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House of Representatives

On Sean Goldman: Justice Delayed Again

HON. CHRIS SMITH OF NEW JERSEY

Excerpts of remarks on the House floor

Mr. Speaker,

Child abduction is a serious crime that no legitimate government or self-respecting judicial body anywhere on Earth should ever countenance, support or enable by either direct complicity or incompetence. But the denial of fundamental justice in the kidnapping of an American child is exactly what has happened, and is happening, in Brazil today.

The tragic kidnapping case of Sean Goldman, pictured here with his dad, David, now in its almost fifth year, raises serious and troubling questions concerning the Lula administration's commitment to honoring its clearly defined international obligations.

Mr. Speaker, why has Brazilian President Lula's government so comprehensively failed to honor and respect international law, namely the Hague Convention on the Civil Aspects of International Child Abduction, which it freely,

and without reservation, signed and ratified, to expeditiously return a kidnapped child to the left-behind parent in the country of habitual residence?

David Goldman's 9-year-old son, Sean, was abducted by his now-deceased mother almost 5 years ago. For 5 long years, David, his dad, has sought relief in the Brazilian courts. And with the aid of an extraordinarily talented legal team and a group of dedicated loved ones at home, friends and neighbors, David Goldman has left no stone unturned in trying to get his son back. Because of the Lula Government's complicity and/or incompetence, however, David Goldman has been frustrated at every turn.

Justice was delayed again, thus denied again, earlier today when a clear, unambiguous order to return Sean to his dad and to the United States was frustrated by yet another legal filing.

At its core, Mr. Speaker, it is utterly outrageous that Lins e Silva, a well-connected lawyer, who is not Sean's father, continues to

hold Sean. By abducting a boy that is not his son, Lins e Silva commits what is among the most cruel, unethical and brazen acts of continuing illegality imaginable. Even Brazilian court-appointed psychiatrists have said that with each passing day, Sean is being harmed by his continued abduction.

This week, Mr. Speaker, all of us involved in the case were cautiously optimistic about a positive ruling by a Brazilian federal court judge ordering the abductor to turn Sean over at the U.S. Consulate in Rio de Janeiro at 2 p.m. today so that David could immediately bring his son back to the United States.

Sadly, it didn't happen. A new appeal, filed by individuals associated with the abducting party, has resulted in the Brazilian Supreme Court suspending the federal court's order to return Sean. This filing apparently seeks to nullify Brazil's obligations under the Hague Convention treaty on child abduction, a delaying and obstructionist tactic that will further harm Sean and continue the extreme agony of his father. We have been told that perhaps the Supreme Court will decide the case by next week. Yeah, we'll see.

I would note parenthetically that if a political party in Brazil, and they are the ones who brought the case, wants to challenge

Brazil's accession to the Hague Convention, or any part of it, it should do so without taking Sean Goldman hostage.

Enough is enough, Mr. Speaker. It is long past time to bring Sean Goldman home. The Brazilian Government must more fully understand that these reckless legal maneuverings which have no finality or compassion or justice and bring dishonor on the Brazilian Government. How long will President Lula allow this disgraceful charade to continue?

Let me be clear on this, Mr. Speaker. Our argument isn't with the Brazilian people, for whom I have deep affection and admiration, as do my colleagues in this Chamber. Many Brazilians have supported David Goldman's quest for justice against two wealthy and politically powerful families that brazenly abuse their connections and exercise grossly undue influence over certain parts of the Brazilian judiciary.

The Lula Government has failed to honor its commitments under international law. And because of that, a son has been deprived of his father, and a father has been deprived of his son.

That is unconscionable.