

Senate Hearing report

**This is the Statement of Walter Benda before the Senate Judiciary Committee  
Walter Benda co-founder of the Japan chapter of the Children's Rights Council**

March 1, 2000

I am Walter Benda, co-founder of the Japan chapter of the Children's Rights Council, a non-profit, child advocacy organization, with chapters in 32 states, Washington, D.C. and Japan. I appreciate this opportunity to testify before the Senate Judiciary Committee.

I must start out by making it perfectly clear I have no particular interest in the relations or lack of relations between the United States and Cuba. These are two governments that will have to resolve their political differences one way or another. I am here today to tell you how the case of Elian Gonzalez affects me personally and how keeping this young child here could seriously hurt thousands of American children and families like mine.

I am the parent of two beautiful, intelligent, lovely daughters, Mari and Ema, who were born in the U.S. and spent their early years here in the U.S. Almost five years ago, my wife abducted our two daughters in Japan where we were temporarily residing. Mari was 6 1/2 years old and Ema was almost 5 years old at the time of the abduction, about the same age as Elian when he was abducted. Since that time, my family, including Mari and Ema's grandparents and their uncle, aunt and cousin and I have been denied personal relations and direct contact with my daughters. No phone contact, no written contact, no personal contact—nothing!

I have exhausted every possible channel in the Japanese legal system all the way up to the Japanese Supreme Court. I was up against a very aggressive Japanese attorney retained by my ex-wife's father, a high corporate official in Toshiba and a retired army general from the Japanese Self-Defense Forces, with connections in high places. In the case of Elian Gonzalez, there are influential groups in the U.S. who are at work to influence the U.S. Government to keep the child away from his natural parent, ignoring the universal bond of father and son and the child's right to be with his father.

My daughters have been illegally retained in Japan, just like Elian is being wrongfully detained in the U.S. In the process, my daughters have been manipulated, isolated and alienated from their father and U.S. relatives. Just as I fear is happening with Elian's father and relatives in Cuba.

There is no way to express how it feels, the heartbreak that happens, when your children—children you love more than anything in the world, children who are literally a part of you—are ripped from your life.

I have been fighting for almost five years to get my daughters back or at least be able to have some connection to their lives.

I can understand why Elian's father has not come to the U.S. to try to get his son. I too avoided subjecting myself to the Japanese legal system because I felt I would not get a fair hearing in a foreign country. And I was right! After years of jumping through legal hoops in Japan, I still don't have my children, not even a minimum level of access to them. Precious time has passed and now I fear my little girls might not even remember who I am.

We hear a lot in this country about family values. People here and all over the world worked hard to pass international standards to preserve the sanctity of the family worldwide. The U.S. joined these agreements precisely because they help American citizens. It would endanger all of our children if the U.S. openly disregards these international agreements with the whole world watching.

Not sending Elian back to his father would set back the clock on making family values a priority worldwide. According to State Department figures, there are at least 1,100 American children who have been abducted. Their families in the U.S. might never see them again, if the U.S. government does not enforce the INS ruling to return Elian to his father. The unofficial estimates are much, much higher. The Children's Rights Council estimates that each year there are more than 10,000 American children illegally taken or retained overseas by a parent.

The State Department said "*Our effectiveness in doing all of the consulate services that we do, but particularly children's issues, depends on our ability to adhere to the principles that we espouse. Those include respecting the parent-child relationship and the notion that a child should live in the country of his or her habitual residence.*" These are fundamental human concepts understood by all. They are the ties that bind, the blood ties.

My parents are getting older. We fear they may never get to see their grandchildren again. Our family has been torn apart. For all American families enduring similar situations, who continue to fight for their children guided by the laws that exist to keep families together, it is absolutely imperative that our country abide by the rules and send Elian back to his family in Cuba. If returned to Cuba, Elian will not be living with Fidel Castro, he will be living with his family.

Elian is suffering trauma from the loss of his mother and dad, a trauma that may become permanent, and lead to a personality disorder or other serious ailment after four months, according to psychiatric reports I have heard of. I am encouraged by all the energy being focused on Elian; I hope it will result in our political leaders focusing on the thousands of American children in the same situation as Elian, being held wrongfully overseas and isolated from their American families.

One final point I would like to note is the fact that an issue like this cuts both ways. We

need to consider the impact of this case on very similar scenarios affecting U.S. children. For example, what happens if there is an international parental abduction by a U.S. father or mother which results in some kind of accident in which the U.S. abducting parent dies and the U.S. citizen child ends up in the hands of distant relatives in a foreign country, not particularly sympathetic to the U.S.? In such a case, as well as in all the existing thousands of cases of American children being retained in overseas countries, the U.S. will have no moral grounds whatsoever to demand the return of American children to their U.S. parents and U.S. families, if we set a dangerous precedent by keeping Elian apart from his father and family in Cuba.

Thank you for considering these points.