

Ms. Sassower:

I got to your piece after we talked yesterday. I didn't understand, when we spoke originally, that the purpose of your piece was to rebut an endorsement of one candidate. Under those circumstances, I can only accept a 250-word letter to the editor -- that's the same limit we set for everyone writing about one candidacy, even candidates we do not endorse.

What follows is my editing suggestions to meet that limit.

The News clips you sent substantiate most of what you have written; can you show me the "transcript that contained hostile remarks" that led to his eventual recusal from your cases?

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Supreme Court Justice Aldo A. Nastasi, who you endorsed for a second 14-year term, is quoted as saying in a news article, "some machinery ought to be put in place, where if you're on the bench, you are evaluated and reappointed."

Judges who have performed their duties ethically and professionally deserve reappointment. However, it is far too easy for the public to believe that simply because a person has the job, he/she deserves to keep it even when their track record may include a history of criticized decisions, higher court reversals, judicial misconduct complaints and civil rights actions based on unthinkable constitutional violations.

For example, in 1981 Judge Nastasi inappropriately took jurisdiction over a case involving a man whose 23-month-old son had been taken by the mother from their Virginia home and brought to Westchester.

Automatically awarding custody of young children to the mother was outdated even then, but he granted temporary custody to the mother. The decision was criticized by the father and me, his attorney. After the case became a cause celebre, Judge Nastasi finally removed himself.

He refused to remove himself from a different case in which I was again involved. It was only after he revealed his actual bias shown in a court transcript that contained hostile remarks about me made outside my presence that he finally acknowledged his ethical obligation to remove himself from that and all further cases of mine. That should have happened from the outset.

I consider his initial failure to step down misconduct for which Judge Nastasi needs to be held accountable at election time.