

OSWALD CASE AIDS ADOPTION REFORM

Rule on Religious Pairing
Is Eased by Convention

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ALBANY, Aug. 23—The story of how Lee Harvey Oswald's religion prevented him from being placed in a children's home in New York State for psychiatric care was revealed here today as the Constitutional Convention voted to diminish the importance of religion in the adoption and placing of children.

The floor debate on the sensitive issue had been routine until John Carro, a Democratic delegate from the Bronx, began telling his colleagues about a "real-life confrontation with the problem" that he had had 15 years ago when he was a probation officer in Bronx Children's Court.

The case of a fatherless 12-year-old truant living with an "ineffectual" mother had been referred to him, Mr. Carro said, and he spent a year trying to place the boy in an institution where he could receive adult "sympathy" and proper psychiatric attention.

Mr. Carro, now a lawyer, said he had tried institutions of all faiths, but that the boy was rejected by them either because he was a Lutheran or because they did not have adequate psychiatric facilities. In most of the rejections, he said, the boy's religion was the only factor.

The Boy Was Oswald

"Unfortunately," Mr. Carro said, before I could do anything more about it, his mother took him out of the state."

The Bronx delegate paused just for an instant and then added: "This young man turned out to be Lee Harvey Oswald."

The other delegates, startled by this story concerning President Kennedy's assassination, voted unanimously a few minutes later to end the practice of mandatory matching of religion in the adoption, guardianship and custody of children.

"Had the law been different then," Mr. Carro said later of his experience with Oswald, who was himself killed by Jack Ruby the day after the Kennedy assassination, "I would have been able to get him help

and our whole industry might have been changed."

[In Fort Worth, Tex., Mrs. Marguerite Oswald denied to The Associated Press what she called "Carro's attempt to make it seem that I fled with my son." She said: "A judge turned my son over to me, and we stayed in New York another year with no further charge of truancy against Lee."]

The law for the last 36 years is contained in a provision of the State Constitution known as "the religious protection clause." This clause specifies that "when practicable," a child must be placed with an institution or persons of "the same religious persuasion as the child." The courts have interpreted "when practicable" to mean "almost always," and thus many children have been rendered unadoptable.

How Couples Suffer

For example, childless Jewish couples feel that the law has worked against them because relatively few Jewish children are available for adoption. Moreover, couples who are atheists or agnostics or couples where the husband and wife are of different faiths have also suffered, because the law has virtually barred them from adopting children.

Supreme Court Justice Harry D. Goldman, a Republican

delegate from Rochester, declared during the debate that the present law was "keeping children in institutions, denying them good homes where they are ardently wanted."

The new provision, which the convention approved today by a vote of 176 to 0, did not remove the religious factor from the adoption proceeding. But it provides that, instead of religion being the dominant consideration, "the welfare of the child shall be of primary concern," and that religion-pairing considerations cannot be pursued if they are "inconsistent with the welfare of the child."

This language represented a compromise between outright repeal and retention of the present law. Some groups, including Jewish adoptive-parents organizations, had sought repeal, while others, including Roman Catholic organizations, had sought to keep the present standard.

However, on the convention floor today, proponents of all the varying groups supported the compromise and praised Bronx Borough President Herman Badillo, Democratic delegate and chairman of the Health, Housing and Social Services Committee in which the compromise had been laboriously shaped.