

## State's New Smoke Screen

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### **Out of the glare of the Elian Gonzalez spotlight, internationally kidnapped American children languish overseas as the State Department offers doublespeak to reporters and parents.**

The battle for Elian Gonzalez, the 6-year-old Cuban boy whose mother died trying to get him to freedom in the United States, has elevated the tragedy many American parents face when their children are spirited off to a foreign country by an estranged spouse. It also has been used by the State Department to manipulate a mainstream press that continues to fumble the complexities of this tragic issue.

The State Department has taken advantage of confusion about the broader custody issues in parental-abduction cases to call secret press conferences with a carefully selected group of writers. Insight was not invited to these briefings. Since the troubling stories of how the Justice and State departments have ignored cries for help concerning kidnapped American children were detailed first and exclusively in this magazine, a national news reporter telephoned Insight to ask why this magazine wasn't included. According to reporters in attendance, during the press conference the State Department briefers discussed the Hague Convention — the treaty signed by dozens of countries pledging to honor parental-custody laws. Reporters were kept busy attempting to understand the complex law. Insight since has written to Secretary of State Madeleine Albright protesting the exclusion of its reporters but has yet to receive an explanation.

Parents tell Insight the national press fell for the State Department smoke screen instead of inquiring into how little effort the United States has expended to recover parentally kidnapped children being held abroad. If the Clinton administration wanted to send a message, it easily could have done so when the State Department released its human-rights report, which fails to cite even one country for violating the Hague Convention on custodial parental rights.

Instead, the U.S. position has been made in a five-page declaration from Mary Ryan, assistant secretary of state for consular affairs, to the federal court in Miami handling Elian's custody hearing. Ryan, who refuses to speak to the press, assures the court that her office has done an admirable job of recovering American children kidnapped to foreign countries. About 1,100 cases have been resolved, she contends, without noting that most have ended with voluntary returns in which the administration played no part. Ryan portrays her department's policy as one of advocacy on behalf of parents, such as direct intervention with high-level foreign officials. She insists the United States is "at the forefront in the provision of consular services to its citizens abroad and in its advocacy on behalf of parents seeking the return of their children."

This is the opposite of what dozens of parents have told Insight during the course of its months-long coverage of these tragedies, as well as completely antithetical to the State Department's own testimony before congressional oversight committees. For example, when asked by Republican Ohio Sen. Mike DeWine during a Senate Judiciary Committee hearing if U.S. ambassadors had been asked to intervene in these cases, officials from the State and Justice departments said they had no information whether such cases ever had reached the attention of ambassadors.

Ryan argues that if the United States doesn't send Elian back to Cuba the precedent will hurt the United States' standing in cases involving children kidnapped from the United States. But the fact is, the State Department does an excellent job of returning American children unjustly taken from foreign countries — nearly 90 percent — yet that has done little to prompt foreign countries to return American children removed illegally from U.S. jurisdictions (see "State Abandons Kids," June 14, 1999). The Justice Department even fails to file international warrants in such cases, calling them domestic-custody disputes rather than criminal activity. International kidnapping charges are filed in less than 1 percent of these cases (see "Justice Ignores Stolen Kids," Nov. 29, 1999).

Senate Foreign Relations Committee Chairman Jesse Helms of North Carolina immediately attacked Ryan's assertion that failing to return Elian would have an impact on American children held hostage overseas. "Ms. Ryan fails to detail her own bureau's long record of failure to secure the return of U.S. children from around the world — particularly in the Middle East countries she cites, but even in countries that are allies of the United States and have specific treaty obligations requiring the return of children," Helms said.

He continued: "In testimony to the Senate Foreign Relations Committee and the House International Relations Committee, numerous parents de-scribed the inability of the Department of State to assist in the return of children and the failure of courts in countries like Germany, Austria and Sweden to require the return of, or even visitation with, the children in accordance with their treaty obligations. I and other members of Congress have attempted to highlight these issues and will continue to do so irrespective of this pending immigration matter."

