

Debating Reagan's Cuts

Some want programs saved, others seek more trims. *Page 5*



UPI Photo

Catherine Walker wipes tears at funeral for her slain son, 13

Atlanta Mother Weeps

Page 6

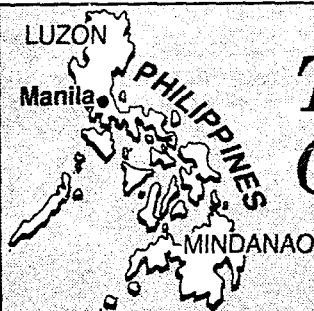
A Probe Of Oil Firms Is Sought

Energy Department auditors support criminal investigation of crude-oil trading

Page 5

2 Couples Fight Over A Child

Page 3



The Gathering Storm Over the Philippines

Series Begins on Page 4

President Marcos



2 Couples Fight Over a Child

Adoptive parents flee after they are ordered to return child to real mother, father

By Jim Mulvaney

Westbury—Debbie Gardner never wanted to give up her baby.

After announcing she was pregnant at the age of 19 two years ago, her parents ordered her not to leave the house and not to call friends, especially her boyfriend, Debbie said. When the baby was born, Debbie said, she was coerced to sign a consent form and the child was given to a Jamaica Estates couple for adoption.

In an unusual move, the courts have ruled the adoption invalid and ordered the 2-year-old baby's adoptive

parents to return him to Debbie and his father, Tony Russini, the 21-year-old plumber's apprentice she married shortly after the birth. But while appealing the ruling, the adoptive parents sold their Jamaica Estates home, quit civil service jobs paying a total of \$64,500 a year and disappeared.

"We went to court with baby clothes," Debbie said. "Then, we find they're gone. I just couldn't believe it. I had been so happy, I was finally getting my baby. Then, they were gone."

In ruling that the adoption should be nullified, Queens Family Court

Judge Kevin Fogarty said, "The great tragedy here is that the adoptive parents, who took no part in these acts, must now surrender the child they have cared for since birth." Efforts by the natural parents to find the couple from Jamaica Estates, Barry and Judith Smiley, have failed, and Fogarty has issued an arrest warrant.

"My heart goes out for the natural parents," said Gertrude Smiley, Barry's mother. "But my heart also goes out for my own. I don't know what to think, but it is a real hell, not knowing where your son is or if he can keep the child."

Debbie and Tony decided to talk about the case Sunday—on the boy's second birthday—in hopes that it might produce clues about the adoptive parents' disappearance. The two were 18 when they met and dated for about one and half years before she became pregnant. The January afternoon Debbie announced she was pregnant, her parents summoned Tony and his parents, Dick and Pat Russini, to their 23 Swallow Lane home in Hauppauge. They argued over how to split Debbie's medical expenses for the delivery and parted on bad terms, according to the elder Russini.

Several days later, he said, his son Tony tried calling Debbie. According to Dick Russini, the first time Tony called, her parents told him never to call again because she didn't want to talk. The second time the number had been changed to an unlisted number. By the time they talked to Debbie, the elder Russini said, the baby had been born and given up for adoption.

Gardner had arranged through Lorraine Israel, a Manhattan lawyer, for the adoption. Mrs. Israel, Debbie said, told her to fill out a consent form saying she didn't want the child and



The baby



Newsday Photo by David L. Pokress

Debbie and Tony Russini are looking for their 2-year-old son

didn't know who the father was. Debbie said she thought, until after the baby was gone, that Mrs. Israel was her lawyer. In fact, Mrs. Israel represented the Smileys.

"Every time I'd ask what was going to happen, they [her parents] would say, 'Its none of your business,'" Debbie said in an interview at the Russinis' house this week. "I wasn't allowed to go out of the house. My father was embarrassed. He didn't want people to see me. While I was pregnant, I wasn't allowed to see friends or use the telephone. I felt rejected, worried, confused. My twin sister . . . was also pregnant, but she didn't want her baby, she wanted to give it up for adoption. I wanted my baby. But I didn't have anyone to talk to about it. No one would listen.

"I signed the final consent form when I was still drugged right after having the baby. I thought I was signing papers authorizing circumcision."

Debbie's mother, Grace Gardner, said yesterday, "Do you know what it was like, having two daughters pregnant without husbands? I would have

—Continued on Page 27

2 Couples Fight Over a Child

—Continued from Page 3
been glad if they got married. It was living hell." Her husband refused to comment.

Tony's mother, Pat, said she despaired of ever seeing her grandchild until one day in August, 1979, when she turned on the Phil Donahue television show and listened to a panel of experts discuss fathers' rights. "They said a child can't be given up for adoption without the natural father's consent," she said. "We never knew that." Several days later, the Russinis hired Frederick Magovern, a New York attorney, who asked Queens Family Court Judge Kevin Fogarty to rescind the consent order and give the baby back to Debbie.

In his Nov. 6, 1979, decision, Fogarty said the consent agreement was not binding because Tony had not given his permission and "the agreement about the baby going to an adoptive home in March was made when she [Debbie] felt she had no other choice." Fogarty criticized Debbie's parents and Mrs. Israel, who, the judge said, didn't explain to Debbie who she was representing until after the baby had been given up. Mrs. Israel would not comment.

When that ruling was issued, the Smileys immediately appealed. The Appellate Division of the Supreme

Court upheld that ruling on Feb. 7, 1980, and a request for appeal to the Court of Appeals, the state's highest court, was rejected several months later. On June 6, 1980, the Smileys were scheduled to come to court and surrender the child.

During the final appeal, Debbie and Tony were granted two visits to the child, Feb. 17 and 24, each for three hours.

But, the Smileys' house on 190th Street was empty June 6 when the Russinis accompanied detectives to take back the child. Neighbors said the Smileys had moved months before at 10 one night and had left no forwarding address.

A further check by detectives revealed that the Smileys had quit their jobs at the New York City Personnel Department, sold the house and left without a trace. A spokesman for Queens District Attorney John Santucci said yesterday his office had no new leads.

Dick Russini said he finally turned to private detectives, who traced the couple to Israel. The detectives said they had arrived there in August, but returned to the United States sometime in November. Since then, they have been unable to discover a trace of the couple.

"I used to feel great sympathy for them," Debbie said, "but not now."