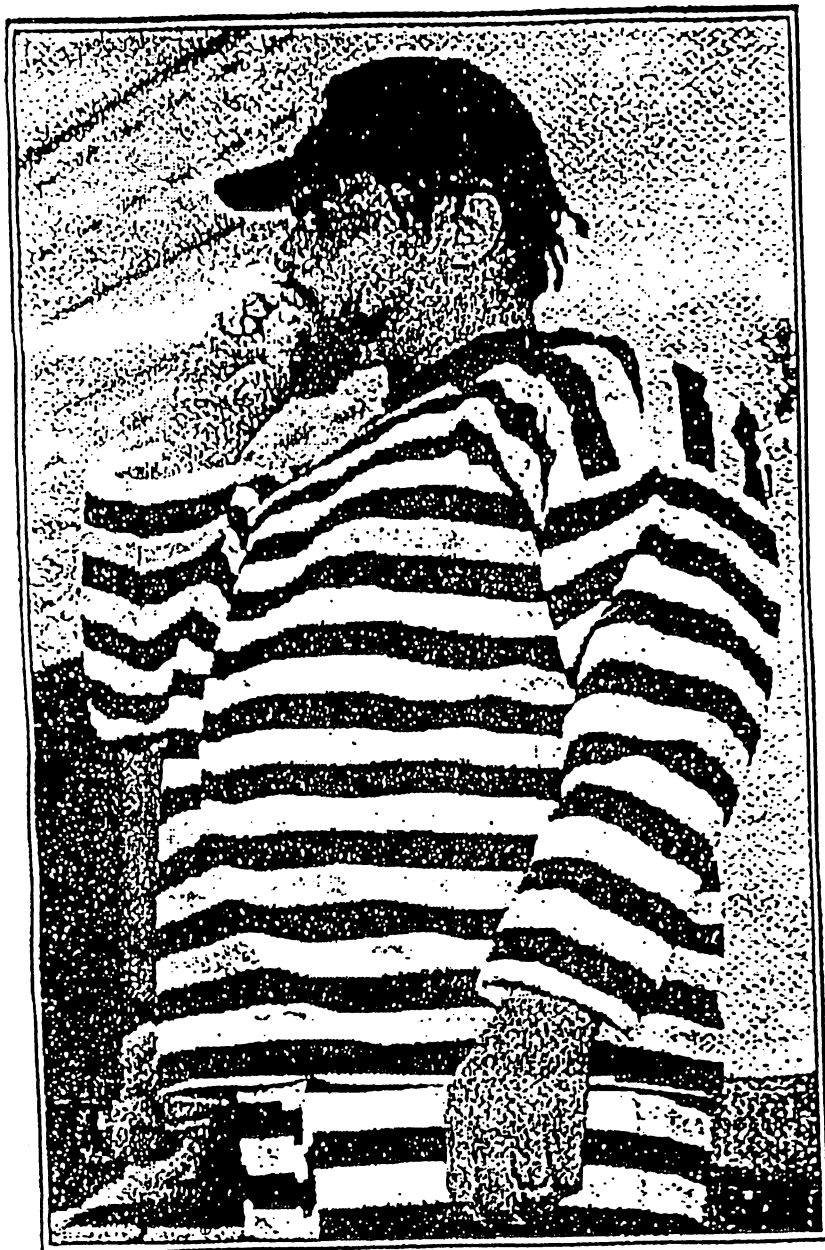




Trentonian Photo: LESLIE BARBARO

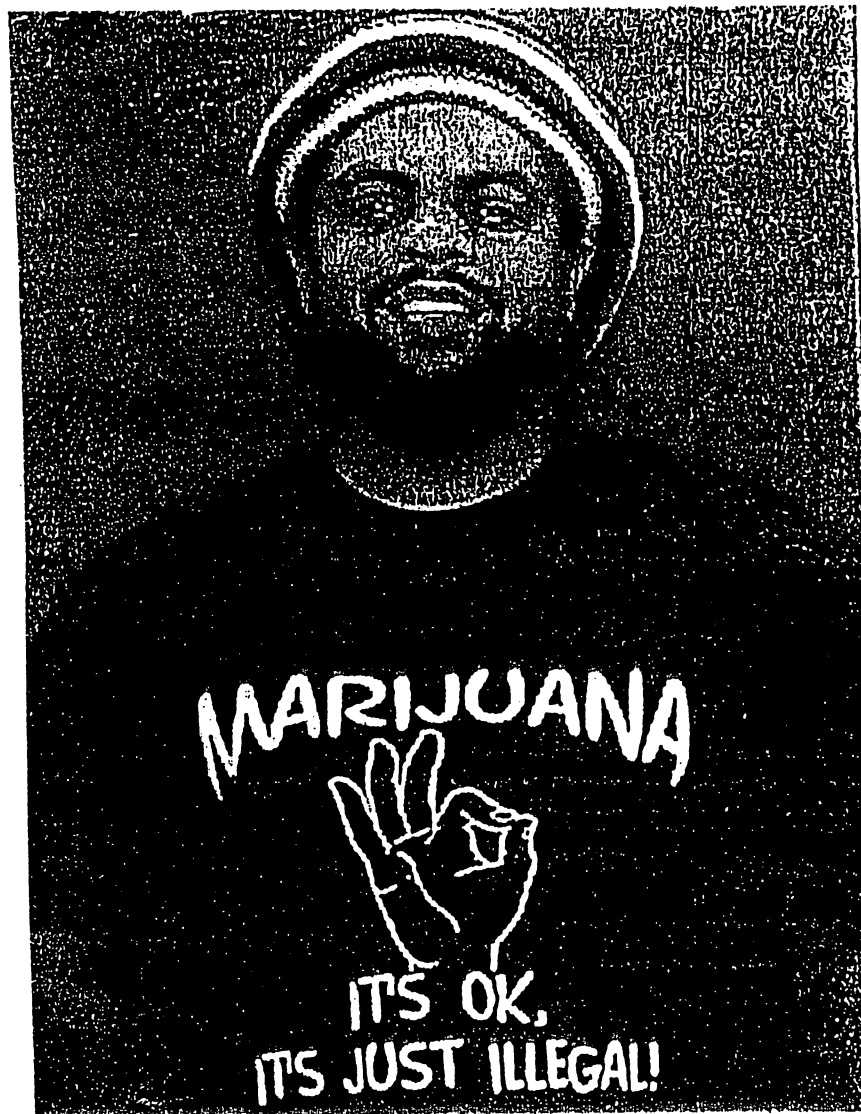
Edward Forchion, of Browns Mills, takes a reefer break at the State House Thursday.

Edward Forchion #414575
Riverfront State Prison / P.O. Box 9104
Camden, New Jersey 08101 - 9104

UP IN SMOKE

Marijuana advocate wants chance to argue case

Edward "NJweedman" Forchion



AMERICAN POLITICAL PRISONER of
it's "RACIST" WAR ON DRUGS'

EDWARD "NJWEEDMAN" FORCHION
RIVERFRONT STATE - DRUG WAR GULAG
CAMDEN, NEW JERSEY 08101-9104
U.S.A. ?

OCT. 7th, 2001

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RE: INTRODUCTION LETTER

DEAR ACTIVIST,

My name is EDWARD FORCHION - aka-NJWEEDMAN, and I am a POLITICAL-RELIGIOUS PRISONER of AMERICA'S WAR ON DRUGS. I'm new to the prison system I had once so ardently fought against, now I'm in the belly of the beast (The U.S. prison/plantation system), BABYLON it's self. This is the first time I've been imprisoned I'm 37 years old and a RASTAFARIAN by faith.

Although I truly believe the WAR ON 'DRUGS and what people chose to ingest" into their own bodies is wrong. I empathically beleive the U.S. prohibition of the "HERB" marijuana violates my constitutional RIGHT to freely practice my faith. In fact the U.S. Controlled SUBSTANCE ACT of 1970, made all religions that use the HERB as a sacrament illegal which goes totally against the prinicipals this country was founded on.

"I LOVE MY COUNTRY, BUT FEAR MY GOVERNMENT", was a term I said a lot on the streets. The government has taken my freedom but I'm still free, never will it make me beleive the lie's/distortions it presents as facts to continue this WAR. The war on drugs is wrong, unjust, racist and most importantly UNCONSTITUTIONAL.

