

State Abandons Kidnapped Kids

By Timothy W. Maier

Two State Department reports -- yet to be made public but obtained by Insight -- don't tell the true story of the government's failure to help rescue children abducted to foreign countries.

Whitewash, deceit and cover-up are some of the charges levied by parents against the Department of State concerning two draft government reports on the status of international abduction of children. The reports sidestep concerns raised by Senate Foreign Relations Committee Chairman Jesse Helms of North Carolina during hearings last fall. Moreover, the unpublished drafts fail to portray what really happens when children are abducted by estranged spouses to foreign countries that ignore U.S. laws.

Obtained by Insight as part of this magazine's continuing investigation into official treatment of aggrieved parents caught in international tugs-of-war, the reports deal with (1) the Hague Convention, an international treaty signed by 54 countries that promises the return of abducted children, and (2) a multiagency task-force analysis of the ongoing problems associated with international child abduction.

The first is a 44-page report to Congress on Compliance With the Hague Convention on the Civil Aspects of International Child Abduction. It was written by Mary Ryan, assistant secretary of state for consular affairs, and Barbara Larkin, assistant secretary of state for legislative affairs.

The Hague report is intended to respond to Helms' demands that State produce a list of "all countries" that have failed to return abducted children, a list of all outstanding parental-abduction cases involving European nations, a list of all countries that protect kidnapers and much more. But the authors fail to provide the requested details and, instead, use diplomatic terms and phrases that sources tell Insight are designed to skirt issues raised by Helms and the many U.S. parents clamoring for assistance and an end to stonewalling.

The second document -- a 47-page report titled Subcommittee on International Child Abduction of Federal Agency Task Force on Missing and Exploited Children and the Policy Group on International Parental Kidnapping -- was produced under the auspices of Attorney General Janet Reno's office but coordinated and written by the State Department with input from the Justice Department and the National Center for Missing and Exploited Children, or NCMEC. It is to be delivered to Reno by the end of May.

Neither of these draft reports, which are being circulated within the federal government for comment, deal with the fact that most abducted or illegally detained children never return home. Ryan's report fails even to name the countries involved in protecting child abductors in 84 unresolved cases that are at least 18 months old. Arguments that naming the countries and/or the children might harm ongoing and mostly

private efforts to rescue and return the children are not relevant, say parents and those involved in recovery efforts, since the names and pictures of the missing kids are provided freely by the NCMEC.

When State does list the five worst offending countries in one section of Ryan's report, the children are not identified. The five cited as failing habitually to honor the treaty are Austria, Honduras, Mauritius, Mexico and Sweden.

But conspicuously missing from this list is Germany. That, no doubt, will be shocking news to Lady Catherine Meyer, whose case involving abduction of her two sons to Germany has received wide media attention. She spent \$200,000 in court and legal fees but has failed to get her boys back.

After children abducted by a parent to Germany have lived there for one year, the German courts claim it would harm the child's health to return him or her to the lawful custodial parent in the United States. Joseph Howard, whose 10-year-old daughter Priscilla was abducted by his ex-wife to Germany five years ago, shared with Insight some explosive records he obtained from Germany confirming that country habitually violates the Hague treaty. The State Department's own records show that of 243 such cases filed in Germany there were only 40 court-ordered returns, which is 16.4 percent. Germany's report to the European parliament on Hague cases puts returns at a paltry 9 percent. "These records should be available for every parent," says Howard, who spent 21 years in the U.S. Army, including a tour in the Persian Gulf War. "Why is the State Department covering up for Germany's criminal behavior?"

Howard hasn't filed a Hague petition. "Lady Catherine spent \$200,000 and, with all the diplomatic connections she has, all she got was 11 hours with her two children," he says. "I'm a poor soldier. I don't even have an address or phone number for my child. I just can't afford to file a Hague petition."

