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## *House of Representatives*

### **Bring Sean Home**

**HON. CHRIS SMITH OF NEW JERSEY**

Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, imagine that you are a child of only 4 years old, and your best friend, your father, is your primary caregiver. You live with your parents by a lake in a quiet neighborhood in New Jersey, and your days are filled with boating, swimming, sports, and other fun with your dad. Then suddenly, one day your mother takes you on a jet; you move to a foreign country; and for 4½ years you live with the confusion, pain, and anxiety of not understanding why your dad is not there with or for you. The little contact you have with Dad are a few phone calls, routinely interrupted when the phone is taken from you and abruptly ended while your father is trying to tell you how much he loves and misses you.

That is what happened to Sean Goldman, an American citizen born and living in the United States for the first four years of his life, until June 2004, when his mother took him to her native country of Brazil. Almost as soon as she arrived in Rio de Janeiro, she advised Sean's father, David Goldman, that she was permanently staying in Brazil, the marriage was over, and that she

was not going to allow Sean to return home to New Jersey; and Sean has not seen his real home since.

Stunned, shell-shocked, and utterly heartbroken, David Goldman has refused to quit or fade away. His love for his son is too strong. He has been working tirelessly every day during the last 4½ years, using every legal means available to bring Sean home.

On paper, the laws are with him. Child abduction and the retention of a kidnapped child are serious crimes. The courts of New Jersey, the place of Sean's habitual residence, granted David full custody, as Chairman Berman pointed out a moment ago, as far back as August 2004. On the international front, David has had every reason to believe that justice would be swift and sure because, unlike some countries, Brazil is a party to an international convention and in a bilateral partnership with the United States, which obligates Brazil to return children, even those abducted by a parent, to the place of habitual residence, in this case New Jersey.

To David Goldman's shock and dismay, however, that has not happened. Even after Sean's mother died unexpectedly in August of 2008, the people unlawfully holding Sean in Brazil, especially a man who

is not Sean's father, have refused to allow Sean's return home to New Jersey or, until last month, even to see his father.

Last month, I traveled to Brazil with David Goldman on what was his eighth trip to try to see his son and advance the legal and diplomatic process of returning Sean home to the United States. This trip was different, however, and we sincerely hope a turning point.

First and foremost, he got to visit with his son, and we met with several key Brazilian officials in President Lula's government, including Ambassador Oto Agripino Maia at the Ministry of External Affairs and others, in the judicial system Minister Ellen Gracie Northfleet, the former chief justice and current member of the Supreme Court. We were encouraged by their apparent understanding of Brazil's solemn obligation as a signatory to the Hague Convention to return Sean to the United States.

In subsequent meetings here in the U.S. with Brazilian Ambassador Antonio Patrioto and the Brazilian Ambassador to the Organization of American States, Osmar Chofi, we were again assured that the Lula government believes that Sean Goldman should be in the United States and with his father. Still, deeds, not just encouraging words, are what matter most, and Sean remains unlawfully held in Brazil.

When in Brazil last month, I had the extraordinary privilege of joining David and Sean in their first meeting in 4½ years. Now almost 9, Sean Goldman was delighted to see his dad. The love between them was strong and was obvious from the very first moment. In the first moments of their meeting, I did see the pain on Sean as he asked his father why he hadn't visited him in 4½ years. David told him that he has traveled to Rio several times to try to be with him. But in order to mitigate Sean's pain because of the abduction,

David blamed only the courts, not the abductors, for the separation, a sign of class and I think a sign of David's sensitivity.

This is a picture to my left here that I took while I was in Brazil, a picture of a dad with his son after shooting baskets and playing a game of "around the world." Sean, a remarkable young man who needs to work on his set shot, was completely at ease and eager to get reacquainted with his dad. I took this picture about 1 hour after their first reunion after 4½ years. The joy on both of their faces, as I think all can see, is compelling. There were hugs and there were kisses, and you can see that there was a great bond between this dad and his son.

Mr. Speaker, the kidnapping of Sean Goldman and his continued 4½ year unlawful retention in Rio must be resolved immediately and irrevocably. A father, who deeply loves his son, wants desperately to care for him and spend precious time with him and has had his nationally and internationally recognized parental rights, and his son has had his rights as well, violated with shocking impunity.

