

# America's Forgotten Kids

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**The nation is struggling in the throes of the Elian Gonzalez case but, despite the attention paid to the plight of the Cuban boy, kidnapped Americans continue to rate only a nod.**

Asked to summarize the General Accounting Office, or GAO, report on parental child abductions, a source close to the congressional probe calls it “pretty weak.” Left-behind parents charge the yearlong study adds nothing new and call it a major disappointment. They complain that the study failed to address concerns raised by Republican Rep. Benjamin Gilman of New York, who requested the probe as chairman of the House International Relations Committee. Even Gilman’s letter of request is not included.

But Gilman says the GAO inquiry is only a first step and promises to continue to press the issue. Insight since has learned that Senate Foreign Relations Committee Chairman Jesse Helms of North Carolina has asked the GAO to review every case of international child abduction in the last 10 years involving Germany, Austria and Sweden — three of the most egregious offenders of the relevant provisions of the Hague Convention of 1980. In that treaty 53 countries agreed promptly to return children wrongfully detained in another member’s country.

The GAO report, “Specific Action Plan Needed to Improve Response to Parental Child Abductions,” cites a need for improved diplomatic efforts to recover the missing children; weaknesses in the State Department’s system for tracking cases; the absence of counseling and financial-support services to assist left-behind parents; and the absence of any plan of action at either State or Justice for dealing with the problem. The report criticizes the Justice Department for indicting only 62 kidnapper parents and obtaining just 13 convictions, but fails to discuss the role and effectiveness of the National Center for Missing and Exploited Children, or NCMEC. For that matter, the GAO fails to note that State has yet to establish an advisory panel on parental child abductions as suggested by the Hague Convention.

What’s troubling to some parents interviewed by Insight is that while the GAO began investigating this issue last year in January, none of the information gathered between January and April was included in the report. One reason might be an Insight revelation last year that a senior GAO investigator had been removed from the investigation after his findings rattled the status quo (“Justice Ignores Stolen Kids,” Nov. 29, 1999).

In fact, one of the key leaders of the original investigation team was grilled by his supervisor, Boris Kachura, after an Insight story (“State Abandons Kidnapped Kids,” June 14, 1999) suggested the GAO was being pressured by Kachura to tone down the report. Insight sources claimed Kachura made it even more difficult for the first team by pulling two of the three investigators — and subsequently the team leader — off the

project because someone believed they were biased on behalf of the children. As a result, the bulk of the first team's work will be ignored unless Gilman or Helms calls that team to testify. Kachura declined comment.

The GAO report fails to discuss the State Department's reluctance to classify these cases as human-rights abuses, which would have required State to list the offending countries in its annual Human Rights Report, leading to the possibility of sanctions. The GAO also failed to evaluate any State Department report on noncompliance with the Hague Convention.

Also missing from the report is the dissenting opinion that the NCMEC provided to the Justice Department's task-force report. The task-force report was produced for Attorney General Janet Reno but was coordinated and written by the State Department with input from Justice and NCMEC (see "State Abandons Kidnapped Kids," June 14, 1999).

The GAO may have wanted to include this: According to internal documents obtained by Insight, NCMEC charged the task-force report is a "victimless document" that does not stress that child abduction is a federal crime or that parents often are left in the dark about their kidnapped children with no recourse but to attempt recovery under dangerous circumstances. The task force even failed to identify the role of the State Department in dealing with Hague-treaty countries that routinely have violated the international pact.

"It is clear that as the months progressed, the participating agencies began to feel uncomfortable with making any real change in their standard operating procedures," NCMEC stated in its six-page dissent. "Rather than an exercise in critiquing and improving agency response, the working group and its policy counterpart engage in an exercise to reinforce the status quo."

For example, in the section on Interpol it is noted that yellow notices for missing children are sent out on behalf of the United States requesting that the other country be on the lookout for the missing child. The task-force report fails to note that only about 33 yellow notices have been issued for children missing in the United States. Yet the State Department claims there are about 1,000 new cases a year.

The task-force report "ill-serves those in a position to make real policy changes by not honestly evaluating the current system and by not focusing on the goal of the process rather than the process itself," NCMEC charged. But the GAO ignored the NCMEC's dissent. Instead, it appears to have relied heavily on caseload information provided by the State Department and only five left-behind parents. It even is unclear whether the GAO reviewed the State Department's records for accuracy.

For example, the GAO does a fairly good job of blasting the State Department for obtaining only a 24 percent closure rate between May 1997 and December 1999 in which the American parent was granted visitation or the child was returned. But the GAO did not investigate whether foreign countries are honoring visitation orders. In fact, many parents are learning that even with an international court order authorizing visits to their

children, estranged spouses still refuse.

That 24 percent closure rate on cases involving kidnapped American children compares poorly with the 90 percent return rate the United States posts in sending children back to foreign countries. Nor was the 24 percent closure rate identified by the GAO consistent with what Mary Ryan, assistant secretary of state for consular affairs, told this magazine on April 19, 1999, in a critical letter attacking Insight for publishing a story detailing the fight of left-behind parents.

“As far as U.S. citizen children are concerned, of the total of 1,124 Hague cases processed by our office from May 1997 to early March 1999, 52 percent, or 580, have been closed,” Ryan claimed in that letter. “This means some type of arrangement, ranging from a visitation agreement, to access by a consular officer, to return of the child to the country of habitual residence, was achieved.”

Ryan told Insight that in 52 percent of the cases that were closed, parental access or the return of the child was achieved, but State tells the GAO that closing a case may mean the parents withdrew; the judicial system refused to hear the case; the child could not be located; or the child turned 16 for Hague-treaty countries or 18 for non-Hague countries. In fact, the GAO learned that of the 2,347 abductions from May to December 1997, 50 percent were closed but less than half (24 percent) of the closed cases (about 553) resulted in the children being returned or the left-behind parent gaining access.

Tom Johnson, a State Department attorney who says his agency could do more for children, has run into roadblocks for six years in attempting to retrieve his now 12-year-old daughter, Amanda, from Sweden. Johnson has taken issue with the State Department’s claim to the GAO that its failure to deal with these cases results from lack of resources. Johnson notes that at one time the State Department had one caseworker for every 150 cases and now the number is about one for every 75. “That’s not a resource problem,” he says. “It’s an attitude problem.”

Some parents learned about that attitude when Insight obtained State Department records showing a caseworker calling parents “mentally unbalanced” and a memo from another about a Texas father that declares: His “name is Bubba — that should tell you something about him.” None of this is in the GAO report.

And it goes on and on. Joe Howard is a father who has been fighting to get State Department records concerning his 10-year-old daughter, Priscilla, since she was kidnapped to Germany five years ago. “I haven’t seen anything about my case,” Howard says, noting he has no idea exactly where his daughter has been taken. But that just changed. Last year, Insight filed a series of Freedom of Information requests and finally has received 18 pages of Howard’s 20-page file. Two pages were held for unknown confidential reasons. In the file are documents from the State Department official who located his child in 1998 and then was discouraged from doing a “pop visit” on the mother and child because the mother might flee.

Parents hope a recently enacted law introduced by Gilman and others will make some difference. It requires State to file a report with each left-behind parent concerning their case. The reports were due in April, but so far no parent has received one. Maybe the GAO just forgot to mention that.