

All Talk, No Action on Stolen Children

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Although Congress has called on foreign nations to abide by the Hague Convention on parental child abductions, the U.S. government is not really offering parents much help.

Secretary of State Colin Powell talks tough when it comes to asking for the return of thousands of America's forgotten kids who have been abducted by estranged spouses to foreign countries. He recently testified before the House International Relations Committee that he would give "personal attention" to this issue being raised by Lady Catherine Meyer, the wife of Sir Christopher Meyer, the British ambassador to the United States. She has not been allowed to see her children, Alexander, 15, and Constantin, 13, for a total of more than 24 hours since they were abducted to Germany in 1994 by her former husband.

Powell since has promised to reach out to political leaders to intervene on behalf of American children being held abroad in contravention of American court orders. But then so did former secretary of state Madeleine Albright under pressure from Insight at the end of her tenure. Little happened, and parents fear Powell may be on the same road.

Parents don't want to admit it in public, but privately they tell Insight that when a child is kidnapped by an estranged spouse to a foreign country the odds are that he or she never will be returned home. Since 1995, for example, only 37 percent of such kidnapped American children have been returned from Germany. More than 100 children are trapped there now, reports Sen. Mike DeWine, R-Ohio, in a letter to Powell urging him to make international parental abduction a priority issue.

DeWine recently sponsored a resolution that passed both the House and Senate, calling on Germany, Austria and Sweden to honor Hague Convention obligations. The 1980 Hague Convention on the Civil Aspects of International Child Abduction is an agreement signed by about 60 countries, including the United States, that seized children should be returned to their country of habitual residence where a court can decide custody.

"Unfortunately, it has become clear that all countries that have signed the Convention do not take their obligations seriously," DeWine told Powell in a letter obtained by Insight. "I look forward to working with you and the Bush administration in making the return of all internationally abducted children a top foreign-policy priority."

It remains to be seen whether that will happen. Especially if the United States does no more than rely on the Hague Convention, which is "rarely a remedy in foreign courts and too often an instrument of terrible injustice in American courts," says Thomas Johnson, whose 13-year-old daughter, Amanda, was abducted in Sweden by her Swedish-born mother nearly six years ago. Johnson, a lead attorney for the Bureau of Population Refugees and Migration at the State Department is no friend of the Consular Affairs Bureau, three floors above his own office at State. It is Consular Affairs that oversees the international abduction cases.

Johnson points out that his daughter should have been returned under the Hague Convention, but instead the authorities dragged their feet for two years until the Swedish courts ruled Amanda had become a habitual resident of Sweden, a key component of the Hague Convention. Johnson not only lost his daughter, he was made to pay child support to the kidnapper.

Parents view the Hague treaty as a diplomatic black hole, routinely violated. Tom Sylvester of Cincinnati, for

instance, won court decisions in both the United States and Austria ordering his ex-wife to return his 6-year-old daughter, Carina. The runaway wife simply refused. Rep. Steve Chabot, R-Ohio, has met with Powell about the Sylvester case, and Powell promised to work to resolve the issue. That was four months ago and nothing has been accomplished. Sylvester hasn't been allowed to see his daughter since her abduction in 1995.

Some parents such as Persian Gulf War veteran Joe Howard, a soldier whose 11-year-old daughter, Priscilla, was abducted to Germany six years ago, chose not to file a Hague complaint. Howard notes that Lady Meyer has spent \$200,000 and used all her diplomatic connections without getting her boys back from Germany. "I'm a poor soldier," he says with deep sadness. "I don't even have an address or phone number for my child. I just can't afford to file a Hague petition."

In those countries that don't recognize the Hague treaty, including most of the Middle East, return of the seized American children seems all but hopeless. There are occasional exceptions, of course, such as that of courageous Dria Davis, who successfully engineered her own successful escape from Saudi Arabia when she was 13 years old after abuse by her father and relatives. Telephone conversations with her mother detailing that abuse had been taped secretly and the tapes delivered to Congress, President Bill Clinton and then-first lady Hillary Rodham Clinton, who simply ignored the child's tears. This left Dria no choice but to attempt a death-defying escape (see "A Great Escape," Feb. 14, 2000).

Dria was lucky. Being a 13-year-old girl in Saudi Arabia sometimes can mean a forced marriage. That is a constant fear for mothers such as Pat Roush and Maureen Dabbagh whose daughters are being held in the Middle East. Roush's girls, Alia, 22, and Aisha, 19, were abducted 15 years ago to Saudi Arabia, while Dabbagh's daughter, Nadia, now 10, was taken six years ago to Syria.

Other parents get a lucky twist of fate as did Jean Henderson, whose 14-year-old son Roman was returned voluntarily last year after the boy's life had been put at risk by being shuttled through war-torn Bosnia, Croatia and the Middle East. When the father became terminally ill he at last returned Roman. The State Department chalked the Henderson case up as a success for its diplomacy although the U.S. government played little role in the return.