David Goldman should not be blocked from raising his own son. And a child who recently lost his mom belongs with his dad.

The Government of Brazil, Mr. Speaker, has failed to live up to its legal obligations under international law to return Sean to his biological father. The Government of Brazil has an obligation they must fulfill and without further delay. The resolution before us today expresses the House of Representatives' profound concern and calls on Brazil to, in accordance with its international obligations and with "extreme urgency" bring about the return of Sean Goldman with his dad, David Goldman, in the United States. Justice delayed, Mr. Speaker, is justice denied. And Sean's place is with his dad.

Mr. Speaker, on the bigger picture, international child abductions by parents are not rare. The U.S. Department of State reports that it is currently handling approximately 1,900 cases involving more than 2,800 children abducted from the United States to other countries. And those numbers do not include children whose parents, for whatever reason, do not report the abductions to the U.S. Department of State.

In recognition of the gravity of this problem and the traumatic consequences that child abductions can have both on the child and the parent who is left behind, the Hague Convention on the Civil Aspects of International Child Abduction was reached in 1980. The purpose of the Hague Convention is to provide an expeditious method to return an abducted child to the child's habitual residence so that custody determinations can be made in that jurisdiction. According to the terms of the Convention, such return is to take place within 6 weeks—not over 4½ years – after proceedings under the Convention are commenced.

The United States, Mr. Speaker, ratified the Hague Convention in 1988. Brazil acceded to the Hague Convention in 1999 and the Hague Convention was entered into force between Brazil and the U.S. in 2003, a year before Sean was abducted. In accordance with the Hague Convention, David Goldman on September 3, 2004, filed, in a timely fashion, an application for the immediate return of his son. Brazil, sadly, has failed to deliver.

I would point out on a positive note that within a week of our return home to the United States, the Brazilian courts did take what we consider to be a major step in the right direction for David and Sean. The decision was to move the case from the local courts, which were erroneously bogged down in making a custody determination, to the Federal court capable and responsible for making decisions in accordance with obligations under the Hague Convention.

Pursuant to an amended application filed under the Convention after the death of Sean's mother and in accordance with the “expeditious return” provisions of the Hague Convention, Brazil's only legitimate and legal option now, as it has been, is to effectuate Sean's return. And it must be done now.

Finally, Mr. Speaker, this weekend, Brazilian President Lula will visit the United States and visit one-on-one with President Obama. The White House meeting should include a serious discussion about Brazil's—and this is the State Department term—pattern of noncompliance with the Hague Convention and Brazil's obligation to immediately fulfill this obligation in the case of Sean Goldman and many other cases like it, including one that Mr. POE will bring up momentarily.

I'm happy to say that over 50 Members of the House, including my friend and colleague, Mr. HOLT, have cosponsored this resolution. Over 43,000 people from 154 nations have signed a petition urging Brazil to do the right thing and expeditiously return Sean to the United States. So many people, Mr. Speaker, have joined in and helped David in his fight for his son and deserve our appreciation and respect.

His extraordinarily talented legal counsel here in the United States, Patricia Apy, and in Brazil, Ricardo Zamariola, Jr., have made their case with expertise, precision, compassion and particular adherence to the rule of law. The staff at our consulates in Brazil—Consul General Marie C. Damour, Joanna Weinz and Karen Gufstafson—have all tirelessly and professionally worked this case for several years as if Sean and David were their own family. Special thanks to Ambassador Cliff Sobel. A number of journalists, including Bill Handleman of the Asbury Park Press, have written powerful columns about David's loss and his entire terrible ordeal. Meredith Vieira, Benita Noel and Lauren Sugrue of NBC's Dateline have probed, investigated and

demanded answers, thus ensuring that the truth about this unlawful abduction is known to the public, including and especially to government officials both here and Brazil. In fact, it was a Dateline special on the Goldman case that caused me to call David and to get involved.

And finally, a special thanks to the countless volunteers, including Mark DeAngelis, who has done yeoman's work, including managing a Web site—Bring Sean

Home—and have proved to be an invaluable support system during this most difficult and trying time for father and son.

I urge Members to support this resolution. Again I want to thank Chairman BERMAN for his leadership in bringing this resolution to the floor and to ILEANA ROS-LEHTINEN, our distinguished ranking member. This resolution I believe will make a difference not just for David and Sean but for so many others who are similarly situated.