

Trial erupts in turmoil

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NEW BRUNSWICK — Turmoil erupted at the murder trial of JoAnn Chesimard yesterday as the defendant shouted at Superior Court Judge Theodore Appleby and several spectators were ejected from the proceedings after outbursts.

The afternoon session, when the disruptions began, was terminated abruptly after Mrs. Chesimard complained of feeling ill and left the court room in tears.

Moments earlier, Judge Appleby had threatened to remove her and all spectators from the proceedings.

She is accused of killing Trooper Werner Foerster, the felony murder of James Costan Jr., and the attempted slaying of Trooper James Harper on the N.J. Turnpike in East Brunswick on May 2, 1973.

A spectator, who had been warned outside that it was taboo to wear hats in the court room, immediately downed his orange and black ski-type headwear as Judge Appleby entered for the afternoon session. As sheriff's officers moved in to oust him and a companion, apparently at that point because they did not rise when the judge entered, spectators began to mutter protests.

Almost simultaneously, the cap-wearing spectator turned and shouted an obscenity at the judge; and Mrs. Chesimard rose to

her feet to protest his ouster. A number of sheriff's officers joined to propell him and a companion through the double doors as Judge Appleby ordered her to be seated.

"You sit down," she responded.

After the initial incident, Judge Appleby told the remaining spectators, most of whom had been bused in from New York and Philadelphia to participate in a demonstration outside the court house, that he would not tolerate disorder.

"There will be order in this court room. Anyone who does not stand will be evicted. There will be no drunken people. Anyone who speaks up audibly will be ejected. No excitement will be tolerated," he said.

After Attorney Stuart Ball, a member of the Chesimard defense team, charged that the judge was over-reacting, Judge Appleby said, "I intend to be very firm. I know a lot of people don't like me for it, but I intend to be firm."

The 15 member jury was then brought into the room and Det. Sgt. Edward Wilke resumed his testimony concerning various items of evidence.

Moments later, another spectator began to speak, raising his hand, asking to be heard. He was removed as the jury was excused, touching off another exchange between Mrs. Chesimard and Judge Appleby while Ball objected to the proceedings.

"I resent the implication that I'm choreographing what they're doing," Ball said.

"It may not be you. It may be somebody else," Judge Appleby said.

Ball responded that he was overreacting and the sheriff's officers were overreacting.

"That's what you designed in the first place," Mrs. Chesimard shouted, again raising to her feet.

"Keep your client quiet or I'll remove her from the court room, Judge Appleby told Ball.

Another spectator rose, shouting, "This is a travesty. I'm glad I saw it with my own eyes."

Judge Appleby then suggested that arrests might be in order, prompting more rhetoric from the defendant. "You'd love to. Why should they be subjected to this harrassment," she said.

"You sit down," Judge Appleby told her.

"If saying my mind means leaving the court, it's no big deal," Mrs. Chesimard said, but she resumed her seat at the counsel table.

With order once again restored, Judge Appleby said, "I perceive a well-orchestrated court room."

First Assistant Prosecutor Edward J. Barone suggested that the outbreak occurred "when damaging evidence is going

in. Nothing happened earlier, now the evidence is going in. If that's not orchestration, I don't know what is."

Ball termed the allegation of an orchestrated outbreak "uncalled for and perhaps racist."

"If this type of conduct continues, I'll clear the court room. I have the authority. I'll keep the press in and it will be a public trial."

The jury was returned and Wilke again tried to testify, but Mrs. Chesimard signaled to a deputy that she was ill and was permitted to leave the court room. She was obviously weeping as she walked past the jurors.

In brief testimony during the morning session, Wilke testified to finding a .380 caliber jammed automatic pistol and Foerster's service revolver in a grassy area near Milepost 78 on the N.J. Turnpike in the area where Mrs. Chesimard surrendered and Costan's body was found on the night of the killings. Both guns, ammunition clips, and other ballistics data were entered into evidence in advance of the hectic afternoon court proceedings.

As all courts were adjourning, supporters of Mrs. Chesimard joined in a circle outside, chanting, "Remove the racist judge. Free Assata Shakur."

The jury was escorted from the court house by a back exit to keep it away from the demonstrators.