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House of Representatives

On Sean Goldman: Justice Delayed Again

HON. CHRIS SMITH OF NEW JERSEY

Excerpts of remarks on the House floor

Madame Speaker,

Child abduction is a serious crime that no legitimate government or self-respecting judicial body anywhere on earth should ever countenance, support, or enable, by either direct complicity or incompetence.

But the denial of fundamental justice in a kidnapping of an American child is exactly what has happened, and is happening, in Brazil today.

The tragic kidnapping case of Sean Goldman, now in almost its fifth year, raises serious and troubling questions concerning the Lula administration's commitment to honoring its clearly defined international obligations.

Madam Speaker, why has Brazilian President Lula's government so comprehensively failed to honor and respect international law—namely the Hague

Convention on the Civil Aspects of International Child Abduction--which it freely signed and ratified, to expeditiously return a kidnapped child to the left-behind parent in the country of habitual residence.

David Goldman's nine-year-old son, Sean, was abducted by his now-deceased mother almost five years ago. For five long years David has sought relief in the Brazilian courts, and, with the aid of an extraordinarily talented legal team, has left no stone unturned in trying to get his son back. Because of the Lula government's complicity or incompetence, however, David Goldman has been frustrated at every turn. Justice was delayed—thus denied—again earlier today when a clear, unambiguous order to return Sean to his Dad and to the United States was frustrated by a new legal filing.

It is outrageous, Madam Speaker, that João Paulo Lins e Silva, a well-connected lawyer, who is not Sean's father, continues to hold Sean. By abducting a boy that is not his son, Lins e Silva commits what is among the most cruel, unethical and brazen acts of continuing

illegality imaginable. Even Brazilian court-appointed psychiatrists have said that with each passing day, Sean is being severely harmed by his continued abduction.

This week, all of us involved in the case were cautiously optimistic about a positive ruling by a Brazilian federal court judge ordering the abductor to turn Sean over at the U.S. Consulate in Rio de Janeiro at 2 p.m. today so that David could immediately bring his son back to the U.S.

It didn't happen.

A new appeal, filed by individuals associated with the abducting party, has resulted in the Brazilian Supreme Court suspending the federal court's order to return Sean. This appeal apparently seeks to declare unconstitutional Brazil's obligation under the Hague Convention on Child Abduction—a delaying and obstructionist tactic that will further harm Sean and continue the extreme agony of his father.

If a political party in Brazil wants to challenge Brazil's accession to the Hague Convention it should do so without taking Sean Goldman hostage.

Enough is enough, Mr. Speaker. It's long past time to bring Sean home.

The Brazilian government must more fully understand that these reckless legal maneuverings which have no finality or compassion or justice and bring dishonor on the Brazilian government. How long will President Lula allow this disgraceful charade to continue?

Let me be clear on this. Our argument isn't with the Brazilian people, for whom I have deep affection and admiration. Many Brazilians have supported David Goldman's quest for justice against two wealthy and politically powerful families that brazenly abuse their connections and exercise grossly undue influence over certain parts of the Brazilian judiciary.

The Lula government has failed to honor its commitments under international law. And because of that, a son has been deprived of his father, and a father has been deprived of his son. That's unconscionable.