On Capitol Hill progress has been slow. A series of congressional hearings, General Accounting Office investigations and legislation helped create awareness of this tragic problem among senators and congressmen, but it may have gone all for naught. When Rep. Ben Gilman, R-N.Y., former chairman of the House International Relations Committee stepped down from that post, parents lost not only a key advocate but also staffer John Herzberg, who quietly worked behind the scenes to free their children. Herzberg was not retained by Gilman's successor, former House Judiciary Committee chairman Henry Hyde of Illinois. The result? The House passed the State Department's authorization bill without including many of the child-abduction initiatives Gilman had fought to include.

For example, Gilman wanted to require State to publicize the number of cases in which children were returned home instead of hiding behind claims that cases were "resolved." Johnson's case, for example, is considered resolved even though his daughter, Amanda, remains in Sweden because the State Department defaulted on its obligation to press the matter until a Swedish court gave custody to the kidnapper mother.

"We want to know how many kids have actually come home," Johnson insists. "Let's force the State Department to list the countries that don't have comparable contempt-of-court laws. Right now the language in the bill is so garbled it leaves out most of the countries violating the Hague agreement. We want language in the bill that is so black and white that State will have no wiggle room." And Johnson says they want State to list countries in their annual human-rights reports that detain children illegally. But without the House pushing to clarify the language in the latest authorization bill, parents fear the Senate

will do little to require the State Department to clean up its act. That's what happened last year when the Senate refused to require State to label these abuses as violations of human rights.

Andrew Bowey, a Georgia father who lost his job as a computer-systems analyst and exhausted his savings on legal bills in his fight to bring his children home from France, is as cynical as he is angry. As he put it to Insight: "Children are expendable to the damn government. Look, I didn't start out like this, but I am frustrated and bitter."

Who could blame him? Only a few months ago Bowey was hunted down by the FBI after his French wife brought charges against him, falsely claiming he was not the biological father of his son Thomas, 7, and daughter Grace, 4. "The FBI grabbed me and threw me down to the ground with a gun pointed in front of my head," Bowey recalled. "It happened right in front of my children on the steps of their school. My little girl was in shock. It was just like the Elian Gonzalez case."

Bowey was arrested and told he would be extradited to face kidnapping charges in France. A state court issued an order forbidding the mother from taking the children to France until Bowey had a fair hearing. Too late. She simply ignored the court and took flight with the children to France with the help of a French consular official. "The French official should be expelled," says Bowey. "But the State Department did nothing." A contempt-of-court order was issued by the American court against the mother to no avail.

After keeping Bowey in jail for 22 days, prosecutors dropped the charges when it became clear he indeed was the biological father. Now he has returned to France to face kidnapping charges. If convicted, he faces 30 years at hard labor. "The French government told me if I don't go back I will never see my children again," he says. "My lawyer assures me that the prosecutors said the charges will be dropped once the evidence is heard. But that could be a ruse to get me to come back. All I can do is the right thing - and my own government is not backing me."

Bowey is not the only wronged father to find himself hunted down by the FBI. International composer Christopher Yavelow was the target of a five-state manhunt and eventually was charged with violating a Dutch custody order for allegedly kidnapping his daughters, Celina, 13, and Stephanie, 10, to the United States from Amsterdam. The case was publicized by CBS This Morning, eventually leading to his arrest. Charges subsequently were dropped, but not before his daughters were taken back against their will to Amsterdam even though evidence was presented that the Dutch custody order was not a valid decree.

Parents wonder why, when a foreign government asks the FBI to issue an arrest warrant against an American citizen it appears to happen quickly, but when the table is turned and American parents ask the FBI to issue international kidnapping warrants, it rarely happens. Warrants have been issued in less than 1 percent of all U.S. parental-abduction cases involving international travel.

Powell has his hands full. But it is a matter of considerable hope among these distraught parents that the State Department's No. 2 official, Richard Armitage, will take a sympathetic look at the problems Insight has raised in the series of stories outlining this troubling issue (see "International Child Abductions" in the archive of investigative stories at Insightmag.com). Armitage, who has adopted children and been a foster father to dozens, might be exactly the right person at the right time for parents desperately looking for someone to take charge, Johnson says.

In the meantime, anger and frustration filled the hearts of many of these victimized parents again this year as they prepared a march on Washington for June after PARENT International (Parents Advocating for Recovery Through Education by Networking Together) concludes its annual convention. The pain these parents share chiefly has been targeted at the State Department's Consular Affairs Assistant Secretary Mary Ryan, who has had the primary responsibility for overseeing international-abduction cases.

Ryan never has bothered to attend any of the conferences held by PARENT and is not likely to make an appearance in June. Instead she has boasted that 386 children have been returned to the United States since 1997 and another 109 parents have won visitation orders. She does not say this includes voluntary returns and visitation orders that have been routinely violated.

