

March 25, 2015

Subcommittee Hearing on Africa, Global Health, Global Human Rights, and International Organizations/The Goldman Act to Return Abducted American Children

FULL WRITTEN TESTIMONY OF SCOTT SAWYER

Thank you Mr. Chairman and Ranking Member Bass, for your ongoing support in this matter. I ask the Chairman's consent to submit my entire written testimony for the record and submit additional parents' testimony as well.

Although his parents were divorced, my son Wayne benefitted from court orders giving him equal time with both parents. I dropped him off to visit his mother on Sunday December 14, 2008, expecting to see him on Thursday and then bring him over the weekend to the 26th Street Park in Santa Monica, where he enjoyed feeding the ducks. But he was kidnapped from Los Angeles and taken to Japan the next day, at the age of two years, four months old. I have not been able to see him or speak with him since, and intermittent communications with his Mom have not produced any change in that status.

There are other aggravating factors in Wayne's case, including repeated deceptions by Japanese diplomats in the U.S. about the false Japanese passport Wayne traveled under, and his Mom's on-camera confession to ABC News in February 2011. While Wayne played in the background, she chuckled at how easy it was to defeat the passport surrender orders of the Los Angeles Superior Court, deceive the U.S. authorities, and get away to Japan.

The government response to Wayne's kidnapping represents a perfect storm of failure. The LA Superior Court's custody, travel ban and passport surrender orders, designed to prevent his kidnapping, were easily defeated by organized criminal activity. The courts cannot, in reality, enforce their no-travel orders outside of their walls. DHS, TSA and Customs and Border Protection do not have any serious system in place to interdict such kidnappings at airports. The State Department has been discussing cases like Wayne's with Japan for over 20 years with no results, even with all of the attention that this committee has generated over the years, the last several in particular.

Unlike domestic child abductions, in which law enforcement springs into action, the U.S. government expresses no sense of urgency in international kidnapping crimes. Instead the State Department takes the lead, with the cases put on an open-ended, indefinite path to non-resolution. The U.S. State Department can take months, or even years, before making initial contact with the authorities of the countries where the fugitives landed. Meanwhile, in the absence of any strong formal complaint or law enforcement consequences, kidnapper fugitives and their governments become more comfortable in the knowledge that they will never be pursued and that the U.S. government does not consider their crimes, or their child victims, to be a priority.

The unyielding failure endures because in international kidnappings, the U.S. government's handling of the problem does not follow the law and has fallen into the hopeless funk of

institutional drift. On the state level, the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) says that international child kidnappings are to be treated the same as domestic ones that cross state borders. The legislative notes in the 1993 International Parental Kidnapping Crime Act (IPKCA) state that the Justice Department should have primacy in international child kidnappings, with Department of State in a subservient role. Yet after IPKCA's passage, the defined roles have gradually, and extra-legally, reversed. The Department of State, which is not a law enforcement agency, has taken the lead on criminal child abductions, while the Justice Department has filed fewer and fewer IPKCA cases.

A 2009 FBI Inspector General report found that IPKCA cases declined by half from 2000 through 2007. The FBI has the same affirmative duty under the law to investigate and prosecute child kidnappings, whether they are domestic or international. Because State does not as a practice file Extradition warrants for IPKCA cases, including those involving Japan, FBI agents are disincentivized from working up the cases.

Now, State has continued to receive more of this quietly surrendered authority over the crimes. Recently, 11 sections of the International Child Abduction Remedies Act, which was the U.S. Hague implementation law, have been removed from the U.S. Code and put under the State Department. We should also consider that The Hague's Best Practices Guide states that when there is a new contracting state, the first and primary choice for the Central Authority should be the Ministry of Justice, or its equivalent.

This opportunity was apparently missed when the United States acceded to The Hague and then named the State Department as its Central Authority. I believe it might have made a difference for the children in countless international cases of criminal child abduction, had the Justice Department been designated as the U.S.' Central Authority for The Hague.

There is also the issue of inherent conflict of interest. To paraphrase attorney Patricia Apy in a previous hearing, the client of the State Department is not the American citizen crime victim in the street. The client of the State Department is the U.S. government.

