

Testimony of
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U.S. House of Representatives
Committee on Foreign Affairs, Subcommittee on Global
Health, Global Human Rights, and International Organizations Hearing

“The Goldman Act Turns 10: Holding Hague Convention Violators
Accountable and Bringing Abducted American Children Home”

Tuesday, September 10, 2024

Thank you, Chairman Smith, Ranking Member Wild and to the committee for inviting me here to share my expertise and personal experience on the ongoing crisis and crime of international parental child abduction. I request that my written testimony be entered into the record.

Over the past 14 years of advocacy for others and in my own personal efforts to locate and reunite with my kidnapped son, “Mochi” Atomu Imoto Morehouse I have been told when our children are adults, they will be free to contact their seeking parent. I understand those in the general public and government are trying offer kind words of support. These are naive words that dismiss the opportunity to engage and do more for the 30,000 U.S. children kidnapped to a foreign country since 1994.

Victims of international parental child abduction do not magically reunite with the seeking parent when they become adults. They have been indoctrinated for years by the abducting parent in myths that become their reality. Reunification staff at the National Center for Missing and Exploited Children has previously shared with us that most victims are taught by their kidnapper that: 1) the other parent does not want them; 2) they are dangerous and harmful; 3) they are dead; or 4) the other parent is unknown.

The U.S. Supreme Court has recognized that family abduction—

(1) is a form of child abuse with potentially “*devastating consequences for a child*”, which may include negative impacts on the physical and mental well-being of the child; and

(2) may cause a child to “*experience a loss of community and stability, leading to loneliness, anger, and fear of abandonment.*”

The impact from this crime on the victims is lifelong. In an article in The Sydney Morning Herald, Susumu Wataya bravely shared his experience.

“He says he was beaten when he asked about his father. Then his last name was secretly changed, cutting him off from all future contact.

‘I lost my identity. The pain that this Japanese system causes children is beyond description.’”

Last fall I met Anthony Soma, a 26-year-old man, kidnapped from the U.S. to Japan when he was seven. As a child when he told his mom that he wanted to see his dad, she would get very angry or yell at him. So he gave up asking.

Three years ago, he started to question the stories he was told about his father. He wants to have a relationship with both his parents but he doesn’t want conflict.

Our children are trauma survivors and the trauma doesn’t stop when they become adults.

There should be no more survivors like Anthony Soma who are concerned about conflict when they want to know both parents. There should only be love and support that assists the child to reunite.

Mr. Chairman on April 11, 2024, you hand-delivered a letter Japanese Prime Minister Kishida Fumio following his address to Congress. You wrote, *“To date, more than 500 American children have been abducted to Japan by one of their respective parents and remain separated from their American parent. These abductions often occur against pre-existing court orders and, in some cases, with the passport assistance of the Japanese government.*

For the sake of the children who are suffering, and for the sake of U.S. and Japanese relations, I seek your public commitment to reunite these families.

The U.S. Congress has been united and outspoken on this issue for years, urging your government to work to return American children.”

At the May 22, 2024 Foreign Affairs Committee hearing, Mr. Chairman, you asked Secretary Blinken about the 500 U.S. children kidnapped to Japan.

He answered, *“On child abduction, I’m like you seized with this... ..and when we have countries that are not abiding by the Hague Convention or otherwise engaging in practices that are keeping children away from their parents this is something we take action on and I always welcome working with you on that.”*

I would love to learn about what action they are taking. I have not seen anything of substance to address this ongoing human and family rights crisis. If it does not result in a demonstrable increase in the return of minor kidnapped children and reunification of all the American children kidnapped to or within Japan regardless of age, it is all just words, words, words.

Last month U.S. Ambassador Rahm Emanuel tweeted an acknowledgement of the 10th Anniversary of The Goldman Act. He announced, *“Working together with Japan, the United States is focused on reuniting children with their left-behind parents and supporting families affected by parental child abduction.”*

Are they praising Japan? Is there some new secret plan to actually reunite and support families? Are they just making an unaccountable statement? Carefully, carefully crafted words.

We need actions that lead to results.

Japan took action for the families of the 17 Japanese citizens kidnapped to North Korea between 1977-1983. The past three U.S. presidents have met with their families and made statements of support to the press.

On April 18, 2024, The Associated Press reported U.S. Ambassador to the United Nations, Linda Thomas-Greenfield met with five relatives of the abductees and told them, *“The United States stands with all the families, with all of Japan and with the international community in pressing for a resolution that will allow all families separated by the regime’s policies to be reunited.”*

“I’m all too familiar with the pain and the loss and the suffering that you family members here are experiencing,” she said. “I know how painful it is for you, and then how long you have had to endure this pain.”

I understand enduring pain. These seeking parents behind me understand enduring pain. Seeking parents from all over the globe watching this hearing understand enduring pain. Our children, cut off from knowing their families know enduring pain.

Who is going to take action to end our unnecessary pain?

Unless Japan wants to continue to be internationally known as a black hole for child abduction it is long past time for their government to show good faith and publicly commit to reuniting and returning our children.

There must be a lasting public commitment from the U.S. government that we will continue to help their families, but Japan must help ours.

