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Japan Abductions Resolution  
Consideration of H. Res. 1326  
Excerpts of Statement of U.S. Rep. Chris Smith Floor  
September 24, 2010

The resolution we are considering today, H. Res. 1326, is an urgent appeal to the Government of Japan to end its complicity and/or indifference to international child abduction. American patience has finally run out.

At present, at least 136 American children are being held in Japan against the wishes of their American parent, and, in many cases, in violation of valid U.S. court orders. According to the Department of Defense, in 2009 alone, 10 American children were abducted to Japan from members of the U.S. armed forces. It is simply unacceptable and unconscionable that today, Japan still has no mechanism to equitably issue and enforce a return or visitation order for abducted children. It is intolerable that the lawless and damaging act of child abduction goes unpunished in a civilized nation.

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.

Patrick Braden is one such father. Mr. Braden took every possible legal precaution to protect his daughter from abduction and to maintain his presence in her life as her father. However, in 2006, Mr. Braden's infant daughter, Melissa, 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 has been unjustly cut off from his daughter by the covert and illegal actions of the mother, and daily worries that his daughter is being abused by a grandparent who has a history of abuse.

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. Jade Maki Elias was born in 2006, and 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.

And the list goes on. Chris Savoie's children, Isaac and Rebecca Savoie, were abducted in 2009 to Japan by their mother in violation of a Tennessee State court order of joint custody and Tennessee statutes. As a result of the mother's selfish actions, Mr. Savoie has been awarded sole custody of the children, but Japan will not recognize either the joint custody or the sole custody award. Although Chris is the children's father, the Japanese government will not enforce any access or communication with his children.

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 abduction 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, Italy, New Zealand, Spain, 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.

Japan's current inaction violates its duties under the International Covenant on Civil and Political Rights Article 23 to uphold the equal rights of both parents and not to completely and unjustly ignore the rights of one parent. H.Res. 1326 calls on Japan to immediately and urgently establish a process for the resolution of abduction and wrongful retention of American children. Japan must find the will to establish today a process that would justly and equitably end the cruel separation currently endured by parents and children.

H.Res. 1326 also calls on Japan to join the Hague Convention on the Civil Aspects of International Child Abduction. This Convention sets out the international norms for resolution of abduction and wrongful retention cases, and would create a framework to quickly resolve future cases—and act as a deterrent to parents who now feel like they can abduct their child to Japan and never be caught.

In light of the misuse of Japanese consulates in the Elias case, H. Res.1326 also calls on Japan to ensure that its consulates are not accessories to parental kidnapping. 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.

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.

I urge my colleagues to support H.Res. 1326, calling to Japan to end the child abuse of international child abduction.