Like any domestic kidnapping crime, Wayne has a right to enforcement of the law on his behalf and restoration of his right to both parents. However, once children like Wayne are criminally removed from American soil, the U.S. government, foreign governments, and The Hague, all suddenly disregard that premise, which accrues to the benefit of the abductors. For its part, the State Department Foreign Affairs Manual recommends staff to educate parents about foreign courts and customs, but conspicuously absent are recommendations to direct them to U.S. law enforcement.

The word "Civil" in the Hague's title provides prima facie evidence that it is a deficient and inappropriate instrument for *criminal* kidnapping cases. The Hague's treatment of criminal cases frequently heaps only more injustice and disaster onto the children. Inherent in the Hague process is the contemptuous and rude presumption that existing court rulings of sovereign states in criminal matters are mistaken, and that Hague judges are better able to evaluate and adjudicate entire family law cases in which courts of competent jurisdiction heard the facts and became familiar with the individuals, many times for several years before the Hague's involvement.

The U.S. government's reliance on The Hague as a solution is an immediate disservice to criminally kidnapped children. Furthermore, the Hague process puts a legal custodial parent in the onerous position of filing a Hague case in a foreign land that unilaterally conferred custodial rights on a fugitive and confessed child abductor, with the best outcome being limited, undefined, unenforceable "access"—in Japan. A new international treaty on the *Criminal* aspects of child abduction, composed by police agencies and prosecutors, would better serve the child victims of crime.

The Hague today encourages judicial anarchy. Hague courts accept the 'best settled' argument against returns when the child is held in the new environment over one year. Hague judges sometimes also deny returns when the abductors have warrants out on them. In this way, the Hague judges aid and abet fugitives and are accessories after-the-fact. The Hague's very existence provides criminal fugitives with the benefit of an extra-legal, de facto appellate forum, where they can obtain the imprimatur of an international judicial body on their lawbreaking. A 2011 U.S. General Accountability Office study found that the central reason parents kidnap their children is to unilaterally alter standing court orders. When its esoteric processes frequently result in contradicting previously established court custody orders, The Hague thus joins the kidnapers in undermining the properly issued orders of courts of competent jurisdiction worldwide.

As it applies to Japan, the Hague process, which purports to be pro-child, unilaterally, and without accountability to U.S. courts, the U.S. government, Wayne or his American family, ordains that he will forever be denied that right, and never be made whole, legally or otherwise. For example, before his kidnapping, the California court had guaranteed Wayne enforceable equal time with both parents. When Japan finally acceded to The Hague in April 2014, its signing was not retroactive to open cases like Wayne's. As Japan's implementation of the treaty neared, the State Department relayed from Japan's Foreign Ministry, information and instruction to "non-custodial" U.S. parents, on how they could petition the new Hague courts in Japan for limited "access" to their children in Japan, and obtain MOFA's assistance with navigating the Japanese legal system. Before and since Wayne's kidnapping, I have always been his primary custodial parent, pursuant to the orders of the Los Angeles Superior Court. Apparently, the Japanese government considers all U.S. 'left-behind' parents to be 'non-custodial,' never-minding that Wayne would not be in Japan in the first place if not for several criminal acts committed on U.S. soil by its nationals, with the complicity of the Foreign Ministry.

None of this would be acceptable if the kidnapping crime occurred within the United States. Police agencies do not punt domestic interstate kidnapping crimes to civil administrative bodies. Why does any department of the federal government think this should be acceptable to American parents of children who were criminally kidnapped to countries abroad? The perpetrators of international kidnapping crimes against children continue to exploit the dysfunction of the U.S. government and The Hague, with little fear of ever facing justice.

Let's contrast the governmental response to domestic interstate kidnappings. There are Amber Alerts, interstate police mobilizations, special FBI teams, systematic investigation, arrest and

leveraging of accomplices, apprehension of perpetrators, and frequent returns of the children. It is an integrated response and there are prosecutions and deterrence.

The laws say that children like Wayne are victims of crime, no different than children kidnapped from California to Texas. People would be rightly outraged if the states handled domestic kidnappings like the federal government and The Hague handles international ones.

The State Department has not demonstrated an inclination over the years to serve law enforcement warrants or extradition requests. Through its lack of serious response, the U.S. government has in effect converted statutory crimes against children into civil procedures, and conceded the criminal acts, and the child victims, to the kidnappers.

Then-Assistant Secretary of State Kurt Campbell said a few years ago that talk of extradition made Japan nervous. Then by all means, let us start talking about extradition again, and have law enforcement and the State Department working in tandem, to serve the children's need for robust law enforcement action on their behalf.