So Howard turned to the Department of Justice seeking an international-fugitive warrant. Justice refused, saying such a warrant would prevent the mother from ever returning to the United States to challenge the U.S. court's custody ruling. It turns out that federal warrants are issued in less than one-tenth of 1 percent of international parental-kidnapping cases. As Howard observes, "Parental kidnapping is therefore an easy, viable way of obtaining custody or changing an American custody order."

Senate sources charge that the "Reno" task-force report champions the process but fails to explain how the system is broken and needs to be fixed. As one government source familiar with this multiagency report says, "The State Department knows that parents have two choices: Write off the child or do a rescue mission." The task-force report even fails to show that foreign countries have little respect for U.S. laws or court orders in these matters and often lack procedures to enforce access or visitation, the source says. It often paints the crime as victimless and neglects the fact that parents as well as children are victims of this combination of foreign-treaty violations, unenforceable laws, prosecutorial discretion and the unwillingness of the State Department to rock the diplomatic boat, even to protect kidnapped children. And neither report so much as suggests that the NCMEC might deal as effectively with the outgoing cases as it does with the incoming cases where children are abducted from a foreign country and taken to the United States. Here such cases are handled quite effectively, with a 90 percent return

rate. "The national center is frozen out of all the outgoing cases," says a senior government insider close to the issue.

Nancy Hammer, director of the NCMEC, says the national center should be involved in these cases, but "I guess we could upset foreign countries and be blamed for destroying relations." The Reno task-force report suggests that might be something to discuss, which infuriates advocates at the NCMEC because nowhere in their charter are they restricted to helping only parents whose children still are living in the United States.

Questioned generally about the multi-agency report drafted for Reno, Hammer faxed a statement to Insight explaining that the NCMEC did not participate in the policy group that authored the task-force report but is familiar with its findings. "This type of interagency communication and cooperation has been needed for a long time," the statement says. "Although we are optimistic about more pro-active involvement by individual agencies, actions speak louder than words and the true level of commitment on the part of the government to the victims of international child abduction remains to be seen."

She elaborates in a telephone interview, characterizing the task-force report as "glorifying the process," which includes federal responses, civil remedies and international treaties. "In reality that's about how one or two cases are handled and it is by no means the majority of cases," she says. Hammer couches her words carefully, perhaps sensitive to the need to maintain a civil working relationship with the State Department, but sources close to the NCMEC tell Insight the national center is exasperated by the lack of cooperation from State.

The multiagency task-force report says the State Department has no idea how many international parental abduction cases there have been, but State acknowledges handling 11,000 such cases since the 1970s. Ryan relies on Hague figures to suggest success of the process, failing to note that many of these are incoming cases in which children abducted illegally to the United States are returned. And these numbers leave out the many cases involving abduction to most of the Middle East and other non-Hague countries.

Regardless, Ryan now tells Insight that of 1,124 Hague cases processed from May 1997 to March 1999, 52 percent or 580 have been "closed." She does not say how many children were returned to the United States. Parents tell Insight they expect Helms to ask that question and get an answer. They think the number is so low as to be appalling.

Helms was unavailable for comment. But sources tell Insight the Senate Judiciary Committee is anxious to hold hearings once the multiagency Reno task-force report is released. Says one committee source, "This administration cares more about foreign relations than about American children. It's ludicrous."

Once the hearings begin, the Judiciary Committee may want to find out whether the State Department suborned witnesses in prior testimony to downplay criticism, according to sources who claim this happened during Helms' hearings last fall. The Judiciary Committee also should bring in the General Accounting Office, or GAO, investigators who were tasked to conduct a probe into the matter by House International Relations Committee Chairman Benjamin Gilman of New York. Insight has learned the GAO

probe, expected to be completed this month, has run into some major roadblocks. Sources in and out of government charge the State Department has been less than cooperative with GAO investigators, and there appears to be some political hardball being played inside the GAO office with senior management officials withholding the resources and manpower necessary to do a thorough job. As one insider says, there is a major split with some investigators wanting to come down hard on the State Department for incompetence and higher ups pushing for a "toned-down" report.

