First: Maurice Haltiwanger/Judge Bennett. Crack/power disparity.*

*Second: Julie Stewart FAIMM. US Sentencing Commission.*

*50G OF COCAINE.*

*JUDGE MARK BENNETT, N.DISTRICT IOWA  
MAND MIN SENTENCING –FED (AND STATE)*

*CRACK V POWDER 100:1*

*JULIE STEWART, FAIMM 1991*

*US SENTENCING COMMISSION*

*BILLY WILKENS CHAIR, 100:1 IS UNFAIR.*

*HIGHER PENALTIES FALL DISPROPORTIONATELY ON BLACKS*

*CONGRESS = WE DON'T AGREE*

*SEN ORIN HATCH UTAH: THESE PEOPLE ARE WRECKING OUR  
SOCIETY.*

*US V BOOKER SAYS 1:1 RATION FOR CRACK:POWDER (BENNETT)*

*OCT 2004*

*7<sup>TH</sup> CIR CT APPEALS*

*TO NO AVAIL, TRUMPED BY THE STATUTORY MAND MINS*

*BILLY WILKENS: SYSTEM WORKED AS CONGRESS INTENDED IT TO.  
IN FACT AND IN PRACTICE, MINORITIES ARE TARGETED BY MAND  
MIN'S (WHETHER CONGRESS STARTED OUT WITH RACE IN MIND  
OR NOT).  
AND THAT'S NOT GOOD.*

3:25 - 3:40

Break

3:40 - 4:15

**Current Situation: Attorney/Client Perspectives and Challenges** (10 minute film, 25 minute discussion)

- Screen Richard Miller full explanation
- National vs State policy
- NYC/KY/NM/FL approaches – brief examples, setting up talk on Ohio
- OHIO LAW/ISSUES – Joe and Bryan

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**Bryan M. Griffith**, Sanborn Brandon Duvall & Bobbitt Co, LPA

**FILM CLIP #5: TOTAL RUNNING TIME (TRT) = 7:37**

*Note: Richard Miller theory: links in a chain of destruction.*

*Step-by-step destruction like links in a chain:*

1. Identification
2. Ostracism
3. Confiscation
4. Concentration
5. Annihilation

**RICHARD MILLER**

**STEP BY STEP CHAIN OF DESTRUCTION**

**\*IDENTIFICATION: A GROUP IS EVIL, CAUSE OF A PROBLEM**

**\*OSTRACISM: HATE THEM. TAKE JOBS AWAY. GHETTOS (ISOLATE).**

**\*CONFISCATION: LOSE CIVIL LIB'S, 4<sup>TH</sup> A STOP & SEARCH, PROP  
TAKEN AWAY, PERSON IS SEIZED.**

**\*CONCENTRATION: PPL IN PRISON, CAMP, LOSE MORE RIGHTS.  
CULTURE OF HOPELESSNESS. (WHERE WE ARE).**

**\*ANNIHILATION: W/HOLD FOOD, MEDS; KILL DIRECTLY, INDIRECTLY.**

**STEPS HAPPEN BY OWN MOMENTUM, W/O SOME GREAT PLAN.**

**DRUG WAR = IT'S HAPPENING. STEPS 1,2,3,4 = MASS  
INCARCERATION.**

**STEP 5 ANNIHILATION NOT QUITE HERE YET.**

**WAR ON ORDINARY PEOPLE.**

**MIKE CARPENTER: EVERYBODY'S GOT TO HAVE AN ENEMY.**

4:15 - 4:45

**Future: Solutions** (10 minute film, 20 minute discussion)

- Climate: bi-partisan support for reform, monetary pressure
- Recent reforms: Prop 36 and SB260 in CA
- Pending: in CT – Juvenile Sentence Reconsideration Proposal/ The reConsideration Project
- New bills: Smarter Sentencing Act (bi-partisan bill in Congress)
- Alternative Sentencing - Joe
- OHIO specific- Joe and Bryan

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**FILM CLIP #6: TOTAL RUNNING TIME (TRT) = 7:10**

*Note: end of Film, good way to wind things up.*

*Looking to the future. How does this cycle change?*

*Drug War failed. Return to public policy approach.*

**ANTHONY JOHNSON STORY.**

**\*ALL THIS TIME NOT HELPING ANYBODY. CYCLE. GENERATIONS.**

**MAURICE: LOOK AT HIS BACKGROUND, HIS LIFE EXPERIENCE.**

**LT. CORREIRA IN PROVIDENCE: WE DID INFLICT HARM ON OUR COMMUNITY.**

**KEVIN OTT IN OKLA: LWOP 3 OZ METH. WHY?**

**MIKE CARPENTER: SOLUTION CAN'T BE MORE OF THE SAME.**

**WHAT WILL CHANGE?**

*TAKE IT BACK TO A PUBLIC HEALTH ISSUE (FROM A CRIMINAL ONE).  
RIGHT BACK TO NIXON IN 1971.  
NOW SO MANY ARE ON SAME SIDE OF THIS – THE WAR ON DRUGS FAILED.*