The federal government exhibits more commitment, resources, and coordinated, robust law enforcement activity for wild animals and paintings than it does for kidnapped children like Wayne. In 2011, the U.S. Fish and Wildlife Service, with assistance from the United States Postal Inspection Service, U.S. Immigration and Customs Enforcement's Homeland Security Investigations, and U.S. Customs and Border Protection, in an undercover mission dubbed "Operation Flying Turtle," arrested two Japanese nationals on federal animal smuggling charges at Los Angeles International Airport, after they brought approximately 55 live turtles and tortoises into the United States. Fish and Wildlife issued the following statement about the arrests:

Individuals who participate in the illegal take and trade of protected animals are irreparably harming natural populations and, sadly, contributing to the decline of many types of fragile and delicate species worldwide. The U.S. Fish and Wildlife Service will diligently pursue those individuals who profit from their involvement in the illegal wildlife trade.

Human children are fragile and are irreparably harmed by kidnappings, frequently arranged by and with people who profit from producing false birth records, false passports, and assisting in the getaways and evasions of authorities. Unless the turtles' parents called to report the crimes, we can deduce that Operation Flying Turtle was conceived and executed by the initiative and proactive efforts of the numerous federal agencies that participated. By contrast, the U.S. Justice Department and State Department, DHS and CBP have yet to show any similarly impressive gumption to obtain the same justice for kidnapped children that the wild turtles and their families received.

Child kidnapping is always a crime, whether it is domestic or international in scope. No crimes, including international child kidnappings, stop being crimes when the perpetrators land in other countries. As such, international child kidnappings are transnational crimes.

It is a peculiar, inexplicable dichotomy, that while the State Department regularly takes a subservient, supporting role to FBI in other transnational crimes, such as human trafficking, money laundering, art theft, and trafficking in arms and other illicit goods, it insists on primacy over child kidnapping crimes, which are lodged deep in its diplomatic portfolio. According to the State Department, the White House recognizes that transnational criminal networks are not only expanding, “but also diversifying their illicit activities.” International child abduction is one of these diversified organized criminal activities. In kidnappings to Japan, abductors have allegedly been assisted by the same birth record and passport forgers who assist organized crime in human trafficking. And while would-be child abductors participate in U.S. family courts, attorneys in Japan often serve as undisclosed ‘shadow counsel’ who have allegedly assisted in arrangements for the abductions.

If CBP declared Wayne to be an artwork, he might be home already, considering how the FBI’s website trumpets its impressive efforts to police and prosecute the theft of art:

**It’s like stealing history.**

Art and cultural property crime—which includes theft, fraud, looting, and trafficking across state and international lines—is a looming criminal enterprise with estimated losses in the billions of dollars annually.

To recover these precious pieces—and to bring these criminals to justice—the FBI has a dedicated Art Crime Team of 15 special agents, supported by three special trial attorneys for prosecutions. And it runs the National Stolen Art File, a computerized index of reported stolen art and cultural properties for the use of law enforcement agencies across the world.

International child abduction also encompasses looming criminal enterprise, with inestimable losses to the children and their families. There is no similar dedicated allotment of law enforcement personnel and resources to recover the internationally kidnapped children, or bring the perpetrators to justice. Nor is there a comprehensive law enforcement database for internationally kidnapped children--and hence no definitive count, in any year, by any department of the federal government, of how many American children are criminally kidnapped from the United states and taken to, or remain in, foreign countries.

An international child abduction database would serve the same effective investigatory goals the FBI describes for precious art objects:

The NSAF is a computerized index of stolen art and cultural property as reported to the FBI by law enforcement agencies

throughout the United States and the world. The NSAF consists of images and physical descriptions of stolen and recovered objects, in addition to investigative case information. The primary goal of the NSAF is to serve as a tool to assist investigators in art and cultural artifact theft cases and to function as an analytical database providing law enforcement officials with information concerning art theft.

The children already meet most of the FBI's criteria that qualifies art objects to be eligible for entry into the NSAF:

- The object must be uniquely identifiable and have historical or artistic significance. This includes fine arts, decorative arts, antiquities, Asian art, Islamic art, Native American art, ethnographic objects, archaeological material, textiles, books and manuscripts, clocks and watches, coins, stamps, musical instruments, and scientific instruments.
- The object must be valued at least \$2,000, or less if associated with a major crime, and
- The request must come through a law enforcement agency accompanied by a physical description of the object, a photograph of the object if available, and a copy of any police reports or other information relevant to the investigation.