And then there are the children, some of whom now are speaking for themselves and others who have been left behind. Dria Davis, 13, an American child who was kidnapped and held in Saudi Arabia by her father for several years, for example, is filing her own declaration to the court in support of keeping Elian in the United States. In secretly recorded telephone conferences, Davis had begged Congress and the State Department to help her get out of Saudi Arabia, but not one federal agency lifted a finger to help her. She tells how, after being beaten repeatedly by her father, she engineered her own daring escape (see "A Great Escape!" Feb. 14).

Patricia Roush, founder of the Center for Children's Issues, a California-based advocacy group for children abducted and held in foreign countries, says the State Department is using the Elian case as a ploy. "It has nothing to do with international abduction. It has nothing to do with mother's rights or father's rights," says Roush, who has been fighting for 14 years to repatriate her daughters Alia, 21, and Aisha, 18 (see

“Kids Held Hostage,” March 8, 1999). “Elian’s father can come to the U.S. to get his son. I wish I could go to Saudi Arabia to get my children, but the State Department and the Saudi government won’t allow me to do it.”

Armed with documents supporting her charge that the Ryan statement was a collection of polemically framed half-truths, Roush filed a rebuttal in federal court to the assertions. The statement is “totally inaccurate and directly misleading,” Roush says. According to State Department cables concerning Roush’s case and submitted into evidence by her, the State Department has adopted a policy of neutrality with respect to custody claims of American parents rather than trying to get them returned, as Ryan claims.

Roush notes that the State Department told her the only option she had was to bring a custody action in a Saudi religious court, “even though the State Department admits in writing that they have no knowledge of an American or any Western woman ever winning such a dispute.” Consider this when comparing Ryan’s declaration to the court that the United States would not expect surviving parents to have to participate in a “foreign court’s custody proceeding to establish his or her right to assume responsibility for the child.” Indeed, Ryan further states that the United States would “expect any decision about fitness or custody to be made not by a court in the country where the child was found but by a court in the country of the child’s habitual residence.”

Stuff and nonsense, say Roush and the others. She says her daughters should be able to go to a U.S. embassy as American citizens and ask to be taken home. But “they can’t,” she tells Insight. “They should be able to have an escort by Marine guards to the airport, if need be. Instead, the U.S. government makes hypocritical statements to the press. The State Department is obstructive, deceitful and apathetic when it comes to U.S. citizens held hostage abroad. They don’t want to get involved.”

In Roush’s case, in fact, the State Department interfered with a possible return of her daughters despite the efforts of then-U.S. senator Alan Dixon of Illinois, whom in 1986 nearly got the girls home. When it appeared that the girls would be returned, the State Department suddenly sent instruction to the U.S. Embassy in Riyadh not to get involved. Secretary of State George Schultz told the embassy: “At all times, consular officers must attempt to maintain impartiality, regardless of the perceived relative merits of the case, and should avoid attempting to influence either parent in a child-custody case,” according to an unclassified telegram to the U.S. Embassy obtained by Insight.

The U.S. Embassy responded formally to the secretary’s directive in a cable message, also obtained by Insight, arguing to no avail that “we had been operating on the assumption that it was our duty to protect the welfare of U.S. citizens.”

Roush says that as soon as the Saudis learned the State Department was not concerned about the return of her children the climate changed. She says Salch Al-Hejeilan, a member of the Royal Court of the Governor of Riyadh, told her bluntly: “Your government doesn’t care about you, and your State Department won’t help you. You will see your children if and when we decide.”

As for the children, she says in her court filing, “The U.S. State Department’s indifference in my case and the plight of my two daughters has resulted in the tragedy that has remained in my family for over 14 years.”

Roush has not seen her daughters since 1986, when she was allowed two brief meetings. She is trying to arrange to see them again this year but once more has met a bureaucratic roadblock. “I don’t even know if they are alive, to tell you the truth,” she says tearfully. “If Mary Ryan had made a fraction of the effort to get my daughters back that she has to return Elian to Cuba, they would have been home long ago.”