*CONGRESS – MADE SENTENCING RATIO 18:1 FOR CRACK/POWDER. BETTER.*

*DAVID SIMON: POLITICAL INFRASTRUCTURE SO WEDDED TO STATUS QUO, AND  
NEXT ELECTION. SO NOTHING CHANGES.*

*MICHAEL BIEN: THESE ARE YOUR RIGHTS TOO, SO PROTECT THEM. IT'S NOT  
OK.*

*JUDGE BENNETT: I DID AN INJUSTICE TODAY.*

*NANNIE: DID NOT KNOW I WANTED TO BE A VOICE IN POLITICS. MAKE KNOWN  
WHAT IS WRONG. DON'T REPEAT SAME MISTAKES.*

### **PRESENTER BIOS**

**Joseph M. Gibson** is an Assistant Prosecuting Attorney at the Franklin County Prosecutors Office. Mr. Gibson received his undergraduate degree from Ohio University and his law degree from Capital University.

Joseph's focus is in the investigation and prosecution of racketeering cases, primarily complex drug trafficking organizations and gangs. Additionally, Mr. Gibson handles state level domestic terrorism cases as the designated Domestic Terrorism Prosecutor of Franklin County. In 2011, Joseph was awarded the Meritorious Public Service Award by the Columbus Police Department.

**Bryan M. Griffith**, Sanborn Brandon Duvall & Bobbitt Co, LPA, focuses his practice on the representation of businesses and business owners in litigation, dispute resolution, business formation, transactional matters, and employment defense. Mr. Griffith also represents businesses and criminal defendants in appellate courts.

Mr. Griffith received his B.S.B.A. from The Ohio State University Fisher College of Business in 2006, where he focused on issues of economics in business. He received his J.D. from The Ohio State University Moritz College of Law in 2009. He is admitted to practice before all state courts in Ohio, the United States Federal Court for the Southern District of Ohio, the United States Federal Court for the Northern District of Ohio, and the United States Tax Court. He is a member of the Ohio State Bar Association, Ohio Trucking Association, Columbus Bar Association, the Ohio Association of Civil Trial Attorneys, the Defense Research Institute, and The Chief Justice Thomas J. Moyer American Inns of Court. Mr. Griffith volunteers at legal clinics for senior citizens sponsored by Columbus Legal Aid and the Paralegal Association of Columbus Ohio, volunteers to provide legal education for inner-city youth through the Columbus Bar Association, and volunteers as a youth coach for the Dublin Soccer League. Mr. Griffith volunteers as secretary of the board of the Dublin Robotics Boosters, and is a volunteer coach for FIRST Lego League. Mr. Griffith is a member of the board of directors of The Rotary Club of Dublin-Worthington.

**David R. Kuhn** was born in 1966 and graduated from Harvard in 1989 after achieving academic and athletic awards, as well as playing quarterback for the IVY League Championship football team in 1987. He later would coach and play QB for the Super Bowl team Vienna Vikings of the European American Football League. David has also been a litigation attorney in NYC, professional photographer, producer and journalist. He practiced law in Manhattan Supreme Court for 10 years as a criminal defense litigator

and public defender, and has gone on to serve as counsel for various start-up businesses, events and organizations handling finance, formation, contracts and negotiations.

As a journalist, he has been published in Vanity Fair, Vogue, The New York Times, as well as numerous online publications including The Huffington Post front page. His subjects include war zones in Bosnia, Kosovo, and Afghanistan, travels in Africa, Cuba and South America, as well as teaching sports to impoverished children in the former Yugoslavia and South Africa. His images were published in a Time-Life book about the World Trade Center attacks of September 11, 2001. He was photographer and legal advisor on the 2003 Academy-award nominated documentary, "Capturing the Friedmans." He co-founded a resort television network (Plum TV) in 2004. He co-produced and directed a series of feature-length documentaries on wine and food regions around the world. David was nominated for an Emmy in 2008 for his coverage of Art Basel in Miami Beach (producer). He has traveled to over 70 countries in pursuit of stories through photography and film over the past 20 years, including: Colombia to photograph a pilot school in rural Medellin (Sept 2010, Escuela Marina Orth. Medellin, Colombia), Bagram Air Field in Afghanistan to produce a film on the 212 RQS (Nov 2010), and around the USA to produce a series of short documentary films on American rebels (Feb 2011). In October 2011, David embedded at Combat Outpost Boris on the Afghanistan-Pakistan border for a story on the 172<sup>nd</sup> Infantry, the Blackhawks.

David currently produces documentary films in New York City and serves as an attorney for unjustly incarcerated individuals in pursuit of justice.