

Mr. Jeffery Morehouse  
Executive Director, Bring Abducted Children Home

House Committee on Foreign Affairs

Wednesday, March 25, 2015  
The Goldman Act to Return Abducted American Children:  
Reviewing Obama Administration Implementation

Bring Abducted Children Home is a nonprofit organization dedicated to the immediate return of internationally abducted children being wrongfully detained in Japan and strives to end Japan's human rights violation of denying children unfettered access to both parents. We also work with other organizations on the larger goal of resolving international parental child abduction worldwide.

There have been 400 cases of U.S. children kidnapped to Japan since 1994. The Japanese Government has returned zero U.S. children.

BAC Home and Parents of Internationally Kidnapped children are still waiting for dignified, unfettered visits with, and expect the return of the following children from Japan:

Baros, Sarah	Hickman, Saki Faith	Moline, Misaki
Berg, Gunnar	Hirata, Koki	Morehouse, "Mochi" Atomu Imoto
Berg, Kianna	Hornia, Ami Elga Nakagawa	Nagatomi, Jouji
Bocchetti, Reon Sean	Hornia, Shintarou Amadeus	Nagatomi, Nina
Bunnell, Anna Karen	Nakagawa	Osar, Alicia Mari
Bunnell, Hannah Sakura	Ishida, Shanonyuma	Peterson, Diona Maria
Burgess, Misoi Hime	Ito-Byrd, Aimi Rehanna	Prager, Rui
Cameron, Stella Yoko Saya	Johns, Takeshi Cole	Renzelman, Marcus
Collins, Keisuke	Johns, Tetsuaki Wayne	Rose, Kaia Sedona
Cooper, Soren Shou	Kimika, Sarah	Savoie, Isaac
Davtyan, Ishkhan Lio	Kinder, James	Savoie, Rebecca
Donaldson, Michiru Janice	Kinder, Mizuki	Sigal, Luna Kubota
Duke, Riki Joy	Kinoshita, Wilson Atsushi	Storms, Kiley Jean
Easley, Ryosei Michael	La Far, Genevieve Mariam	Suzuki, Rion
Endo, Kai	Lewis, Cody	Tanaka-Nielsen, Leo
Fukuda, Serena Miharuru	Lewis, Jasmyn	Toland, Erika
Fukuyama, Mine Whitney	Lui, Ezra	Walker, Jake Joseph
Gessleman, David Naru	Martin, José	Walker, John Joseph
Gessleman, Joshua Koa	Massaquoi, Martin	Washington, Maximus Riku
Gherbetti, Lauren	Massaquoi, Sally Kikuchi	Weed, Takoda
Gherbetti, Julia	McCoy, Yuki Patrick	Weed, Tiana
Halpern, Dylan	McPike, Kai Sugamoto	Wong, Kaya Summer Xiao-Lian
Hayes, Julia Lillian	McPike, Koh Sugamoto	Yoshida, Jack
Hickman, Hana Jean	Meehan, Ashley Ayaka	Yoshida, Luke

On behalf of the 71 kidnapped children listed on the BAC Home website who have been rendered voiceless by their abductors, for my fellow parents of internationally kidnapped children who feel marginalized by the lack of active, engaged, transparent assistance from the Office of Children's Issues in recovering our loved ones, I implore Congress to ensure the Department of State finds Japan "non-compliant" and that sanctions are ordered under "The Sean and David Goldman International Parental Abduction Prevention & Return Act of 2014."

One year ago next week, at the very moment Japan acceded to The Hague Abduction Convention, parents joined us to hand-deliver 30 Article 21 Access applications. BAC Home leadership met that same day with senior Embassy of Japan officials to express grave concerns about how they would handle our applications to exercise our rights to access. Congressman Smith and members of his staff kindly joined us for that important meeting. This was supposed to be an efficient path to see our children again. Though we parents may have applied for access under Article 21, as we were encouraged to do by the Department of State, our collective cases remain abduction cases.

Over the past twelve months The Office Of Children's Issues time and again insisted we must give Japan time. We must wait and see. We'll we've waited and we've seen. None of the BAC Home parents have received access to their kidnapped children. Japan's implementation of the Hague Abduction Convention is an abysmal failure. Sanctions under the Goldman Act will provide some of the necessary public pressure on Japan to create change to this ongoing human and family rights crisis.

It is crucial that members of Congress be made aware of the first Hague Article 21 access case to make it through the Japanese family court process. This case is typical of what parents are encountering in their attempts to gain access to their kidnapped children. Under Article 21, *"The Central Authorities are bound ...to promote the peaceful enjoyment of access rights and the fulfillment of any conditions to which the exercise of those rights may be subject. The Central Authorities SHALL TAKE STEPS TO REMOVE, AS FAR AS POSSIBLE, ALL OBSTACLES TO THE EXERCISE OF SUCH RIGHTS."* Instead of removing obstacles, the Japanese government has erected multiple barriers interfering with the exercise of parental rights. These actions are prejudicial and designed to prevent the victimized parent from gaining access to his or her children.

Actions by the court in this case include:

1. A request by Henrik Teton for interim access to his children under The Hague was ignored by the court;
2. The judge walked out of the room when the father, who was representing himself, asked questions of the court;
3. Father was denied use of his own translator and was forced to use a court appointed translator with no ability to ensure the translations were accurate;
4. The judge refused to provide his name, thereby making accountability of his rulings impossible; and
5. The judge ruled that no observers, including embassy officials, were allowed to witness the court proceedings.

