

Letters To the Editor

Does Anybody Care About the Children?

To the Editor:

Your personality profile concerning the judicial author of four recent highly publicized matrimonial decisions should provoke profound juridical considerations. (NYLJ May 24, p. 1).

Repercussions from the matrimonial action spring not only from the judgment, but also from the form and conduct of the antecedent trial, which may assuage or exacerbate the parties' post-judgment conduct. The "Final Judgment", while resolving some issues, oftentimes creates more complex ones, which may serve as prologue to continuing conflict in the judicial arena and elsewhere.

A matrimonial judge, faced by frustrated, disappointed, and angry marital antagonists, whose very lives and destinies and those of their infant children weigh in the balance, needs multi-faceted, unique qualities to meet the social and legal responsibilities such difficult and delicate decisions require.

To strive for an ideal, albeit unattainable, does not excuse not employing the best available. Nonetheless, all too frequently those who sit in Matrimonial Part (while they may have otherwise fine qualities) are patently deficient in meeting the court's heavy responsibilities to the parties and their children. At times, the mismatch between the feuding parties is exceeded only by that of the judge and the assignment.

Whatever the criteria employed by assigning authorities, it is often painfully clear that the best interests of the children, not to mention their litigating parents, is not a significant factor.

Ironically, despite repeated pronouncements that the court stands as *parens patriae*, decisions needlessly stigmatize and traumatize those very infants by identifying them in a way which makes these young victims known, now and for all time.

Unquestionably, peer-group attitudes about these children, as well as their own self-image, are adversely affected by the publicized details of their parents' strife.

The court has a non-delegable legal and moral obligation to respect the dignity and interests of these children. Viable and common-sense approaches are sufficiently obvious and plentiful. If "wisdom is the ability to find alternatives", the courts have shown themselves lacking that attribute in these situations.

Your article specifically referred to four earlier published opinions involving non-public people and involving children.

Do we not recognize the emotional torment that those children went through by such publication? Are we so obtuse as not to realize that some of these children's classmates inevitably learned (and accepted) the court's characterizations of their parents conduct, and immaturely, if not brutally, handled the situation?

Unqualifiedly, the Lord rightfully enjoined us to "Honor thy Father and Mother", a task unnecessarily made more difficult for these children because a "New Judge in Part V Likes to Write."

Can there be any doubt about the immorality involved in publicizing such intimate legal opinions without concealing identities.

But we — particularly in the legal profession — are the worst offenders, for we observe all this in ignominious silence.

Have we not learned that we must not keep silent? Yet, not even the smallest voice was heard to protest so fundamental an indecency. Nor did any bells toll for this psychological infanticide.

Apparently, the long hard march of man out of the cave has brought us right back to the cave.

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