Full support needs to come from the Government of Japan to locate, fund and provide for the reunification of our kidnapped children with their seeking parents. This should extend well into adulthood. Trained experts who understand the lasting damage of parental child abduction need to be available to assist seeking parents bridge the gap and the barriers created by their kidnapping and hardened by time.

It is estimated that 150,000 children per year and 3 million over 20 years are victims of loss of access to a parent in Japan. The reunification program should include American parents who lived there when they were robbed of parental rights by Japan’s single custody laws.

You may have read that Japan fixed their single custody laws this year in response to international and domestic pressure. They did not.

Under the 2024 amendment to the civil code, joint parental responsibility would be an option in the future, if parents agree. If they don’t agree, a judge could order it, but it is not written into the law to make joint parental responsibility the new standard. It will take two years to implement, meaning it won’t take effect until April 2026. Five years after that in 2031 there will be a review of its effectiveness. I’ve confirmed this summary of the amendment with Japanese MP Umemura Mizuho.

The U.S. Government designated Brazil, India and Japan top three worst offenders of International Parental Child Abduction.

Our Coalition partners at Bring Our Kids Home have pleaded with both the U.S. and Indian governments to establish a joint inter-governmental working group to examine cases and promptly repatriate victimized children to their countries of habitual residence. This would allow competent courts in both nations to make custodial determinations in accordance with the best interest of children. The Government of India has been non-committal at best. While the United

States continues to urge counterparts in India to accede to the Hague Abduction Convention, India has refused to do so.

We've seen this story unfold before when Japan become a signatory in April of 2014. All of the seeking parents were barred from filing applications for return under their implementation of the Hague Abduction Convention. Under the State Department's interpretation of The Goldman Act, 420 children were excluded from determining Japan's noncompliance in the annual report on IPCA. We must not allow this to happen again with the children kidnapped to India or any other country.

Abduction cases from the United States to India, continue to languish, with little hope for victimized American children and families.

The U.S. Government's lack of an effective, systemic response and the State Department's particular failure to utilize escalating and meaningful actions under The Goldman Act to hold the Government of India accountable, continue to inflict pain and suffering for American victims of IPCA.

Argentina, Brazil, Ecuador, Egypt, India, Jordan, Peru, Romania, and the United Arab Emirates have cited for non-compliance under The Goldman Act eight or more years since 2014. Costa Rica and Honduras, six times. Bahamas and The Dominican Republic, four times. Belize, Guatemala, Japan, Lebanon, Republic of Korea, Tunisia, three times. Fifteen other countries have been cited one-two times.

Do you know how many tools provided by The Goldman Act they've used? One. A demarche. A letter. They've sent 159 of them over the past 11 years. When Congress has questioned them in previous hearings, they responded that each tool is carefully considered for the most effective option. Then they send another demarche.

Dr. Jay Sung whose son Bryan was abducted in June 2019 to South Korea and Mike Fallon whose son Michael Jr. was kidnapped there in August 2023 shared their experience. The Korean government, a Hague signatory, sees these cases as family matters and refuses to be involved. When they are asked to take action and enforce return orders, they blame the enforcement officers for their failure. In doing so, Korea allows the abductor to prolong the ongoing child abuse and the seeking parent's suffering. The underlying message is, give up and go away.

We are not giving up on our children and we are not going away.

What can we do today to address some of the problems I've outlined? Represent. Cosponsor H.R.8365 - Sean and David Goldman Act Amendments, get it through committee and to the floor.

Sec. 2 (1) Redefines Abduction Cases to include *“any case reported involving an application filed with the Central Authority of the United States or directly with the foreign central authority by a parent seeking rights of access or return.”*

This addresses the statutory order argument State made for excluding access cases for the past 10 years. Access cases are abduction cases and should not be excluded from the reporting when determining noncompliance.

Sec. 2 (2) amends reporting to APPROPRIATE CONGRESSIONAL COMMITTEES to include Foreign Affairs, Judiciary, Appropriations and Homeland Security in the House and the comparable Senate committees.

Foreign Affairs, Judiciary, and Homeland Security all have oversight for State, DOJ, and DHS, respectively. All of these play a valuable role in a whole-of-government response to this ongoing crisis. Appropriations is vital to appropriate the funds that are allocated. That didn't happen in 2014 for the funds allocated for judicial training.

Sec. 2 (3) changes the definition of a child from "*an individual who has not attained 16 years of age,*" to 18 years of age. This brings it in line with what the U.S. and most of the world recognizes as the age of majority.

Sec. 3 requires diplomatic mission outreach to the victim starting at age 16. This includes attempts to notify victims kidnapped to foreign countries of their rights as a U.S. citizen including the right to a passport. They would continue annually unless the victim, once an adult, requests these cease.

Sec. 4 calls for a study of the grave harm to abducted children and left-behind parents as a result of IPCA. The Supreme Court recognized the devastating consequences of family abductions. The Senate has adopted multiple resolutions citing the harm done by IPCA. DOJ published A Family Resource Guide on International Parental Kidnapping in 2002 and last updated it in 2007. They also published A LAW ENFORCEMENT GUIDE ON International Parental Kidnapping in 2018. There is need for study.

30,000 U.S. children kidnapped to a foreign country since 1994. That is the size of an average American town that has disappeared.

When will we see significant action and a whole-of-government approach to prioritize reuniting families and preventing future abductions?