Prior to my imprisonment I considered myself and AMERICAN DISSIDENT now I'm a POLITICAL PRISONER. I have a website: NJWEEDMAN.COM that I created before imprisonment and from time to time supporter's will update it for me. A new page will soon be added

www.njweedman.com/political-prisoner.html

Ed "NJweedman" Forchion

tion and commands that jurors be instructed regarding their proper function."

Even Camden's Assistant Deputy Public Defender Deborah C. Collins admitted to the power of "jury nullification" in a June 3, 1999 letter to Camden County Judge Ronald J. Freeman.

"Jury's power of nullification by finding guilty defendant not guilty is unfortunate but unavoidable power that should not be advertised, but to extent constitutionally permissible, should be limited; efforts to protect and expand jury nullification are inconsistent with real values of system of criminal justice," Collins wrote.

Forchion argues that the Camden Public Defender's Office should have allowed him and assisted his efforts to use jury nullification against New Jersey's anti-marijuana laws.

He argues that New Jersey's zero-tolerance pot policy is unrealistic given national trends of growing acceptance towards marijuana use for medicinal purposes - which he said is legal in over 35 states.

"New Jersey marijuana laws, and the extreme prison sentences they prescribe, don't match up with the crime, nor with scientific fact or evidence."

- The Associated Press contributed to this report.



In this undated photo from his Web site, www.hmp.org, Marijuana-activist Edward Forchion is pictured with daughters Ajanra and Denja.

By TOM
FEINANDEZ
Staff Writer

Waiting in Canada for asylum in Cuba, the New Jersey Weedman is confident that he could argue out of existence the anti-marijuana laws in the Garden State.

If only he was given a chance.

"I didn't get a fair trial. I have a right to choose my defense. I have a right to legal assistance. I chose to challenge the laws with the jury and I am entitled to assistance from counsel to do this," said New Jersey pot-legalization activist Edward Forchion.

Calling *The Trentonian* from an undisclosed location in Canada, Forchion said he will find out today whether officials will grant him asylum in Cuba.

He also expressed conflicted emotions about his Canadian jaunt, declaring that he dearly missed his wife Janice and his five children: King, Daeja, Ajanen, Maria and Chanel.

"I'm a little stressed out and I don't know whether I made the right move or not," Forchion admitted over the phone.

The practicing Rastafarian, who returned or lookers in March when he lit a joint in the chambers of the New Jersey Assembly, faces a sentencing hearing Friday for charges on conspiracy and possession of marijuana with intent to distribute.

Authorities allege that Forchion was part of a group that had shipped 25 pounds of marijuana to a business in the Bellmawr Industrial Park.

In Oct., 1998, Forchion was indicted on the conspiracy and possession charges related to those allegations.

Forchion pleaded guilty in state Superior Court to these charges but subsequently filed a motion to retract the plea.

With Friday's sentencing hearing, Forchion could face up to 10 years in prison.

However, he argued that he will not officially become



In this undated photo from his Web site, www.limp.org, Marijuana-activist Edward Forchion is pictured with his son King.

a fugitive from American law enforcement until Friday.

Forchion said that he will think about his next move after he receives the result of his asylum request from officials of Cuba, which he made last week.

"If nothing else, they took it seriously, I'll tell you that," he said.

He added that he also made requests for asylum in several European countries and is waiting for a response from those governments as well.

Forchion's argument for asylum is simple: He was denied a fair trial when officials denied him the right to use a legal defense known as "Jury Nullification."

In this process, a defendant indicted of charges outlined in a newly enacted law can argue to a jury that the law is bogus.

Forchion's argument was given support by a July 20,

1999 editorial written by Haddon Heights-based attorney David Marcos Ragonese — who also stressed in the editorial that he did not approve of Forchion's lifestyle.

In that editorial, Ragonese wrote of "jury nullification" that "it is an indispensable political right in a free, self-governing republic."

Ragonese wrote later in the editorial that "jurors serving in New Jersey Superior Court are left in the dark regarding their power and right to pass on issues of law and fact in criminal prosecutions."