Police agencies classify child kidnappings as major crimes. After the kidnappings, local police departments across America have collected descriptions, photos, reports and investigation information on the crimes.

In February 2015, upon the 10<sup>th</sup> Anniversary of the establishment of the Art Crime Team, FBI Art Theft Program Manager Bonnie Magness-Gardiner said:

But really all credit to the agents. They are the ones who follow the leads. And I have to say they are the most dogged, determined, and persistent set of people I have ever met. Once they get their teeth into one of these investigations they will follow it to its logical conclusion.

It will be a much better day for internationally kidnapped children, when all departments of the U.S. federal government demonstrate the same high spirit of determination to enforcing the law on their behalf of, as it does for wild animals and inanimate objects.

It appears that many diplomats and members of Congress and across the federal government do not recognize that while recovering kidnapped children is a low priority for the U.S. government, minimizing exposure on the child kidnapping issue is a national imperative for Japan. In the 1970s, North Korea kidnapped 17 Japanese from Japan. Since then, Japan has received goodwill and geopolitical benefits from many countries, which joined in condemning North Korea for the

horrible crimes. Japan cannot risk returning hundreds of kidnapped children en masse and being seen in the world community as moral equivalents of the god-awful regime in North Korea. It is also interesting that parental child abductors in Japan and around the world, use basically the same brainwashing techniques the North Koreans used on their kidnapping victims—telling the victims repeatedly that their relatives and their government at home don't care about them, gave up on them, and the captors are the only ones who are looking out for them. Until the United States puts the same energy, time and commitment towards kidnapped children as Japan does in fending off aggrieved foreign parents and their governments, there will be little progress and few if any returns of kidnapped American citizen children.

Law enforcement is the proven model for resolving international child kidnappings. In 2009 I became an officer of Global Future. In 2010, we helped bring the two Mendoza children home to New Jersey from South Korea. New Jersey law enforcement took the lead, with an assist from the State Department. In 2011, we helped bring Karina Garcia home to Wisconsin from Japan. She was the first kidnapped child ever returned from Japan through the criminal law enforcement process. Since then, we helped return three other children from Asia, Europe and South America.

Wayne Sawyer is the victim of a crime, with ongoing Constitutional rights to due process in the justice system and equal protection under the law. All departments of the U.S. government should treat him as such. He deserves justice like any other crime victim. He is not diplomatic chattel to be traded in exchange for another country's accession to The Hague, or other unrelated geopolitical matters.

### **Recommendations**

To prevent future crimes, the Congress must complete the push for a system that uplinks state court no-fly orders directly to DHS, CBP and TSA, so kidnappings can be interdicted at airports.

To remedy future crimes, the U.S. government must create a rapid-response action plan for international child kidnappings, which is commensurate with the instant and well-coordinated responses to domestic abduction. Immediately upon an American citizen child's kidnapping to a foreign country, FBI should gather the phone, banking and travel records of suspects and accomplices. The foreign government should immediately hear unified howls of outrage and declarations of resolve from U.S. authorities.

To better evaluate the scope of the problem and prospective policy responses, the U.S. government must establish an international child abduction database, no less sophisticated than the FBI's Art Crime database.

Legislatively, these goals could be achieved by building onto IPKCA, and establishing dedicated allotments of agents, resources and funding commensurate with the FBI's domestic child abduction and art crime units, with the express mission to follow international child kidnapping cases to their logical conclusions, by investigating, arresting and prosecuting accomplices and perpetrators, and producing ready-to-serve extradition warrants.

To more justly serve criminally kidnapped children in the future, the Justice Department must immediately start work on an international law enforcement treaty that specifically addresses *criminal* abductions. The treaty should be run by sitting prosecutors and police officials accountable to the U.S. public, so that American citizen children's rights to law enforcement no longer get trampled, as they often do in the current Hague civil process. Equivalent composition of representatives would be expected from any international partners that join the treaty.

The Committee should take up the suggestion a Congressman made in one of the chairman's previous hearings, that the Foreign Affairs and Judiciary Committees should have a joint "no holds barred" discussion, to develop such an integrated, sustained and timely way to better protect the underserved child victims of kidnapping crimes.

Enabling legislation would be necessary for these steps.