Other parents faced significant obstacles in seeking Hague access, too. Daryn Peterson filed for access under The Hague Abduction Convention and the kidnapping parent was non-responsive. He was advised to hire a lawyer in Japan. This would be at great expense without assurance that it would lead to enforceable access.

Victimized father, Brett Weed was advised that he would have to spend upwards of \$20,000 in legal fees and still have no access to his children because Japan has no enforcement mechanism. In addition his ex-wife could tie up the case in the Japanese courts until his daughter reaches the age of 16 and The Hague no longer applies. Mr. Weed has come to understand that there are no reasonable legal options available to gain access to his children.

The Japanese Central Authority tried to get Paul Wong to withdraw his application after the lawyer for the abducting grandparents said their agreement that was completed two years ago in mediation was access. That agreement was done before Japan's accession to The Hague Abduction Convention and it only allowed Mr. Wong to send a card to his daughter four times a year. He argued that this is not access by any stretch of the imagination as what is envisioned under The Hague -- access, meaning physical access, video conferences, telephone calls, or letters when the parent is unable to visit the abducted child. The Japanese central authority then backed down and said he can use Alternative Dispute Resolution (a form of mediation) or the court but informed him that he would likely get the case dismissed if using the court.

Michael Easley was able to establish distant contact through the State Department and the Japanese Central Authority to his ex-wife. However it was used to deny Skype and FaceTime access. Mr. Easley was later informed that he would not be able to see his son because he is going to be confused at the situation and it is not good for him.

In Michael Halpern's case, once his application was filed and accepted he requested Alternative Dispute

Resolution. His ex-wife rejected the offer and three weeks later he was informed his ex-wife and son are no longer living in Japan. Later he finds out that she has changed the child's name and her current husband has adopted his son. None of this was done with the knowledge or consent of Mr. Halpern.

In consulting with Japanese lawyers it has become clear to BAC Home that Japan's implementation provides no reasonable, enforceable means for victimized parents to access or obtain the return of their children. They are simply violating The Hague Abduction Convention and a non-compliant country under the Goldman Act.

There are numerous clear-cut abduction cases, such as Naval Captain Paul Toland and Paul Wong. Though they are both the only living parent, the grandparents in Japan are holding their daughters from them. There are cases, like Randy Collins, whose ex-wife was ordered to surrender their child's passport to the court. Instead she kidnapped him. Douglass Berg's children were kidnapped from their habitual and legal residence in the United States in 2009 violating his parental rights to access. Christopher Savoie's ex-wife violated the divorce decree, and state and federal statutes when she kidnapped their children.

In my own case I was granted primary custody of my son in the State of Washington in May 2007. Three years later, on June 20, 2010, I dropped my son, Mochi, off to begin a weeklong visit with, his mother. He was 6 ½ years old.

That is where the endless nightmare began. Six days later, I received a phone call that no parent wants to receive. It was the police. My son and ex-wife had been reported missing. I knew immediately what happened. She succeeded in what she had threatened to do. She had kidnapped our son to Japan.

In that moment my life was shattered. My days would become consumed with dealing with local law enforcement, the U.S. Department of State, Japanese consular officials and anything I could think of to try to find my little boy.

How could this happen to my child? I did everything I could think of to prevent it. There were even passport and travel restraints in the court order to bar her from going outside the state Washington with him. Well, restraints are only effective when one chooses to abide. For someone intending to commit kidnapping, restraints have little true power. When the Seattle Consulate of Japan denied her passport request she simply went to the consulate in Portland, which issued her one in violation of the Ministry of Foreign Affairs Passport issuance policy.

Sometime people say to me, at least you know he is safe with his mother. He may be somewhere in Japan with her, but he is not safe. He is at risk. She has willingly and intentionally kidnapped him to a foreign land with the intent of alienating him from me and everyone he knows.

Imagine being a child and your mother steals you away to a foreign country and then tells you your father does not want you anymore or that he is dead. Your whole life is now built on a foundation of lies.

This is not what a healthy, nurturing parent does. It is child abuse.

Every morning I wake up twice.

The first time, to rush out of bed to get him ready for school. I can hear his voice, "Daddy, can I have toast and honey for breakfast?"

My heart skips a beat.

And then I really wake up. He is still missing. The nightmare continues.

The last time I held his hand, the last time I heard his voice was Father's Day 2010.

This past year I won a landmark ruling in Japan. Their court acknowledged my U.S. custody order and recognized me as the sole custodial parent under Japanese law. My ex-wife has no legal custody rights there and they also cited her admission of illegal acts under Japanese law.

However, they still aren't telling me where my son is being held captive.

Private, backroom diplomacy has failed to return my child or any of the other kidnapped American children. Public statements from Secretary Kerry, Ambassador Kennedy, and President Obama could have a meaningful effect; to date we have only heard silence.

It has been Congress that has led the charge on the abduction crisis with Japan. I urge members of Congress to act to ensure the Department of State finds Japan "non-compliant" and that sanctions are imposed under The Goldman Act. Without public consequences there will be no incentive for Japan to change. It will remain a black hole for child abduction.

Now is the time for Japan to demonstrate they are serious about changing course on the ongoing crisis of International Parental Child Abduction. Next month Prime Minister Abe will visit Washington and address Congress. In addition to non-compliance and sanctions, I am hear to ask Congress to tell the Prime Minister it is not acceptable to continue to hold my son, "Mochi" Atomu Imoto Morehouse or any of the 400 U.S. children kidnapped to Japan.