Admitting that while constitutions of only three states (Maryland, Georgia and Indiana) explicitly protect "the right and power of juries to nullify the law," Ragonese argued that "I would agree that the New Jersey Constitution implicitly recognizes jury nullifica-

UNCONSTITUTIONALLY IMPRISONED
by

EDWARD "NJWEEDMAN" FORCHION
njweedman.com/political-prisoner.html

I'm a 37 year old married AFRICAN-AMERICAN man, father of four children and two step-children. This is my first time in prison and I never thought I'd ever be in prison. I always regarded myself as a patriotic citizen, having served in both the USMC and USARMY as well as the N.J. ARMY NATIONAL GUARD. I'm now, a POLITICAL/RELIGIOUS PRISONER of AMERICA'S WAR ON DRUGS, imprisoned without the RIGHT to a FAIR TRIAL, largely because of the RELIGION I chose to follow.

I freely admit that I've used marijuana for close to twenty years before I was ever arrested for it. I've never believed the lie's and exaggerations the government presents as facts about marijuana. Marijuana has always been benifical to me, I've used it for recreational, creativity, medical and RELIGIOUSLY and other than this imprisonment marijuana has never harmed me. It has always enhanced my life!

In 1990 I was honorably dis-charged from the U.S. ARMY and began coast to coast trucking soon after. I didn't take me long to realize that marijuana cost 300 hundred dollars a pound in Arizona and sold for 1000 or more in New Jersey, my home state. Soon I had bought my own truck, home, but the stress and long days away from home destroyed my marriage to my first wife, were divorced in 1994.

After my divorce I was treated for depression with prescription drugs like ZOLOFF, and PAXCIL. When I told the Dr.'s that marijuana helped me more than these drugs, without the unwanted side-effects, I was ridiculed. This was when I decided to actively get involved in the movement to legalize marijuana. As a coast to coast trucker my service's as a smuggler became very important for several groups on the east coast who received and distributed marijuana for those in need.

Although I knew marijuana was illegal, I regarded the "marijuana" laws as unconstitutional for failing to make religious exemptions for the use of marijuana, during the current PROHIBITION on DRUGS. Even during the Alcohol Prohibition, Title II, section 3 of the VOLSTEAD ACT allowed for the Religious use of Alcohol (wine) for christians to use as sacrament. Why no similar exemption for marijuana "RACISM"?

Two weeks later I motioned the courts to withdraw my plea citing 6 the UNFAIR TRIAL & I didn't trust the state to follow thru with it's deal. I briefly panicked and ran to CANADA but I returned before DEC. 1st so that I could appeal. So I entered the N.J. PRISON system on DEC. 1st sentenced to 10 years. Two months later my worst nightmare occurred I received a letter from I.S.P. that I was ineligible for I.S.P. . I had been bamboozled, tricked and denied a fair trial just to get me in prison. Now that I'm here the state renigged on it's deal, I'm stuck with the ten year sentence instead of I.S.P..

Since then the PUBLIC DEFENDER'S OFFICE has purposely failed to file my "NOTICE OF APPEAL" which by law is supposed to be filed no later than 45 days. After much complaining it was finally filed on SEPT 4th, 2001 10 months late. The transcripts of my case are being withheld from me, to prevent me from actually filing my appeal or showing them to lawyer's willing to assist me in getting a new trial, this one a fair trial. There was a conspiracy amongst the local legal profession to prevent--me from having a fair trial, now this conspiracy is keeping me from APPEALING by with-holding my transcripts.

There is no-doubt in my mind I'm a political/religious prisoner of AMERICA'S "assinine" WAR ON DRUGS. Recently two lawyer's have volunteered to "assist" me with filing a APPEAL of this unjust imprisonment. Throught my ordeal the only thing I wanted was a fair trial, and at the last moment I was denied this basic CONSTITUTIONAL RIGHT, because I wished to present the truth about marijuana to my jury. This is why I was denied the right to present witness's.

WWW.NJWEEDMAN.COM
POLITICAL/RELIGIOUS PRISONER
EDWARD "NJWEEDMAN" FORCHION-414575
RIVERFRONT STATE - DRUG WAR GULAG
CAMDEN, N.J. 08101-9104

PLEASE VIEW THESE PAGES: (Home-page) WWW.NJWEEDMAN.COM

www.njweedman.com/political-prisoner.html

/american_dissident.html

/criminalcase.html (see new box on bottom of pae)