Without legislation, Congress could immediately begin to forge a unified front against international child kidnapping, if the Judiciary and Foreign Affairs Committees would also strategize with the various trade, agriculture and manufacturing committees, which regularly take issue with Japan's non-tariff trade barriers in products like beef, apples, rice, cars and electronics. This would also help shrink the U.S. government's commitment deficit on the kidnapping issue, which kidnapers the world over now exploit it with impunity.

### Conclusion

The robust support and exercise of law enforcement will create significant movement in cases like Wayne's. Wayne will be nine years old in August. His childhood is moving by quickly. In kidnapping crimes against children, the long arm of the law has proven more expeditious than the long conversations of diplomats.

As you work to integrate and improve the U.S. government's response to international child abductions, please keep in mind that the children always suffer from these crimes more than anyone. Their loss is inestimable. Wayne has no life lessons or formative memories of one of his parents, for six and a half of his almost nine years. For anyone who has fond memories of both parents, this is an unimaginable loss. And it will continue until the U.S. government answers the crime.

Decades of the diplomacy-alone approach has forfeited generations of kidnapped American citizen children to criminal acts and foreign governments. The answer to this enduring failure is not more diplomacy. The time is long past due to try a fresh approach. At long last, the U.S. government must, as the law requires, put law enforcement back in the lead and treat international child kidnappings the same as domestic ones, with the State Department returning to its proper secondary, supporting role.

The passage of legislation that creates a coordinated system of interdiction, mandates law enforcement to take the same affirmative steps that it takes in domestic kidnappings, turtle smuggling and art theft, and to maintain definitive data about the crimes, will help routinely return internationally kidnapped American citizen children like Wayne to the United States in a

timely manner, subject accomplices and perpetrators to justice, and create deterrence of future abductions of innocent children. By doing so, Congress will turn a disgraceful governmental failure into a source of pride for the American people, as they see the happy results of kidnapped children soon residing again in their lawful homes in the United States, with the number of crimes dwindling every year.

Thank you.  
Scott Sawyer  
Los Angeles, CA

**List of Attached Testimony Exhibits and References**

*U.S. Constitutional Rights of Children and Parents*, by Stanley Thorne © 2009. Excerpted with permission.

*The Federal Bureau of Investigation's Efforts to Combat Crimes Against Children*, Audit Report 09-08, January 2009, Office of the Inspector General; FBI Cases Opened on Child Abductions and Kidnapping, 2000 through 2007.

*Five Steps Towards Attaining a Cohesive U.S. Government Response to Criminal Kidnappings of American Citizen Children to Japan and Other Countries Abroad*, by Global Future.

FBI Art Theft web pages, "It's like stealing history," and "National Stolen Art File," March 2015.

Quote from *White House Strategy to Combat Transnational Organized Crime*, July 25, 2011.

Additional Parents' Written Testimony

Robert Makielski  
Keith White



## **U.S. Constitutional Rights of Children and Parents**

The Supreme Court of the United States has recognized and protected parental rights under the First, Fourth, Fifth, Ninth, and Fourteenth Amendments of the United States Constitution. The Supreme Court has consistently emphasized the importance of the family and repeatedly described the rights of citizens in parenting and family as “fundamental” or “basic civil rights.”

“[T]he right ‘to marry, establish a home and bring up children,’ ... and ‘the liberty to direct the upbringing and education of children,’ ... are among ‘the basic civil rights of man.’”  
Griswold v. Connecticut, 381 U.S. 479, 503 (1965) (Mr. Justice White, concurring.)

“The rights to conceive and to raise one's children have been deemed essential ... basic civil rights of man... far more precious ... than property rights... It is cardinal with us that the custody, care, and nurture of the child reside first in the parents. ... The integrity of the family unit has found protection in the Due Process clause of the Fourteenth Amendment, ... the Equal Protection Clause of the Fourteenth Amendment, and the Ninth Amendment ...” (citations omitted). Stanley v. Illinois, 405 U.S. 645, 651 (1972).

“[T]he rights of fatherhood and family were regarded as essential and basic civil rights of man.” Vlandis v. Kline, 412 U.S. 441, 461 (1973) (Dissent of Mr. Chief Justice Burger and Mr. Justice Rehnquist).

“The rights to conceive and to raise one's children have been deemed ‘essential,’ ... ‘basic civil rights of man.’” Weinberger v. Salfi, 422 U.S. 749, 771 (1975).

