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Congress of the United States
House of Representatives

September 19, 2011

The President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President,

I respectfully request that you raise the issue of parental child abductions to Japan—including the pending cases—in your upcoming meeting with Prime Minister Noda Yoshihiko at the UN General Assembly. As you know, more than 300 children have suffered abduction from the U.S. to Japan since 1994, and 173 American children currently languish without their American parent, cut off from half of their family and heritage. International child abduction is a form of child abuse that not only harms children but also inflicts excruciating emotional pain and suffering on left-behind parents and families.

On July 21, recognizing this crisis, the full House Foreign Affairs Committee adopted my amendment expressing the sense of the Congress that our government, **must, by way of a Memorandum of Understanding (MOU) with Japan, or any other appropriate means, seek the immediate return of U.S. children abducted to Japan.**

Tragically, Japan has become a black hole for children whose Japanese parent—or in some cases non-Japanese parent—decided to disregard the laws of the United States and run to a jurisdiction where they do not have to share custody, or even permit visitation of the child by the child's other parent. Japan has historically been complicit in these abductions, offering protection without investigation and refusing to acknowledge valid U.S. court orders.

Japan's recent announcement that it will finally sign the Hague Convention on the Civil Aspects of International Child Abduction is welcome. However, by its own terms, the Hague Convention only applies to future cases; it is not sufficient to address **the existing abduction cases.**

The two hearings I have already held this year on child abduction as the chairman of the human rights subcommittee of the House Foreign Affairs Committee have underscored the insufficiency of the Hague Convention. Several of our witnesses made it clear that they fear that without a specific MOU with Japan, American left behind parents will be left behind again.

Please consider the case of Michael Elias, a combat-injured Iraqi veteran from New Jersey, who told of his anguish after his ex-wife, Mayumi Nakamura, a former staffer at the

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Japanese Consulate in New York City, traveled to the consulate in Chicago to receive new passports for his children Jade and Michael, Jr., after a New Jersey court had previously ordered surrender of passports and joint custody.

Ms. Nakamura flagrantly disregarded both valid court orders telling Michael Elias, “My country [Japan] will protect me.” She was right. Although Japan is reportedly prosecuting Ms. Nakamura for abusing her consulate connections, Japan will not return the children.

At a hearing on Capitol Hill on May 24, Michael Elias told us that, “As a father who no longer has his children to hold in his arms, I cannot deal with the sorrow so I try my best to stay strong and keep fighting for their return. All my hopes and dreams for their future now lie in the hands of others.... I am begging our Government to help not only my family, but hundreds of other heartbroken families as well, to demand the return of our American children who are being held in Japan...”

Patricia Apy, an expert in international child custody litigation and attorney for David Goldman, whose son was abducted to Brazil and eventually returned under the Hague Convention, reiterated the urgent need for an MOU with Japan. She testified that Article 35 of the Hague Convention provides, “This Convention shall apply as between Contracting States only to wrongful removals or retentions after its entry into force in those States.”

For additional background information and the individual stories of many other Americans whose children have been abducted to Japan, please check the advocate web pages of BacHome (<http://bachome.org>).

Mr. President, it is critical that during his first visit to the United States as Prime Minister, Mr. Noda Yoshihiko hear directly from you that the resolution of these cases is a priority not just for Congress but for you as well. He needs to know that signing The Hague Convention is an important step, but simply not enough to secure justice for abducted American children and their parents left behind.

Delay is denial. I respectfully submit that now is the time to act. The Hague Convention’s entry into force in Japan without a preceding or concurrent MOU will result in lost momentum—and no return of currently abducted American children. Please make the return of our children the top priority in your discussions with the new Prime Minister.

Sincerely,



CHRISTOPHER SMITH
Member of Congress