/my_story1.htm

/racist_drug_war.htm

/racist_laws.html

*** /radio_interveiws.html

/ridiculous_war_on_drugs.html

*** /top_secret_right.html

/wake_up_amerikkka.htm

*** /rasta.htm

carnation of JIM CROW. It's absolutely no mistake that most CSA of-
fender's are AFRICAN AMERICANS, " IT WAS THE INTENDED PURPOSE ". The 15
CSA made harmless substance's like MARIJUANA illegal in a deliberate attempt to disenfranchise, enslave and criminalize minorities and punish the civil rights anti-Vietnam war movements. White people victimized by the CSA were considered mis-informed poor white trash by the elitist aryan JIM CROWIST - [COLLATERAL VICTIMS] Terms like hippy, carpetbagger, yankee or nigger lover were used to describe them. Many are sent to drug programs instead of prison, if you don't beleive me just visit a drug "education program" and then a prison. The result you'll see isn't a accident either, that's the intended purpose, re-educate the mis-guided poor white and enslave the African. Rich white's who use marijuana or other illegal drugs use the term "youthful indiscretion", (i.e. George Bush, Clinton, Gore) and feel exempted from the CSA. Rightly so, they weren't the intended victims of the CSA.

Police officer's, lawyer's, Judge's, politicians, both black and white now use the racist war on drugs to furthur thier carrers, line their pockets, and JIM CROW just sits back enjoying it all. None of them have anymore morals or respect for individual liberty than a GESTOPO agent. Prison's have taken the place of plantations, wardens instead of overseer's. At the end of the civil war 4 million blacks were released from slavery, here at the turn of the 21st century 4 million Africans are enslaved again. Our prison/plantations hold over a million africans, at any given time 2.5 million are in some type of involuntary servitude (parole, probation, etc). More African men are enslaved than are in college, thanks to the CSA's intended purpose.

One of the discriminatory ways the CSA utilized, was to ban and outlaw substance's used by people of color, or controlled by people of color. At face the CSA is targeting drugs but in reality it targets "US". (Use cheese to catch a mouse, meat to catch a shark, marijuana

Rights Act of 1963, the Civil Rights Acts of 1964 & 68, and the numerous Supreme Court rulings i.e. (Brown Vs. Board of Education (Ark)) had all but killed JIM CROW. -- * Martin Luther King was really killed in 1968.

14

JIM CROW had to switch tactic's to resurrect himself, and a new champion of AmeriKKKan Aryanism was seen in Richard M. Nixon (later Ronald Reagan surpassed even him). Nixon was sworn into office in 1969 just months after Martin Luther King's assination. With the civil rights movement in shambles after Kings murder, tricky DICK was now President. Nixon had won the presidency on a campaign he and his election team characterized as a "southern strategy" that included "LAW and ORDER" as code words for "control of urban and black populations". With the new civil rights structure legally in place those sympathetic to the traditional advantages of the white majority needed new and revamped systems of racial control, disenfranchisement and racial stigmatization. But of course explicit, outright discrimination was now illegal !