“[O]ne of the ‘basic civil rights of man’ is the right to marry and procreate.” (citations omitted) Cleburne v. Cleburne Living Center, Inc., 473 U.S. 432, 463 (1985).

“[T]he liberty...to direct the upbringing and education of children,’ ...are among ‘the basic civil rights of man.’” Thornburgh v. American Coll. of Obst. & Gyn., 476 U.S. 747, 773 (1986) (Mr. Justice Stevens, concurring).

“The rights to conceive and to raise one's children have been deemed ‘essential,’ ... ‘basic civil rights of man.’” (citations omitted.) Hodgson v. Minnesota, 497 U.S. 417, 447 (1990).

“[I]t cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.” Troxel v. Granville, 530 U.S. 57, 65-66 (2000).

### FBI Authority and Policy

The FBI has responsibility for investigating child abductions through the U.S. Code provisions on kidnapping.<sup>22</sup> Additionally, the FBI has internal policies that promote assisting local law enforcement agencies in instances of child abductions.

At the outset of our audit, the Deputy Assistant Director of the FBI's Criminal Investigative Division told us that the FBI considers the victim of child abduction to be in "imminent danger," and as a result, cases of child abduction are automatically elevated to the FBI's highest priority. The Chief of the CACU informed us that local law enforcement in smaller departments or rural areas generally do not have the necessary personnel or resources to address child abductions. Further, the infrequent occurrence of child abductions makes the FBI an asset to these investigations. Therefore, the FBI makes it a priority to lend its expertise to local law enforcement during these investigations.

The FBI's Manual of Investigative Operations and Guidelines (MIOG) contains policies relating to the proper investigative response to child abductions. The MIOG states the following with regard to child abductions:

- "[t]he] mysterious disappearance of a minor. . . should receive an immediate FBI response;"<sup>23</sup>
- "[eac]h[] field office should establish effective liaison which will ensure that local law enforcement agencies are made aware of the FBI's resources, legal jurisdiction and investigative/preliminary inquiry policy;" and
- "all elements of the federal kidnapping statute need not be present in order to institute a preliminary inquiry."<sup>24</sup>

Officials at FBI headquarters reiterated these policies and highlighted areas for improvement through the issuance of two internal memoranda to field offices in 2005. One memorandum issued in January 2005 noted that field offices were inconsistent in how quickly they were responding to reports of missing children. The second memorandum, issued in September 2005, urged field offices to establish effective liaison with state and local law enforcement agencies for child abduction investigations. To highlight the importance of an immediate response and to maximize the possibility of a successful recovery, the memorandum referred to findings from the child abduction murder study referenced earlier in this report.

Based on our review of the MIOG and internal memoranda, we believe the FBI has adequate policies to guide personnel in responding to and investigating cases of child abduction.

### Timeliness of Child Abduction Investigations

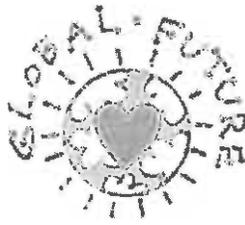
The FBI separates its investigation of child abductions into three classifications: child abduction without ransom (non-parental kidnapping), international parental kidnapping, and domestic parental kidnapping.<sup>25</sup> Since FY 2000, the FBI has opened over 2,000 child abduction investigations. Specifically, in FY 2007 the FBI opened a total of 77 child abduction cases, 48 domestic parental kidnapping cases, and 58 international parental kidnapping cases.<sup>26</sup> The following table shows the number of cases opened for these three types of investigations from FYs 2000 through 2007.

FBI CASES OPENED ON CHILD ABDUCTIONS AND KIDNAPPING

Investigative Type	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	Total
Child Abduction - no ransom	106	94	102	90	79	87	87	77	722
Domestic Parental Kidnapping	139	116	100	81	66	57	44	42	653
International Parental Kidnapping	126	84	73	83	87	65	72	58	648
<b>Total</b>	<b>371</b>	<b>296</b>	<b>275</b>	<b>254</b>	<b>232</b>	<b>209</b>	<b>203</b>	<b>183</b>	<b>2,023</b>

Source: FBI

As a part of our fieldwork, we selected a sample of five investigations classified as child abduction without ransom – one case at each of the five FBI field offices visited – that were closed



## **FIVE STEPS TOWARDS ATTAINING A COHESIVE U.S. GOVERNMENT RESPONSE TO CRIMINAL KIDNAPPINGS OF AMERICAN CITIZEN CHILDREN TO JAPAN AND OTHER COUNTRIES ABROAD**

**Robust investigation and prosecution of accomplices by local, state and federal authorities will create leverage in existing cases and deter future ones.** Foreign agents and attorneys frequently and secretly help abductors plan, guide and execute criminal child kidnappings from the United States, often while the parent is engaged in the U.S. family court system. Professional organized criminals provide false documents, passports and identities for children and abductor parents, to defeat the courts and U.S. law enforcement.

