

WEBERMAN PLEA DENIED

New Yorker Said School Order infringed on Religious Right

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WASHINGTON, Nov. 26—On the ground that no substantial Federal question was involved, the Supreme Court today dismissed the appeal of Myron Weberman of New York against sending his 8-year-old son to school as required under state law.

Mr. Weberman had sought a review of an order by the New York Court of Appeals, last May, allowing him custody of his son, but saying he must provide the child "with systematic secular education" in accordance with the State Education Law. In reply, Mr. Weberman said that this would conflict with his religious principles, and violate his constitutional guarantees as to religious liberty. The child was enrolled in a Yeshiva, where he received training in the Jewish orthodox religion.

The Weberman case stemmed from an action brought by Mrs. Rose Auster to gain custody of her son from her divorced husband, Myron Weberman. The state courts ruled that if a divorced man wished to retain custody of his son "he must comply with the State Education Law and provide for the boy the systematic secular education in the eleven basic subjects required by law."

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