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Trooper didn't see Chesimard fire shot

Kunstler shows trooper may have deserted back-up

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NEW BRUNSWICK, N.J. — The Joanne Chesimard trial went into its second week last week with the jury hearing conflicts and gaps on the part of the major witness a New Jersey state trooper whose actions during an early morning May 2, 1973 shootout on the state's turnpike (in which another trooper was killed) left some unanswered questions.

Under cross-examination by chief defense counsel William Kunstler, discrepancies in the testimony trooper James Harper gave while being questioned by first assistant prosecutor Edward Barone, were brought to light. Thus far testimony has revealed:

— After leaving the scene of the crime Harper failed to report that trooper Werner Foerster remained on the highway.

— He testified to discharging spent shells behind his car which were found behind Foerster's car some 30 feet away. The shells were from a .38 revolver.

— He identified Ms. Chesimard as the person who shot him but later said he never saw her fire the shot which wounded him.

— Statements made in a report he composed two weeks after the crime were inaccurate but presented as facts.

by Barone, Harper, now a detective with the state police, recanted his version of the event which led to the incident. The incident began with the stopping of a white 1965 Pontiac bearing a Vermont license plate containing two black men and a black woman near the Exit 9 turnoff on the New Jersey Turnpike.

When asked who fired the shot that wounded him — this was said to have been the first shot fired —

Harper told Barone and the court that it was Ms. Joanne Chesimard.

Yet when cross-examined by Kunstler he responded "no" to the question, "you never saw her shoot you, did you?"

Detective Harper said he assumed she shot him. He told Barone he based this assumption on her actions seconds before he was hit. Harper's version of the

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