

## Found: A New Identity / Two Men Claim: 'I'm His Father'

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**Abstract (Abstract):** To Russini, Smiley is the man who kidnapped his first-born son and has come back to New York to answer a 1980 warrant for failing to return the boy. To Smiley, Russini is a father who gave up his son at birth.

The last time he was in Family Court was 1980, when the absent Smileys were held in contempt for failing to obey the court's order to return the baby to his biological parents. Russini and the child's mother, Debbie Gardner, married soon after the March 8, 1979, birth and decided they wanted to keep the boy.

Russini and his close-knit Westbury family spent about \$100,000 hiring investigators, bounty hunters and psychics in an effort to discover the child's whereabouts. They became involved with Childfind and other organizations formed to help parents locate children who had been kidnapped. They worked with activist John Walsh, whose son, Adam, was abducted and murdered. They took their tearful tale to the media with the hope that it would lead to a solid tip. They even plastered A.J.'s face on milk cartons.

**Full text:** The two men had been separated by 2,000 miles for 20 years. Friday, they sat less than 2 feet from each other before a judge in Queens Family Court, a court officer standing between them.

Each man, asked to state his relationship to the child in question, now a man of 22, answered with exactly the same words: "I'm his father."

The comment was the only common ground shared by Barry Smiley, 56, and Anthony Russini, 41, in the decades-long saga involving a baby put up for adoption but then quickly reclaimed by his birth parents.

To Russini, Smiley is the man who kidnapped his first-born son and has come back to New York to answer a 1980 warrant for failing to return the boy. To Smiley, Russini is a father who gave up his son at birth.

Smiley, of Albuquerque, N.M., surrendered Thursday to authorities on charges that he and his wife, Judith, kidnapped the boy, then 15 months old, instead of returning him to his biological parents, as the courts had ordered.

Judith Smiley, 54, also is expected to surrender to authorities, but she is too ill to travel, according to her attorney, Steve Brill.

The Family Court appearance Friday was largely a formality, because the boy, who grew up in New Mexico as Matthew Propp, is an adult working as a hospital security guard. (The Smileys, to avoid detection when they fled New York 20 years ago, changed their names to Bennett and Mary Propp.)

As Judge Guy DePhillips said, Family Court could no longer offer a remedy for Propp, the person most harmed by the Smileys, because he is no longer a child.

"I can only imagine ... what he must be going through," said DePhillips, who said he would provide counseling for Propp, despite his age, and appointed a lawyer to look out for his interests.

Russini, who only held his son once as a baby and met him again for the first time last week, agreed. "I want to do as much as I can to protect him," he said.

Russini was emotional during the hearing. "The flood of memories came back," he said later.

The last time he was in Family Court was 1980, when the absent Smileys were held in contempt for failing to obey the court's order to return the baby to his biological parents. Russini and the child's mother, Debbie Gardner, married soon after the March 8, 1979, birth and decided they wanted to keep the boy.

According to the Russini family's lawyer, Frederick Magovern, Gardner's family coerced her into signing papers to put the infant up for adoption, which is when the Smileys got him.

Russini recalled the last Family Court hearing as a bittersweet victory that began a 20-year quest to find the son he called "A.J."

"I held him once," he said. "I thought about him every day ... I never got to play ball with him."

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The years passed, but the Russinis said they never forgot the baby. Patricia Russini, the baby's grandmother, who died only four months ago, never tired of the search.

"This was her passion," Richard Russini, the boy's grandfather, said of his late wife. Until a year or so ago, when she was diagnosed with cancer, he said, "she had conversations with the FBI."

After receiving the call that their grandson had been found, he said, "We think she brought him to us."

**People:** Smiley, Barry, Russini, Anthony, Propp, Matthew

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