

89

## Edgar Smith is hunted in kidnap-knifing

By Henry Goldman  
Staff Writer

Edgar Smith was charged yesterday in California with the kidnaping and attempted murder of a San Diego housewife.

Smith, a former Mahwah resident, once was a New Jersey prison inmate who gained national prominence while spending 14 years on Death Row, longer than any American ever had. He won his celebrated, plea-bargained release from Trenton State Prison in 1971 by admitting in a new trial that he killed Ramsey teen-ager Victoria Zielinski.

San Diego police said yesterday that Smith is a fugitive, wanted for the abduction stabbing of a San Diego woman a week ago. Under California law, conviction would carry an automatic life sentence, with no possibility of parole. San Diego police said Lefteria Lisa Ozburn, 33, was forced into a car later traced to Smith as she waited for her husband to take her home from work at a shopping center in suburban San Diego.

She was stabbed as she struggled with the driver, who held her at knifepoint during a 1/2-mile ride through rush-hour freeway traffic.

"He said he was going to rob her, stick the knife in her, and get rid of her," said San Diego Deputy Sheriff Johnny Boulden.

The San Diego Sheriff's Department

has traced the car's registration to Smith's wife.

Neither Smith nor the car, a brown 1966 Pontiac, has been found, officials say, since the kidnaping last Friday. San Diego is 15 miles from the Mexican border.

Smith, 42, was named in an arrest warrant issued yesterday and asking bail of \$250,000.

Mrs. Ozburn's condition is listed as satisfactory at Bay General Hospital in Chula Vista, with a stab wound to her abdomen.

Details of the kidnaping were released yesterday in an affidavit signed by Deputy Sheriff Boulden, supporting the arrest warrant.

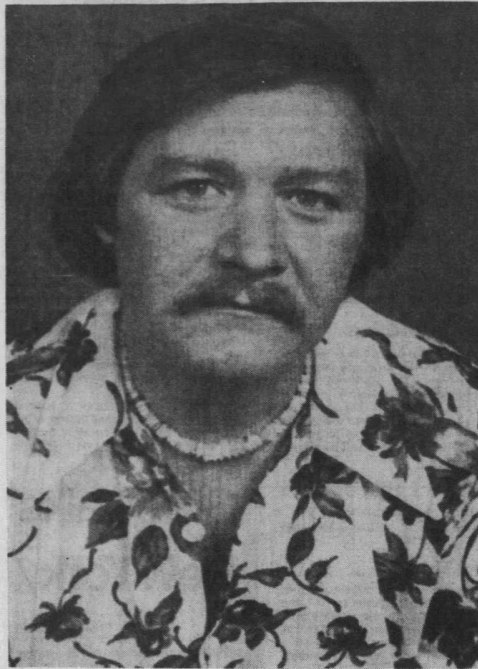
At 5 p.m. last Friday, Mrs. Ozburn was kidnaped as she left her job at a clothing factory to meet her husband, who was parked several hundred feet away waiting to take her home.

Mrs. Ozburn said a car blocked her path. A strange man got out, put a knife to her throat, and demanded that she get into his car as he taped her hands behind her back.

As the car swept onto a freeway crowded with rush-hour traffic, Mrs. Ozburn began to struggle, and her assailant pushed her beneath the dash board. Still fighting, she got her hands free and, kicking wildly, smashed the car's

rear window.

See MANHUNT, Page A-5



Edgar Smith

AP photo

## Ford tries to explain

Defends debate remark

LOS ANGELES (AP) — President Ford, downplaying the significance of his debates with Jimmy Carter, says the United States will never concede the domination of Eastern European nations to the Soviet Union.

Ford touched off a political storm when he said in the debate with Carter Wednesday that there is "no Soviet domination of Eastern Europe and there never will be under a Ford Administration."

Carter attacked that view as a blunder, and allies and domestic organizations representing Americans of Eastern European descent expressed shock.

Ford is in the middle of a week-long campaign trip, his third and longest vote-gathering expedition since Labor Day. He was heckled yesterday by a group of students on the campus of the University of Southern California.

He found himself on the defensive because of the remark about Eastern Eu-

rope and a vow, also made during the debate, to order the Commerce Department to make public names of U.S. corporations that have participated in the Arab boycott of Israel.

By yesterday, Ford was in effect backing off on the Eastern Europe question, although he did not acknowledge he was doing so and did not retract his original statement.

And Commerce Department officials said what Ford had actually told them to do was to release names of any companies that become involved in the boycott after yesterday. Names of companies that participated in the boycott earlier will not be disclosed, said spokesman Horace Webb. Those companies are said to number in the hundreds.