When Insight shared some of the findings in these unpublished State Department-led reports with parents who recently attended the 1999 International Parental Abduction Conference in Arlington, Va., most were deeply disappointed. Particularly upsetting was a task-force declaration that these are "private custody disputes" and the general omission of concern that prosecutors refuse to enforce or implement the 1993 International Parental Kidnapping Act, resulting in virtually no convictions. Instead, the Reno task-force draft reaffirms the view of the State Department's Ryan, author of the Hague draft report, who criticized "Kids Held Hostage" (March 8) in a long letter published by this magazine. Ryan's letter and, in particular, the labeling of these kidnappings as "custody disputes," have raised the ire of frustrated parents who carry around briefcases of custody orders, copies of international warrants and receipts showing their expenditures of hundreds of thousands of dollars. Many have bankrupted themselves fighting corrupt foreign courts unwilling to honor international law and a reluctant Justice Department unwilling to file for international criminal-arrest warrants.

When Insight showed some of the parents that Ryan's Hague report listed unresolved cases but omitted names, some searched in vain for their cases by reading the descriptions. The State Department just closes cases if it decides there is no chance of ever bringing the child home, parents charge, something senior department officials recently have confirmed to Insight.

At the end of their conference the parents gathered outside the White House and held a candlelight vigil in hope of turning their cases into a human-rights crusade. Despite first lady Hillary Rodham Clinton's snub of the Arlington conference, and following Insight's May 10 follow-up story, "Kidnapped Kids Cry Out for Help," comments by the first lady at a separate British Embassy fund-raising event have given hope to these grieving and angry parents that their cause yet may receive official support. Clinton told those gathered at the \$500-per-plate dinner, "This is an international issue, and this is a human-rights issue."

But parents wonder if that is mere lip service. A recent internal teletype memo obtained by Insight and sent from a U.S. Embassy in Europe to Secretary of State Madeleine Albright suggests Hillary may have spoken out of turn. The teletype cautioned against turning parental-abduction cases into human-rights issues. The U.S. ambassador is hesitant "to have this matter raised in the Human Rights Report until it could be determined that there was a clear pattern of such an abuse."

With parental abductions climbing into the thousands, and more and more studies showing that children are psychologically and sometimes physically harmed by these kidnappings, aggrieved parents wonder how many more cases it will take to convince the State Department and the White House to take this matter as seriously as the Justice

Department and the Clinton administration take cases of domestic child abduction. "It may never happen," says an inside source. "As soon as the bureaucrats can say this is a custody case and not a human-rights violation or crime, that gets the government out of the problem. So both the State and the Justice departments have a vested interest in labeling it just that -- child-custody cases. Then they don't have to monitor anything."

Indeed, the Reno task-force report claims: "The federal government has limited power to respond to international abductions once the abductor and child reach a foreign country." But parents see this as a bold-faced lie, considering such potential remedies as freezing financial assets of kidnappers who continue to do business in the United States, denying visas and passport renewals to kidnappers and their families or even cutting off U.S. assistance to countries such as Egypt that continue to hold American children illegally.

Many victimized parents expect little to result from these two yet-to-be-released reports. While the Reno task-force report advises greater access to files for parents concerning their cases, internal documents reviewed by Insight show the State Department consistently refuses to provide records and has opposed all legislation that would require annual audits or greater openness on this issue. Some records belittled the parents, calling them "mentally unbalanced," or showed that the State Department had been advising the kidnapper about obtaining an attorney.

Tom Sylvester of Ohio knows this all too well. His 13-month-old daughter Carina was abducted by his ex-wife to Austria in 1995. Sylvester can't get the State Department to press Austria to abide by the Hague rules, even though the Austrian courts have granted him custody. Convinced of a cover-up, he filed a Freedom of Information Act request two years ago for all the records concerning his child. Not one response. Parents whose children are caught up in this international shell game say this is a too-familiar pattern.