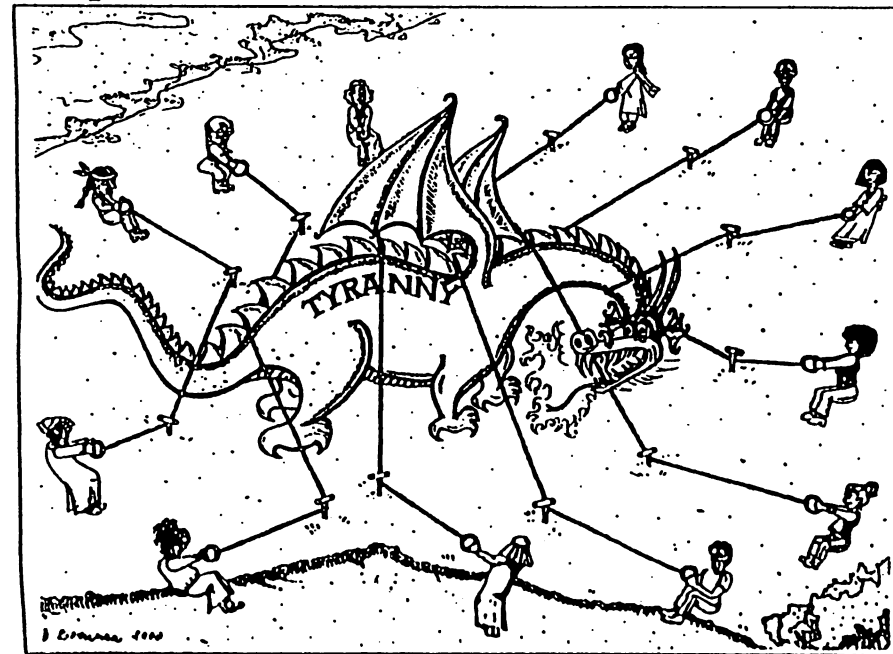
BUT SLAVERY WASN'T

"TRICKY-DICK", and his administration resorted to "DEJURE and DEFACTO" methods. Remember policies that were facially, racially neutral were critical, indeed "idea"; for the conservative racist and "unobject, ional"; for the liberals. Thus the passage of the CSA became the most successful of all the JIM CROW laws ever, and it was passed right in this mists of equally historic civil rights legislation. Even the NAACP was duped into supporting this racist law. Recently as the pro-filing case's show the NAACP has had their eye's opened. I sometimes wonder if Dr. Martin Luther King would have recognized the racist law as an attempt to undo everything he fought so hard to accomplish.

The (CSA) is touted as the beginning of the "WAR ON DRUGS" by politicians and drug war crusader's, when actually it was the re -



Caption the Cartoon



Caption the Cartoon! The winner will be honored on our web site as the author of the caption, as will be Margit J. Brennan the cartoon's artist. All other entries will be published, along with the name of those submitting.

Activist Employs Nullification Defense

When [Forchion's] trial began, Judge Thompson dismissed a juror after a teary episode wherein the juror said that she could not bear to be a part of a decision in the case. "She kept saying, 'I can't judge this man.' I really wish she had stayed on my jury," said Forchion.

By KATHY L. HARRER

Start out with a commitment to a cause (one wildly unpopular with the ruling elite helps, of course), add a little bravery and an extra-big dollop ofchutzpah, and you end up with a tale like Ed Forchion's.



Kathy Harrer

Ed "The Weedman" Forchion, a former cross-country trucker from Pemberton Township, NJ, was never what one might call demure in his support of the movement to decriminalize marijuana. Nor, in the end, was he reluctant to push his right to utilize the doctrine of jury nullification in his defense when he was faced with trial for his part in shipping 40 pounds of marijuana from Arizona to New Jersey in 1997. He and his brother Russell, along with a third defendant, Eric Poole, were arrested on November 24, 1997, after picking up the shipment at the Bellmawr Industrial Park. The trio even ever-so-cleverly utilized the superior services of Federal Express as their interstate courier in the deal! Ed was indicted in October of 1998.

This 40-pound arrest wasn't the first time Ed had made the news with respect to the War on Drugs, however. In March of 1998 Ed lit up a joint in both the Camden County Democratic Headquarters and the office of U.S. Representative Rob Andrews. Upon appearing for court on the charges resulting from this display (where he plead not guilty, *naturally!*), Ed walked to the front of the courtroom and placed a small marijuana plant on a table there. Painted on the pot

few minutes later (before the judge arrived) a smiling policeman removed the plant. Forchion has also lit up in front of the Liberty Bell and other locations.

Before his last arrest, Forchion routinely parked his van along busy roads and set out books, pamphlets and T-shirts promoting the legalization of pot. Sometimes the cops would run him off, sometimes they just sat and watched him. But there were always people who stopped and talked with him, in full agreement with his position on the medical uses of marijuana. Forchion said that the younger cops were the ones who gave him the most trouble. The older ones had been around long enough to know the difference between hard drugs and marijuana. It is the younger ones, he said, who have all graduated from DARE programs and be-

lieve that marijuana is dangerous.

Forchion has also made headlines from his \$17 million suit against the Woodbury Police Department, the Gloucester Township, its police department, the State of New Jersey, the state police and one of its state troopers. The suit alleges that these entities violated his First Amendment rights when he was arrested and charged with "defiant trespass" while campaigning in a vacant lot on Route 45 on June 26, 1998. Forchion was running for New Jersey State Assembly at the time on the Legalize Marijuana ticket.