Webb said he could see that some people might have interpreted Ford's

See FORD, Page A-10

## Byrne now for a death penalty

By Joseph Santangelo  
The Record Trenton Bureau

TRENTON — Gov. Byrne, who struck down the state's death penalty law as a Superior Court judge in 1971, now says he would sign a new death penalty bill into law.

The state Assembly, meanwhile, voted 45 to 11, to bring the bill out of committee, where it has been locked for months. It comes to a floor vote Nov. 8 and then would go to the Senate.

The measure would dictate electrocution for premeditated murder or the murder of a law enforcement officer.

The governor said yesterday in a special address to a joint session of the legislature that he would enact a capital punishment law if it were included in a major revision of the state's criminal laws.

Byrne said he still has reservations

about whether the death penalty will deter crime, but he said he would bow to the legislature's judgment on the issue.

"My personal judgment is that a death penalty statute, properly framed to satisfy constitutional standards articulated by the United States Supreme Court, would not be unworkable, but that it is more an emotional response to deep fears of violence than a practical cure for crime," he said.

"Nevertheless, I recognize that men and women of reason and conviction — believing equally in the sanctity of life — can differ on the proper course."

Byrne said. "A judgment of this sort — involving the reconciliation of diverse social values and interests — is properly one for the legislature."

Byrne, however, set two conditions on

See DEATH, Page A-5

But how much is too much?

## Air carcinogens found limited

By Michael Gold

Staff Writer

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An analysis of a study which listed cancer-causing chemicals in New Jersey's air has revealed how much of each carcinogen the state's air contains.

Scientists say the levels found are below those that have been shown to cause cancer in laboratory studies, but say they don't know enough about long-term exposures to the levels to assess their potential health risk.

The highest concentration of any carcinogen was 120 micrograms per cubic meter of vinyl chloride, which causes liver cancer in humans. Exposure to that amount — measured in a commercial section of Passaic two blocks from the Fantastone Corporation's vinyl plant — is equivalent to 12 per cent of the federal exposure limit set for industrial workers, according to an environmental expert.

Benzene, which causes leukemia in humans, was discovered at a level of 2

micrograms per cubic meter at a Paterson site, a third of a mile from the In-mont Corporation's dye plant in Hawthorne. The highest level of chloroform, a chemical that has caused cancer in laboratory animals, was measured at 37 micrograms per cubic meter near the Celanese Plastics Company in Newark.

Both benzene and chloroform were found in considerable concentrations at most of the New Jersey sites tested: Clifton, Jersey City, Newark, Passaic, Paterson, Bound Brook, and Fords.

The federal study, done several months ago, identified specific plants only as the closest upwind sources, but did not include that the pollution originated there.

The chemicals were identified several months ago by researchers of the U.S. Environmental Protection Agency (EPA), but the amounts of each chemical in the air had not been calculated until now.

The test's measurements were made

See CARCINOGENS, Page A-12

## Awaiting charge of the 76,800

Stadium trying to prevent traffic jam

By Pam Fessler  
Staff Writer

So what if the Giants haven't won a game all season? So what if they haven't dropped the name of that other state across the Hudson from their official title?

New Jersey's tough. It can take it. And this Sunday, when the Giants play their home opener against the Dallas Cowboys, New Jersey's going to show that it can host a professional football team and 76,800 screaming fans as well as anyone else. At least, it's going to try.

The \$70-million football stadium, although officially finished about two weeks ago, is getting some last-minute trimmings. The 20,000 promised parking spots are ready. In fact, workmen are putting in a few extra ones, just in case. And the management is pushing every incentive short of free admission to get fans to come early or use mass transportation.

"They're working like hell down there," said a spokesman for the New Jersey Sports and Exposition Authority, which operates the stadium. "They're testing equipment and doing a lot of last-minute housekeeping details to make sure that everything is 'go' for Sunday."

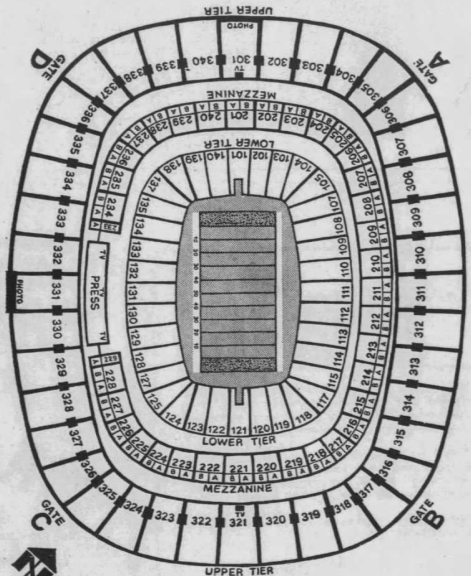
The authority hopes the stadium opening is smoother than the racetrack debut.