She turned her back again on the aggrieved American parents by rejecting pleas from both Johnson and Sylvester for them to attend the annual spring Hague conference in the Netherlands on this issue. Ryan said she feared that parental presence at the international European meeting would jeopardize efforts to raise broad issues, but she promised to bring up individual cases as examples, according to State Department letters obtained by Insight. Her fear was unfounded, Johnson points out, because parents attended Lady Meyer's International Centre for Missing and Exploited Children (ICMEC) conference in November and did raise individual cases. Meyer was allowed to attend the Hague conference because she is the president of ICMEC, but all other parents who lost children were forbidden to attend.

"That says it all," says a disappointed Johnson. This, however, comes as no surprise to parents who consistently have been left in the dark about their missing children. Parents say requests to see the State Department files on their kidnapped children have been stonewalled. Those who did see their children's case files found they included derogatory notes and comments. One grief-stricken mother learned she was referred to as "mentally unbalanced" and a Texas father found a caseworker had stated about him, "His name is Bubba - that should tell you something about him."

More than a dozen parents came to Insight requesting help in obtaining the State Department files on their cases. Two years ago, this magazine filed a Freedom of Information Act request seeking their files in all related agencies. As of May 2001, Insight had received only six case files.

These files are composed of e-mail and correspondence from caseworkers, FBI reports, embassy cables, court filings and passport documents. Buried within each file is disturbing news that leaves more questions than answers. For instance, Florida father John Trout, whose 6-year-old daughter, Vivian, was kidnapped in 1997 to Spain, learned that welfare checks had been conducted but that there was no copy of the resulting child-welfare report. "I wonder why?" Trout asks bewilderedly. The State Department allegedly withheld those records to protect the mother's privacy.

Texas father Lawrence R. Whyte is dumbfounded that he had to wait two years to get the file on his little girl, Nina. "What possible reason could there be for them to withhold almost 20 percent of the documents pertaining to my case?" he asks Insight. The State Department claims that many of the documents are withheld for privacy reasons involving others, which could include the estranged spouse or relatives and other witnesses.

The files also suggest parents have to be careful who they trust. Yavelow's FBI file shows that an unnamed member of the staff of Sen. Jesse Helms, R-N.C., agreed to work with detectives to capture him. The FBI notes, "It was agreed that a detective would help write any e-mails coming from the senator's office." Yavelow had reached out to Helms in hope of testifying at a congressional hearing on child abduction. In another file, parents learned of an apparent "mole" within the parent group, who was providing the State Department with related negative news, editorials and even word about forthcoming Insight stories as a sort of "heads up."

The mole is evident in the State Department file concerning Arkansas mother Margaret McClain, whose 8-year-old daughter, Heidi, was kidnapped to Saudi Arabia in 1997. The file appears to show the State Department monitoring critical correspondence written by McClain and other members of the PARENT organization. It contains photocopies of printouts from her defunct Heidi's Hope Website, discussions of potential boycotts of companies believed actively to support the withholding of kidnapped children in Middle

Eastern countries and letters from Arkansas Republicans, Gov. Mike Huckabee and Sen. Tim Hutchinson, calling on the State Department to help bring Heidi home. Political pressure appears to motivate caseworkers to respond more quickly

The file even contained a letter McClain wrote to Insight criticizing the State Department, as well as a note from a caseworker noting that Insight had written an article that "really blasted the Department."

And the file further shows that an unknown parent sent a warning e-mail message on April 9, 1999, to McClain's former caseworker, Stephen Sena, concerning a McClain letter to Insight magazine. A copy of her letter was attached to the e-mail, along with a note saying: "Well, this is some more of what is being distributed through the 10 million-strong PARENT e-mail list. Sorry you have to see this but thought you ought to know. Hey, I think you guys are great and I honestly owe State my life and, without you guys, I would have never had the relationship I have today with my kids."

Sena no longer is McClain's caseworker. "He was a loser," she says. "He was deadwood. He never returned my phone calls. They couldn't even locate my daughter. In fact, Mary Ryan didn't even know my child was a girl. She kept saying, 'I'm sorry your son was kidnapped.' I couldn't believe they couldn't locate my daughter. We found out where she was by calling directory assistance."

But McClain says she already sees a positive change under the Bush administration. Her new caseworker, Ruta Elvikis, arranged two child-welfare visits with State officials, including a six-hour visit at a McDonald's, from which McClain learned that her daughter is at least fluent in English. And this mother now is working with Rep. Marion Berry, D-Ark., and Sen. Hutchinson to obtain a visa for an arranged visitation to which the father has agreed. She hasn't seen her daughter since Heidi was kidnapped four years ago. But unfortunately, she says, Elvikis is moving on to another position. "It figures," she says. "Just when they get good at their job, they take them away."