

The deadliest secret

The U.S. Justice Department isn't geared up to catch modern murderers

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BY JOHN FARMER JR.

More than anything I've read recently, Robin Gaby Fisher and Judith Lucas' "Deadly Secrets" series, chronicling the crimes of Robert Zarinsky and their investigation, captures the grim reality of investigating and prosecuting homicides when the victims are chosen at random by killers who are mobile.

For years after the 1958 murder of a policeman in Union County -- a crime for which Zarinsky was later, against all the evidence, found not guilty -- the Linden deliveryman prowled the streets of suburban New Jersey in his white Ford convertible, hunting vulnerable girls he could abduct, brutalize and kill.

For years -- even after he had become the prime suspect in at least one of the killings -- he got away with murder.

After reading Fisher and Lucas' detailed description of years of frustrated investigations, declined prosecutions and miscarriages of justice, it's hard to escape the feeling that Zarinsky is serving a life sentence because of an almost unique combination of persistence, daring and luck. Beginning his criminal career in the late 1950s, when the demographics of America were changing rapidly because of the ease of transportation, Zarinsky was a precursor to the modern murderer who has proven so difficult to apprehend: smart, mobile and anonymous.

He was apprehended ultimately because Atlantic Highlands detective (and later Chief of Police) Sam Guzzi could not rest while the 1969 disappearance of 17-year-old Rosemary Calandriello went unsolved. He was apprehended because Guzzi refused to let the case die even after the Middlesex County Prosecutor's Office declined the prosecution of another murder to which Zarinsky was strongly tied. And he was apprehended because, ultimately, prosecutors in Monmouth County, convinced of Zarinsky's guilt, were willing to defy their boss and bring a murder indictment in a case where the body was never recovered.

As gratifying as it is to read of Zarinsky's path to ultimate justice, there is a haunting aspect to the story.

The murders of Jane Durrua, Linda Balabanow, Joanne Delardo and Donna Carlucci remain unprosecuted and unproven, if not unsolved, decades after their deaths. Rosemary Calandriello's body has never been found. The family of Rahway police Officer Charles Bernoskie had to endure the stunning acquittal of Zarinsky despite the testimony of Zarinsky's sister and his cousin about his involvement.

(As counsel to Gov. Christie Whitman and as attorney general, I was involved in petitioning Pennsylvania for the extradition of Zarinsky's cousin, Theodore Schiffer, and in declining Zarinsky's request to prosecute his relatives for identity theft and fraud, which was being handled federally.)

Most chillingly, given that Zarinsky has been a model inmate for 32 years, there is at least the chance that he will one day be paroled (although his threat to "twist" his ex-wife's head "like a grape" when he gets out should make for an interesting parole board experience).

It is fair to ask, in light of how difficult it was to charge and convict Zarinsky, how many cases lack a Sam Guzzi or a Malcolm Carton (one of the tenacious young Monmouth County prosecutors). How many Robert Zarinskys remain at large? How many bodies lie desecrated in unmarked graves around the country? How many families grieve unconsolated for loved ones who may never be found?

The answer to these questions amounts to perhaps the deadliest secret of all: No one knows.

All we have are anecdotes and estimates.

We know that it took decades for Kansas law enforcement officials to apprehend the so-called "BTK" killer, and that the "Zodiac" killings in the San Francisco area have never been solved.

We know that, at a minimum, tens of thousands of homicide cases nationwide have never been solved, and that on any given day, some 40,000 unidentified bodies lie unclaimed in morgues across the country.

The "clearance rate" for homicides -- the rate at which arrests have been made within a one-year period -- hovers around 50 percent nationally, as compared to close to 80 percent a generation ago. As of January 1 of this year, there were 110,484 active missing persons listed in the FBI's national crime information center. Add to this the hundreds of cases in which homicides have gone unsolved because an innocent person has been charged, convicted and later released, and it is clear that the obstacles and frustrations experienced in bringing Zarinsky to justice are more common than anyone would like to believe.

What are the causes of this predicament? And what can be done?

The first and most obvious cause is that the organization of law enforcement has not kept pace with the demographic changes that have made the rest of society -- and its criminals -- more mobile.

Law enforcement is still organized, for the most part, by municipalities. That was well-suited to an era when small towns defined the boundaries within which Americans were

born, came of age, and ended their lives. Everyone knew almost everyone; crimes were much easier to solve.

But today's mobility has increased the likelihood that crimes will be committed by strangers and that victims will not know their assailants. So clues accumulate for separate crimes in separate police departments, and unidentified bodies accumulate in local morgues; the kind of correlation with evidence from other jurisdictions that Sam Guzzi did in the Calandriello case all too frequently does not occur.

Along with mobility, virtually every technological innovation -- from Internet to cell phones -- has helped extend the reach of potential criminals beyond any meaningful local or state boundaries. The organization and coordination of law enforcement simply has not kept pace.

The pressure to solve homicides, particularly when multiple people have been killed or have disappeared, can cause law enforcement to push the edge of the envelope. That's especially true when they are convinced that they have identified the perpetrator.

In the Calandriello case, Guzzi and Carton are rightly commended for their courage and aggressiveness; many of the exoneration cases, however, have involved similar, but mistaken, approaches.

What can be done? The solution must begin with leadership from the United States Department of Justice. To say that Main Justice, as it is known, has been slow to recognize the crisis is an understatement.

The Justice Department was formed to coordinate law enforcement policy nationwide, yet its Bureau of Justice Statistics makes no effort even to ascertain the scope of the problem.

No statistics are kept on how many homicides remain unsolved after a year, or five years, or 10 years. Efforts to establish a directory of unidentified bodies lying in morgues have been repeatedly frustrated. Viewed in the context of this crisis of law enforcement, all of the department's "trouble in River City" rhetoric about other issues -- the latest corporate scandal, or consumer fraud, or lobbying scam -- seems almost a smoke screen for a thankless issue no one wants to address.

Concerned citizens have at tempted to fill the vacuum created by Justice Department inaction. Connecticut mother Janice Smolinsky, with whom I have corresponded, hasn't had a champion like Sam Guzzi.

Smolinsky lost her son when he disappeared in 2004; her close attention to the investigation of his case and to the lack of coordination with other investigations led her to the sobering realization that despite advancements in DNA and other forensic technology, "There is not a uniform national procedure for investigating these cases. I'm

pushing for Washington to make it a national issue. If we can just get people to grab hands here. It's not just a local issue."

Insisting that we learn the extent of the problem is the necessary first step. Only when we know just how dire the situation has become will we be able to devise the most effective strategy to address it. Until we know, the thousands of missing or unclaimed bodies, the tens of thousands of unsolved homicides, and the millions of aggrieved families waiting in vain for justice will remain our deadliest secret.

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