At The Meadowlands racetrack opening Sept. 1, an estimated 20,000 to 30,000 cars converged at the complex. Traffic backed up onto surrounding highways, cars were abandoned everywhere, and many angry bettors found they were blocked in the parking lot.

Directions to lots

This time, traffic planners have an advantage. They expect 76,800 fans because all tickets have been sold. And they've sent to every ticket holder, maps with instructions on which parking lot to go to and how to get there.

See GIANTS, Page A-8



Staff photo by Ed Hill

**DISCO**  
The pioneering owner of an Elmwood Park night spot feels as if he has graduated from Disco Tech.  
Page B-1.

**RATES**  
Insurance Commissioner James Sheeran has begun a promised restructuring of the way auto insurance rates are gauged.  
Page C-8.

**WATERGATE**  
Did President Ford judge his testimony about his role in blocking an early Watergate probe? The Nixon tapes might tell.  
Page C-15.

**ACCUSATIONS**  
Charges flew yesterday in the congressional race between Rep. Andreu Maguire and James Sheehan.  
Page D-1.

South Bergen news on Pages D-2-4, 24  
Business — C-8-10 Movies, Theater B-19-21  
Classified Ads — C-5-20 Obituaries — C-1, 15  
Dine And Dance B-14-19 Real Estate — C-11-13  
Editorial Pages D-22, 23 Religion — B-12, 13  
Legals — C-13, D-20, 21 Sports, Racing — C-1-7  
Lifestyle — B-1-14 Television — B-23  
Sportsline — Local, 646-4470; National, 646-4400  
VOL. 82-No. 106 80 PAGES-Four Sections 15 CENTS

# Edgar Smith: before and after Death Row

By Steve Greenhouse  
Staff Writer

Edgar H. Smith, a onetime Mahwah resident, spent 14 years on Death Row, longer than anyone ever had, after being convicted in 1957 of bludgeoning a 15-year-old Ramsey girl to death.

In 1971 Smith won a new trial after tirelessly protesting his innocence year after year. In that retrial, however, Smith admitted guilt in the murder of Victoria Zielinski, a Ramsey High School cheerleader.

As part of a plea-bargaining deal, Smith, a high school dropout who had written two books while in prison and was considered a model inmate, went free following the 1971 retrial. The judge at Smith's second trial credited him with the 14 years he had served and freed him.

Miss Zielinski's parents found their daughter's body in a Mahwah sandpit on the morning of March 5, 1957. Her head had been badly battered by a baseball bat and heavy rocks, her teeth had been knocked out, and her sweater had been pulled over her head.

The next day, Smith, then 23, was charged with murder, but only after the Bergen County prosecutor's office had questioned him for more than 12 hours, allowing him neither sleep nor an attorney.

The trial.

During Smith's trial, then Prosecutor Guy Calissi maintained that the unemployed ex-Marine had confessed to having been with the girl the night of March 4 and to having struck and killed her.

Smith, however, asserted that when

he left Miss Zielinski that night, she was still alive. At his 12-day trial in Hackensack, he testified that his friend, Don Hommel, had been fighting with the girl and that he had tried to break up the struggle, but had given up and left them.

Smith was tied to the murder by some bloodstains which were found on the seat of a car he had borrowed from a friend and by a pair of bloodstained trousers that were found two miles from where the girl's body was found.

After discovering the blood on his car seat, Smith's friend told the prosecutor's office that Smith might be connected to the murder. Investigators took the soiled trousers to Smith's 19-year-old wife, who admitted that they belonged to her husband. The two were divorced after Smith's conviction.

In an unsigned confession used by the prosecution, Smith said he gave Miss

Zielinski a ride as she was returning from doing homework at a friend's house. Smith recalled that they had some words, that she tried jumping out of the car, that he tried to prevent her, and that she struck her.

In the confession, Smith said he drew a blank on what happened after that. During his trial, however, Smith asserted that he drove away, returned later, and saw Miss Zielinski struggling with Hommel.

According to Smith, the girl's blood stained the car seat and his trousers when he attempted to prevent Hommel and the girl from fighting.

A Bergen County jury didn't put much credence in Smith's arguments, taking only two hours to convict him. Smith was taken to Death Row at Trenton State Prison June 5, 1957, and remained there until 1971.

Smith, a brilliant jailhouse lawyer, saw many execution dates come and go, thanks to stays of execution stemming from his 19 appeals for a new trial. Several times he came within hours of going to the electric chair, only to be saved by stays ordered by state and federal supreme court justices.