**Equal protection under the law for American citizen children criminally kidnapped from the U.S. to countries abroad.** In domestic child kidnappings, law enforcement issues Amber Alerts, timely obtains telephonic and credit card evidence, arrests and prosecutes accomplices, and contacts authorities in other states. Little or none of this transpires in criminal international child kidnappings. Law enforcement routinely defers to the State Department, which is not a law enforcement agency, and by policy directive actively discourages U.S. parents from pursuing law enforcement remedies to the criminal kidnappings of their children.

**U.S. Department of Justice should fulfill its affirmative duty under the law to investigate cases, file criminal charges, and file extradition requests** for international fugitive child abductors and accomplices, as states do in domestic cases. The State Department currently disincentivizes robust FBI investigation of criminal international child kidnappings, by failing to provide assurance that it will ever serve any of the Justice Department's extradition warrants.

**Family court 'no-fly' orders on high flight-risk parents must be immediately and directly uploaded into the DHS, TSA and CBP databases,** to interdict would-be international kidnappings at airports. Currently, the federal government's complicated "Prevent Departure" program impedes parents from timely action to prevent their child's kidnapping, and allows the State Department to unilaterally override the no-fly orders of courts of competent jurisdiction.

**Mechanisms for better law enforcement collection of criminal international child kidnapping data.** The annual number of criminal child kidnappings to countries abroad is unknown. Better public policy response depends on improved reporting of local, state and federal cases to a central law enforcement database, and tracking of known passport fraudsters, who also frequently participate in larger human trafficking operations.

### **Global Future**

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*Global Future advocates for every child's right to two loving parents.*



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## Art Theft

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### It's like stealing history.

Art and cultural property crime—which includes theft, fraud, looting, and trafficking across state and international lines—is a booming criminal enterprise with estimated losses in the billions of dollars annually.

To recover these precious pieces—and to bring these criminals to justice—the FBI has a dedicated Art Crime Team of 15 special agents, supported by three special trial attorneys for prosecutions. And it runs the National Stolen Art File, a computerized index of reported stolen art and cultural properties for the use of law enforcement agencies across the world.

Please note: U.S. persons and organizations requiring access to the National Stolen Art File should contact their closest FBI Field Office; international organizations should contact their closest FBI Legal Attaché Office.



#### In Depth

##### Initiatives & Background

- Art Crime Team
- National Stolen Art File
- Jurisdiction Legislation

##### Report Stolen Art

- Submit a Tip Online
- Contact Your Local FBI Office
- Contact Your Nearest Overseas Office

##### Protect Your Treasures

- Advice from an Art Theft Expert

##### Other Resources

- Interpol Stolen Works of Art
- Museum Security Network
- International Council of Museums
- More

##### FBI Top Ten Art Crimes

- High Looting and Stealer Attacks
- Hebbell Stewart Gomer Museum Theft
- Theft of Caravaggio's *Boy with Squirrel* and *San Francisco*
- Theft of the Davidson/Morris Synchronus
- The Van Gogh Museum Robbery
- Theft of Cassini's *Man of Adventure* (2002)
- Theft of the Gertrude Voser von Wolfershausen, Paris 3-A and 3-B
- Theft from the Museum Chocoma de Oro
- Theft of Van Gogh's *A Potato Eater*
- Theft of Reinor Oil Painting



#### In the News

- 03.06.15 : FBI: 150 Reported in 2008 England Art Theft
- 02.24.15 : New York: Reported Stealing, Provenance Researcher's Evidence Submitted Returned to Italy
- 02.18.15 : Headquarters: Art Theft
- 02.09.15 : Headquarters: Art Theft
- 02.09.15 : Video: FBI Art Crime Team Marks 10-Year Anniversary

More News

#### National Stolen Art File Search

The National Stolen Art File (NSAF) is a database of stolen art and cultural property. Stolen objects are submitted for entry to the NSAF by law enforcement agencies in the U.S. and abroad. When an object is recovered, it is removed from the database. However, be aware that not all recoveries are reported to the NSAF. If you have information on a work of art in the NSAF, please use the FBI.gov link to report it.