Not-so-lucky Ed Forchion was the first person charged under the recently

(Continued on page 18)

In 1970 Congress used it's power's to legislate to re-enslave ¹³ black-males, in compliance with the 13th amendment. In the 50 year period from 1919-1969 the rate of incarceration in the U.S. was remarkably stable at about 110 per 100,000. Then in April of 1970 the all white U.S. Congress passed the CSA - Controlled Substance Act. Since 1970 the incarceration rate has skyrocketed to 645 per 110,000 compared to the 370 per 110,000 for whitemen. The rate for blacknen increased 10 times faster than the rate for whitemen! Many white politicians will tell you is was not the intended purpose, I totally disagree this was the intended purpose of the CSA. Certain racist segments of our government knew exactly what they were doing.

In April 1970 there were 600,000 prisoners in the U.S. prison system for what I call common crimes = (victim crimes) like rape, murder, kidnap, theft and assault. At the time there were only 47,000 drug offender's, most were white. Today there are still those 600,000 or so prisoner's imprisoned for these same common crimes but there is an additional 1.4 million (CSA) offender's and 80% of these are black and over-all 69% of all prisoner's are black, while we make up less than 24% of the population.

HOW'D IT HAPPEN

For much of the 20th century the KU KLUX KLAN and other white supremacy secret society's had a national and "mainstream" profile and membership (former Alabama Senator and Supreme Court Justice HUGO BLACK and current racist Senator (d) ROBERT BYRD (W.Va.) were members to name a couple), until the end of the 60's. Racism (JIM CROW) had been institutionalized in so-called "separate but equal" facilities, segregated schools, housing, transportation and openly discriminatory workplace's. With hard fought battles the Martin Luther King led civil rights organizations tore town the pillars of JIM CROWISM. The passage of the Voting

THE CONTROLLED SUBSTANCE ACT OF 1970
"THE RE-INCARNATION OF JIM CROW"

By Edward "NJweedman" Forchion (Feb-2001)

Many people will tell you slavery ended in 1865 with the victory of the Union force's over the Confederate Rebel's. "Maybe, maybe not but I can say with 100% certainly slavery was actually made legal in 1865 with enactment of the 13th amendment:

NEITHER SLAVERY NOR INVOLUNTARY SERVITUDE, EXCEPT AS A PUNISHMENT FOR A CRIME WHEREOF THE PARTY SHALL HAVE BEEN DULY CONVICTED, SHALL EXIST WITHIN THE UNITED STATES, OR ANY OTHER PLACE SUBJECT TO THEIR JURISDICTION.-CONGRESS SHALL HAVE POWER TO ENFORCE THIS ARTICLE BY APPROPRIATE LEGISLATION.

So in reading this amendment SLAVERY was made LEGAL by the 13th, and congress had the power to pass legislation just how slavery was to be imposed! Congress couldn't just pass legislation re-inslaving blacks without using "DEJURE -or- DEFACTO DISCRIMINATORY" laws.

Laws that explicitly discriminate against racial, religious or ethnic minorities intentionally are called "DEJURE" discriminate. Many of these laws exist even though the law in question is racially "NEUTRAL" on it's face: the law maybe deliberately administered in a discriminatory way; or a law although neutral in it's language and applied in accordance with it's terms, or may have been enacted with a purpose (or motive) to disadvantage a "suspect class of citizen". The Constitution calls them "BILL OF ATTAINERS" (Const.Art1§9, cl. 3) and forbids them.

In addition to "DEJURE" discriminatory laws, government action that is racially neutral in it's terms, administration, and purpose but which has a discriminatory effect/impact is a "DEFACTO" discriminatory law, and is classified as a "BILL OF ATTAINER" as well.

toughened New Jersey laws for possession of marijuana, which now make it a first-class felony. Released at the time on \$65,000 bail, he faced 20 years if convicted. His brother Russell and Eric Poole each pled to lesser charges and served short sentences.

But not Edward. He chose, instead, to fight the charges and to try to convince his jury of the unconstitutionality of the marijuana laws.

On September 17, 2000, the day before Forchion's trial was to begin, Judge Stephen Thompson of Camden County Superior Court reaffirmed another judge's ruling that Forchion would not be permitted to introduce the doctrine of jury nullification to his jury. This did not deter Forchion, however, who said he would do it despite the judge's order.

