

Thank you Chairman McGovern, and thank you Chairman Wolf, and members of the Commission for giving me this opportunity to discuss both the legal aspects and the human toll of international child abduction. This month marks exactly 3 years and 1 month since I began seeking the assistance of US legislators here on Capitol Hill. This hearing today demonstrates your commitment to the issue, and a justified level of interest. For that, I am very grateful for your time and assistance.

I am Patrick Braden, born in Texas and currently living in California working as a dealer/collector of art and antiques.

I am the parent of my only child Melissa.

Melissa Braden was born at Good Samaritan Hospital in Los Angeles California on April 6 2005. Melissa was illegally abducted to Japan by her mother, Ryoko Uchiyama, on March 16th 2006. That was the last time I saw her, and if my daughters case goes the same as thousands before me, my daughter and I may not see ever each other again. She is an American citizen who prior to her abduction, had never been to Japan the Los Angeles Superior Court issued orders to protect both our parental rights and Melissa's access to both her parents..

Before the abduction, the Los Angeles Superior court ordered;

- 1 No travel outside Los Angeles with Melissa
- 2 No travel specifically to Japan with Melissa
- 3 Turn over the Japanese Passport
- 4 Daily visitation

On March 16th 2006, I had every reasonable expectation that all US Govt. legislators and officials would stand behind and protect the sovereignty of the US border, Melissa's U.S. Constitutional Rights, and the previously established US jurisdiction over Melissa's custody. And I felt secure with the belief that I had done everything under the law possible to protect my daughter, also an American

citizen, from being taken from Los Angeles and me. There appeared to be nothing left to any amount of risk for Melissa or her custody.

Unfortunately, this has not turned out to be the case.

From my own personal experience I want to tell you that a parent who has lost their only child, has nothing left to loose. But don't mis-understand me, I will never give-up on her return to her home in the United States.

There are many different aspects of all of these cases you will hear about. But your job and your ability to act may easily boil down to two separate issues in every case. How did the separation between the child and the left-behind parent begin? And what was the legal status of that child's custody and residence at that time?

That analytical approach is how cases brought before the Hague courts are resolved. Previously established jurisdiction and custody, as well as the country of habitual residence immediately prior to the separation are the two main criteria for deciding whether a child is returned to the country or not. In some cases there may be no more incentive than the moral and human rights aspects to intervene or attempt to influence another country to work together with us. In US jurisdictional cases you are mandated by the duty of Government to protect citizens from the harmful conduct of other citizens, foreign or not.

Melissa's abduction, unlike some others, is a simple case of kidnapping. Foreign laws or foreign jurisdictions do not complicate her case. There was no other country of habitual residence. This is a case of simply enforcing US laws and US sovereignty, as well as the constitutional rights of a US citizen child. The Los Angeles Superior Court maintains jurisdiction over Melissa's custody to this day. Why she is not here with both of her parent's, is a human rights crime against her, against me, our security, our society, all humanity, and is a violation of the US Constitution and sovereignty.

When the Los Angeles Court issued orders to protect both of our parental rights,

and Melissa's rights to access to both of her parents, I began to feel safe and secure. After all, I had done everything possible to protect my daughter from ever being subjected to any foreign laws or jurisdictions.

With all of the possible legal foundations in place in Melissa's case, and the "strategic alliance" we have with Japan, I believe that all US representatives, and especially the Administration and Department of State can act with full legal and moral authority, and with all of the strength of our Nation to return Melissa and all of the other children whose cases represent broken US laws and previously established US jurisdiction. It is shocking to know that the Dept of State has a record of zero children returned from Japan ....in what may be as long as 50 years. Equally disturbing is the characterization I hear over and over again about the wonderful relationship we have with our great ally in Asia, the nation of Japan. The Japan that I have experienced is not acting as an ally or a trusted partner .

Having never traveled to Japan ever, and having no previous knowledge of how the US Dept of State handled these or any kinds of cases, and with the benefit of hind-sight today, I feel that I may have been overly trusting in the US Government with my daughter's life. She is definitely the one who will now pay the highest price. On that subject, all of the social science studies are clear. As an abducted child and being raised by a single parent, she stands to have numerous emotional and psychological developmental issues, not to mention, discrimination, bullying, alienation, and personal identity issues.

All of the cases you will hear about and read about in this hearing have a series of common threads.

- 1-The children are selfishly forced into a separation from one of their parents by the other parent.
- 2- The existing treaties or bi-lateral relationships with these countries are not strong enough to resolve the issue.
- 3- The innocent children suffer the worst.

I would feel remiss if I didn't say something here about the Hague Treaty on The Civil Aspects of International Child Abduction. We have heard many promises from Japan talking all around acceding to the Hague. It seems clear to me that even if Japan were to sign it, they would never honor their commitment under it. And while I am tempted to take the bait every time I read something published by some offbeat Japanese media agency, seemingly sourced from the Japanese Govt

about acceding to the Hague. History proves that these statements have always been an insincere and misleading ploy meant to delay even further. Japan's failure to sign the Hague Convention on International Child Abduction, to modernize its family law to include joint custody, and to allow children access to both their parents is a violation of human rights. Simply put, Japan has allowed its nationals to violate with impunity both American laws and internationally recognized rights of children. Even worse for Melissa, the Hague is not retroactive. As an American citizen I never imagined that a modern, industrialized democracy such as Japan would use its own legal system to separate families and to undo signed legal settlements

I am a believer in the idea proposed by Senator Boxer on November 5th 2009 in her letter to the President. She said "The United States must also work with Japan to establish a bi-lateral mechanism to assist with the resolution of current cases." It should be the first order of business for the US Government to restore Melissa's relationship with me.

In conclusion I want you to know that this happened to Melissa and I almost 4 years ago. In that same amount of time, I have availed myself of every possible opportunity and option seeking a remedy for Melissa. To this point, I can not say that I know of any material step toward Melissa's return yet. I don't want to be here in 4 more years without Melissa's return. The courts in California have done everything they can do, and it is beyond my reach as an individual citizen. Her future is in your hands.

Last week I was called by a parent in court in Cincinnati Ohio. His case sounded exactly like many others that I know of, including my own, but his child is still here in Ohio. Although the mother has liquidated all of her assets and has threatened that she is taking their child (and American citizen born and raised) to India. The Ohio courts have issued similar orders to mine, but who will protect that child? Or the thousands of others ongoing in courts all across America right now.

The question is, what will the US government do to restore Melissa's relationship with me, and the relationships of all of these innocent abducted children with their lawful and rightful parents. If we fail our children, we fail all.

Thank You.