

# Chesimard testifies at trial

By SUE EMMONS

News Tribune staff writer

NEW BRUNSWICK—JoAnne Chesimard, testifying in her own behalf, yesterday denied killing Trooper Werner Foerster or wounding Trooper James Harper while adopting an "innocent bystander" pose concerning her own role in the 1973 shoot-out on the N.J. Turnpike.

Attired in a flowing two-piece outfit of African batik design, Mrs. Chesimard barely spoke above a whisper as she gave her version of the May 2, 1973, incident. She is accused of multiple offenses, including the murder of Foerster, attempted murder of Harper, and felony-murder of James Costan Jr.

She described Costan as her "very good friend" and former brother-in-law, but said she barely knew Clark Squire as she attempted to shift the blame for the gunplay on the two men.

Her testimony, both during 20 minutes of questioning by defense attorney Stuart Ball and a surprisingly short 90 minute cross-examination by First Assistant Prosecutor Edward J. Barone, failed to explain some of the key physical evidence that has been introduced by the state.

She claimed Squire was armed with the .9 mm Llama automatic pistol which the state has linked to her because of 17 loose shells and three ammunition clips found in her purse that fit only that weapon. Mrs. Chesimard acknowledged a red purse found in the car belonged to her, but could not explain how the bullets and clips came to be in the handbag.

In an apparent effort to account for splotches of Foerster's rare AB type blood that was found on her clothing, she

said Squire pulled her from the auto and then carried her over his shoulder as they attempted to flee five miles south of the shooting site.

During her entire testimony, a brown attache case was present on the counsel table, but Barone was barred by Superior Court Judge Theodore Appleby from delving into its contents during his cross-examination of Mrs. Chesimard. The attache case, found in the trunk of the white Pontiac, contains revolutionary data linking her to the Black Liberation Army of which she was a member.

Mrs. Chesimard said the Llama pistol was given by Squire to Costan, who put it on the rear floor of the car, when they stopped at a Howard Johnson's on the turnpike shortly before the incident.

During that stop, she claims to have given her wallet, containing identification in the name of Justine Henderson, to Squire to purchase gas. The wallet also contained \$500, "all the money I had in the world," Mrs. Chesimard said.

After being halted by Harper, Squire returned to the Pontiac to move the auto further off the roadway and described the trooper as "uptight," the witness said.

She said Harper asked a lot of questions and demanded identification from her and Costan, who was seated in the rear seat, after Squire had again exited the vehicle. She said she had looked outside, but could see "nothing clearly, only an outline" because of the headlights shining from the trooper car.

"There was a shot, it sounded like a shot, a loud noise from outside the car," Mrs. Chesimard said. She said Harper raised up, pulled his service revolver, and

ordered her and Costan to put their hands where he could see them.

She said she complied, with her hands facing Harper. "As my hands went up, Zayd (Costan) pushed the seat forward and at that moment I was shot," Mrs. Chesimard said.

She said she tried to exit from the passenger's door "and I was shot again . . . I was completely knocked out of the passenger's side of the car onto the ground . . . "I was scared."

She said she saw feet, but did not know whose, in the front of the auto and so crawled into the back seat. "There were shots and more shots," she said.

She said it felt like her entire right arm had been shot off and thought "it was hanging by a piece of flesh." About then, Costan and Squire returned to the auto, she said.

"I must have been screaming because Clark Squire slapped me," she said.

After driving five miles south on the toll road, Squire aided her from the car, first by grabbing her hands and then by pulling on the front of her jacket. When she staggered against the car, he lifted her and carried her over his shoulder to the spot where she was eventually spotted by Trooper Robert Palentchar.

"Did you shoot, kill, or execute Trooper Werner Foerster?", Ball asked. He then asked, "Did you assault or attack Trooper Harper?"

Mrs. Chesimard replied "no" to both questions.

On cross-examination, she acknowledged having the phony "Justine Henderson" identification and to using another alias at Middlesex General Hospital. She was not

asked to explain the use of names other than her own, but did deny a number of other aliases.

She claimed Costan was alive and conversing with Squire during the ride south on the turnpike in contrast to the state's contention that he was slain moments after being struck by Harper's bullet as the trooper exchanged gunfire with Mrs. Chesimard and Costan.

Mrs. Chesimard said she never asked what happened on the turnpike, claiming, "I was not in condition to ask much of anything."

She said she never filed a criminal complaint against Harper for shooting her and never asked Palentchar if anyone was dead nor tell that trooper that Costan was lying dead in the grass.

The witness said she heeded Palentchar's command and walked from the grassy area, despite her wounds, because she feared he would shoot. "I did what he said because he would have killed me," she said.

"He didn't shoot you, did he?" Barone asked. She conceded that Palentchar had not shot her.

## Student art exhibit opens

WOODBRIDGE — The Woodbridge Main Library will feature an exhibit of its framed art reproductions from Monday to March 31 at the Main Library, George Frederick Plaza.

All reproductions are available for loan and can be borrowed for a period of four weeks.