When his trial began the next day, Judge Thompson dismissed a juror after a teary episode wherein the juror said that she could not bear to be a part of a decision in the case. "She kept saying, 'I can't judge this man.' I really wish she had stayed on my jury," said Forchion recently.

Appearing pro se, with lawyer Jaime Kaigh advising, he began his opening argument by comparing himself to Rosa Parks. He wore a khaki summer suit and a t-shirt with a marijuana theme that bore the message, "I love my country; I fear my government." He told the jury that when Parks refused to give up her seat on a segregated bus in 1955, she disobeyed the law because it was the right thing to do — and that he, too, was a pioneer for what was right.

[Forchion] began his opening argument by comparing himself to Rosa Parks. He wore a t-shirt with a marijuana theme that bore the message, "I love my country; I fear my government." He told the jury that when Parks refused to give up her seat on a segregated bus in 1955, she disobeyed the law because it was the right thing to do — and that he, too, was a pioneer for what was right.



Edward "The Weedman" Forchion

John Wynne, Jr., a Camden County assistant prosecutor, offered Forchion a last minute plea offer which was refused, despite the fact that his family had urged him to accept it. Under the offer, Forchion would have been eligible for parole after 33 months. Forchion said that the offer would have compromised his principles.

Forchion asked the jury to invoke its power to nullify the law under which he was charged. As he finished up his opening statement, he said he was surprised that Wynne had not objected to his bringing up the nullification power. Judge Thompson chimed in, "So am I."

Wynne declined to comment at the

time, but later said that he thought that the tactic would only hurt Forchion, and that it would not have hurt the prosecution's case at all, citing the jurors' fears that "the marijuana could have ended up in the hands of children." But that statement didn't completely jibe with Wynne's next plea offer or his later statements. After just one day of trial, Wynne offered Forchion a reduced charge of possession with the intent to distribute and conspiracy to distribute marijuana, both second-degree offenses. The reduced sentence could have resulted in Forchion serving as little as six months in prison and then being placed on intensive supervisory parole (during which time he could be tested for drug use at any time).

Wynne admitted that Forchion's defense strategy prompted him to offer a fairly "lenient" deal. "He's representing himself, and when that happens, sometimes juries feel sympathy because he's not a lawyer." (Is it possible that Forchion's plan to appeal to the juror's *sense of justice* might have played a part in the prosecutor's decision? Probably, but we doubt he would ever admit it!) Part of the deal also included Forchion being able to speak to the jury again. After polling the jurors, he said that at least five of them were on his side. "I would have got[ten] a hung jury," he said.

Forchion, who is married and has four children, said that he would do what he could to keep his time in prison to a minimum, including taking a break from smoking marijuana during his probation. But he didn't promise to give up marijuana forever. "I've always felt like I, and I alone, control my body. By signing this

plea, I am giving up my right to regulate my own body. When I get back, I probably will use marijuana again." 10

It appears that Forchion thought that a possible six months and parole wasn't "minimum" enough, because before his sentencing was to have taken place on December 1, 2000, he left the country and holed up in Canada where he waited for answers from several countries from which he sought asylum — including Cuba!

Before leaving the country, and after entering his guilty plea, Forchion filed a motion to retract the plea, which was

denied. He then went to Canada and made his asylum requests to several countries. "I don't know whether I made the right move or not," he said, but added that he still was not (at the time) considered a fugitive from justice, and wouldn't be until his sentencing date arrived. He said he dearly missed his wife and children and had conflicting emotions about his flight to Canada.

So, what happened to Edward Forchion? He returned to the U.S., was sentenced to ten years and was given the right to apply for intensive supervisory parole after six months. Assistant prosecutor Wynne did not contest Forchion's application for parole.

Forchion has recently been in contact with FIJA and has requested that he be supplied with several hundred FIJA brochures so that he can distribute them in front of the courthouse every Monday.

"I truly believe one of the ways this war on drugs is going to end," he told Larry Dodge, "is with people refusing to condemn people to prison for drugs. I have tried to make it my mission not only to talk about legalizing marijuana, but about jury nullification.

"I've become a hated man around here in the legal and law enforcement communities." He added, "I used jury nullification as a weapon of WAR — the state was afraid of it."



Ed Forchion, holding one of his children, stands outside the courtroom.

JOINT LEGISLATIVE SESSION

Activist Lights Up in Assembly