##### Search the National Stolen Art File

Type of Object	All Categories	Title	
Maker		Period	
Additional Data			
<input type="button" value="Search"/>			



## Art Theft

Home • About Us • What We Investigate • Violent Crimes & Major Threats • Art Theft • National Stolen Art File

### National Stolen Art File (NSAF)

The NSAF is a computerized index of stolen art and cultural property as reported to the FBI by law enforcement agencies throughout the United States and the world. The NSAF consists of images and physical descriptions of stolen and recovered objects. In addition to investigative case information, the primary goal of the NSAF is to serve as a tool to assist investigators in art and cultural artifact theft cases and to function as an analytical database providing law enforcement officials with information concerning art theft.

The public can now search an online version of the National Stolen Art File, minus the investigative information, using the search tool on the right side of the page.

The criteria for an object to be eligible for entry into the NSAF are as follows:

- The object must be uniquely identifiable and have historical or artistic significance. This includes fine arts, decorative arts, antiques, Asian art, Islamic art, Native American art, ethnographic objects, archaeological material, textiles, books and manuscripts, clocks and watches, coins, stamps, musical instruments, and scientific instruments.
- The object must be valued at least \$2,000, or less if associated with a major crime, and
- The request must come through a law enforcement agency accompanied by a physical description of the object, a photograph of the object if available, and a copy of any police reports or other information relevant to the investigation.

For more information and to report recovered objects in the NSAF, contact:

National Stolen Art File  
Art Theft Program Room 3349  
Federal Bureau of Investigation  
835 Pennsylvania Ave., NW  
Washington, DC 20535  
Tel: (202) 324-6883

### National Stolen Art File Search

The National Stolen Art File (NSAF) is a database of stolen art and cultural property. Stolen objects are submitted for entry to the NSAF by law enforcement agencies in the U.S. and abroad. When an object is recovered, it is removed from the database. However, be aware that not all recoveries are reported to the NSAF. If you have information on a work of art in the NSAF please use the FBI.gov tip line to report it.

#### Search Art Crimes

Type of Object	All Categories	Title	<input type="text"/>
Maker	<input type="text"/>	Period	<input type="text"/>
Additional Data	<input type="text"/>		
<input type="button" value="Search"/>			

Select Language



## Transnational Organized Crime Rewards Program

The Transnational Organized Crime Rewards Program was established by Congress in 2013 as a tool to assist the U.S. Government to identify and bring to justice members of significant transnational criminal organizations.

The program gives the Secretary of State statutory authority to offer rewards for information leading to the arrest and/or conviction of members of transnational criminal organization who operate outside the United States. It is a key element of the White House *Strategy to Combat Transnational Organized Crime*, which recognizes that transnational criminal networks are not only expanding in size and scope, but also diversifying their illicit activities.

The program complements the *Narcotics Rewards Program* by authorizing rewards for information on members of transnational criminal organizations involved in activities beyond drug trafficking that threaten national security, such as human trafficking, money laundering, and trafficking in arms and other illicit goods.

The Department of State's Bureau of International Narcotics and Law Enforcement Affairs manages the program in close coordination with U.S. federal law enforcement agencies.

Proposals to pay rewards are submitted to the Department of State by the Chief of Mission at a U.S. Embassy at the behest of a U.S. law enforcement agency. Reward proposals are carefully reviewed by an interagency committee, which makes a recommendation for a reward payment to the Secretary of State. Only the Secretary of State has the authority to determine if a reward should be paid. In cases where there is federal criminal jurisdiction, the Secretary must obtain the concurrence of the Attorney General.

The U.S. Government will ensure confidentiality to individuals who provide information on members of transnational criminal organizations, and, if appropriate, will relocate these individuals and their families.

Overseas, individuals wishing to provide information on major transnational criminal organizations may contact the nearest U.S. Embassy or Consulate. In the United States, individuals should contact the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), or the Department of Homeland Security, Immigration and Customs Enforcement (ICE) directly. Government officials and employees are not eligible for rewards.