Smith's friends and foes formed two highly spirited camps. Columnist William Buckley became one of the more articulate champions of Smith's fight for freedom. Buckley last night refused to comment on the warrant for Smith's arrest.

In his appeals, Smith repeatedly maintained that his confession was coerced, that he was denied his right to a lawyer during his interrogation, and that the trial judge was biased and had failed to inform the jury that he could be convicted on lesser charges.

After protesting his innocence for 14

years in books, magazines, and legal briefs, Smith was given another day in court.

On May 13, 1971, a U.S. District Court judge ordered a new trial, ruling that Smith's confession had been coerced.

At his retrial six months later, Smith confessed to having murdered Miss Zielinski by himself.

Judge Morris Pashman sentenced Smith to between 25 and 30 years in jail. Pashman gave him credit for the 14 years he had served, and suspended the remainder of his sentence.

Back on the street, Smith began reasserting his innocence. He said he had knowingly lied in his confession so he could attain his freedom. Smith moved to California after his release. There, he opened a public relations firm, wrote a weekly sports column for a local newspaper, worked on two novels, and promoted the Bicentennial.

## Manhunt on in California

FROM PAGE A-1

windshield.

After about 1 1/2 miles on the freeway, the kidnaper held the knife underneath her left breast.

The car exited from the freeway, and pulled to a stop.

Continuing to struggle, Mrs. Ozburn felt the assailant's six-inch knife as it punctured her abdomen.

"I knew I had been stabbed," she told reporters yesterday. "But it didn't really hurt. I still felt the power to keep on fighting."

Police described Mrs. Ozburn as a slight woman, about 5-foot-one and 105 pounds.

She described her assailant as about six feet tall and weighing 190 pounds. When she finally was able to free herself, witnesses running to the parked car saw her roll out of the car's door, while the vehicle sped away.

One witness, Mike Hobdy, a special officer with the U.S. Bureau of Narcotics Enforcement, took down the car's license plate number and followed it after he saw it swerving erratically between lanes.

Hobdy used his car radio to call an ambulance for Mrs. Ozburn, who lay bleeding on a house-lined Chula Vista street. Then, he radioed the sheriff's department with the license plate number, 527 COG, which was traced to Smith's wife, Paige.

Boulden said that in an interview with Mrs. Smith she told him that she hadn't seen her husband since noon last Friday. Mrs. Smith also told Boulden, according to the affidavit, that Smith had exclusive use of the car.

San Diego law enforcement officers say they did not know of Smith's prior background until Wednesday, when they received a report from the Federal Bureau of Investigation.

## Death penalty

FROM PAGE A-1

his signing the new capital punishment law. First, it would have to be passed in conjunction with a new criminal code he has been urging the legislature to pass for several months. Second, the appeals court process would have to be accelerated so defendants would not sit for years on Death Row awaiting the outcome of one appeal after another.

The governor made his remarks in a 30-minute address outlining priorities for the legislature in its post-election session to begin Nov. 8. Both houses adjourned yesterday until after the elections.

Other proposals, on which Byrne urged early legislative action:

• A bill to control the transport of oil and gas along the New Jersey shore and to create a fund to reimburse coastal areas for damage resulting from proposed offshore oil production.

• A so-called lifeline utility measure that would guarantee the elderly a low rate for an essential amount of gas and electricity to heat their homes in the winter.

• A package of economic stimulation bills for development of urban industrial parks, for giving tax abatements to rehabilitated urban areas, and for creating a commission to bring back movie production to New Jersey.

Some lawmakers had recommended that the governor forgo the speech, or at least steer clear of anything controversial for fear of disrupting the political climate for next

month's national and local elections.

Assembly Majority Leader William J. Hamilton, D-Middletown, said he expected most of the bills Byrne requested would be brought up at the November session.

Shortly after Byrne's speech, the Assembly voted to relieve the Assembly Judiciary Committee of the bill, where it had been tied for months.

Bergen assemblymen voting to bring the bill to the floor were: Democrats Robert Burns, Paul Contillo, Robert Hollenbeck, and Richard V. Markert, C. Gus Rys, and John Spiziri.

Democrats Byron Baer and Harold Martin voted no, while Democrat Albert Bursstein was absent.

The measure is to be amended on the floor next month to conform with a recent U.S. Supreme Court ruling.

The expected revisions call for separate trials by different juries — one on the defendant's guilt and the other on whether he should be sentenced to death.

The U.S. Supreme Court ruled in 1972 that existing capital punishment laws were unconstitutional since they were vague and applied arbitrarily.

Consequently, New Jersey's law was declared invalid, and 22 men then in the Death House at Trenton State Prison had their sentences commuted to life imprisonment.

Byrne's 1971 decision invalidating the death penalty in a Morris County case ultimately was upheld.

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