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Rep. Chris Smith
Introduction of Japan Resolution
Press Conference
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Americans rejoiced this past Christmas Eve when, after over 5 years of cruel separation, David Goldman was reunited with his abducted son Sean and flew home to New Jersey from Brazil.

Today, members of Congress from both sides of the aisle and left behind parents reiterate, recommit, and restate our absolute resolve to take care of unfinished business—the reunification of an estimated 2,800 American children who have been severely victimized by an abducting parent.

International child abduction has risen by 60% over the last three years. This problem is becoming a worldwide epidemic and the U.S. government must have stronger tools—tools of high level advocacy and sanction authority in order to encourage countries to make resolving abduction cases a priority. Consequently, I, along with over 40 cosponsors, have introduced H.R. 3240, the International Child Abduction Prevention Act (more on this later).

Japan currently has no mechanism for resolving international child abductions. When an American parent who has taken every legal precaution to ensure their child is not abducted to Japan realizes that their child has disappeared—their heart breaks and a lifetime of waiting and pleading for action by both the U.S. and Japanese governments begins.

The resolution we are introducing today, H. Res. 1326, is a serious call to the government of Japan to end its complicity and/or indifference to child abduction. American patience has officially run out. Japan's continued disregard for the rights of American children within their borders is driving a revolution in American diplomacy—changes that will involve sanctions for countries that continue to be non-cooperative and to enable abductors.

Patrick Braden is one such father. In 2006, Mr. Braden's infant daughter was abducted from her home by her mother in violation of Los Angeles Superior Court orders giving both parents access to the child and prohibiting international travel with the child by either parent.

Mr. Braden took every possible legal precaution to protect his daughter from abduction and to maintain his presence in her life as her father. But, because of the covert and illegal actions of the mother, he has been cut off, and worries constantly that his daughter is being abused by a grandparent.

Likewise, Sergeant Michael Elias hopes and waits and pleads with two governments to work out some way of reuniting his family. While stationed in Japan, he met the woman who would become his wife. She came to the United States and they were married in New Jersey in 2005. Little Jade Maki Elias was born in 2006, and little Michael in 2007. Sadly, his wife started an affair while Michael was on active duty in Iraq.

Their marriage came to an end in 2008, with a judge granting both parents custody and requiring the surrender of the children's American and Japanese passports because their mother had threatened to abduct the children. Tragically, the Japanese consulate reissued Japanese passports for the children in violation of the valid United States court orders restricting travel and in violation of United States Federal criminal parental kidnapping statutes.

Sergeant Elias has not seen his children since 2008. And the Japanese government has done nothing to assist in their return or in the return of Patrick Braden's daughter.

For fifty years we have seen all talk and no real action on the part of the Japanese government. Japan has never issued and enforced a legal decision to return a single American child. The circumstances of each particular situation seem not to matter. Once in Japan, the abducting parent is untouchable and the children are bereft of their American parent for the rest of their childhood.

France, Canada, and the United Kingdom have also repeatedly asked Japan to work with them on returning their abducted children. Japan's inaction on this issue is a thorn in the side of their relations with the international community.

The resolution we have introduced today lays out in detail our concerns with Japan's harboring of child abductors and specific actions Japan should take to resolve the current abductions cases and to clear its name of being a child abduction destination of choice.

First, especially in light of the Elias case, Japan must ensure that its consulates are not accessories to parental kidnapping. This is completely unacceptable behavior within U.S. borders and Japan must put in place a system that stops the issuing or reissuing of passports without the explicit and verifiable consent of the American parent.

Secondly, Japan must establish a mechanism for fairly resolving the 85 cases involving 121 children currently within its borders. Their flat out refusal to work with the United States on individual cases involving American citizen children is beyond preposterous and encourages damage to children and families.

Thirdly, Japan should consider signing the Hague Convention on the Civil Aspects of International Child Abduction. The Hague Convention, if properly enforced, would set up a

framework for resolving future cases—and act as a deterrent to parents who now feel like they can abduct their child and never be caught.

Finally, Japan must recognize the terrible damage to children and families caused by international child abduction. Children who have suffered an abduction are at risk of serious emotional and psychological problems and have been found to experience anxiety, eating problems, nightmares, mood swings, sleep disturbances, aggressive behavior, resentment, guilt, and fearfulness, and as adults may struggle with identity issues, their own personal relationships, and parenting.

For the record, H.R. 3240 is a bipartisan initiative that borrows on proven, best practices from other human rights laws—such as the Victims of Trafficking and Violence Protection Act (PL 106-386)—International Religious Freedom Act of 1998 (PL 105-292).

Specifically, HR 3240 seeks to: (1) establish an Ambassador-at-Large wholly dedicated to international child abduction; (2) establish a robust, fully resourced office within the State Department to aggressively work to resolve abduction cases; and (3) prescribe a series of increasingly punitive actions and sanctions the president and State Department may impose on a nation that demonstrates a “pattern of non-cooperation” in resolving child abduction cases.

Now is the time for Japan to work together with the United States. We look forward to a positive response to our very serious request.