

FOIA MARKER

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Original OA/ID Number: 4096				
Document ID: 0004233				
Stack: v	Row: 47	Section: 2	Shelf: 8	Position: 3

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 0004233
RECEIVED: 26 JUN 00 14

TO: PRESIDENT

FROM: BERGER

DOC DATE: 05 JUL 00
SOURCE REF:

KEYWORDS: IMMIGRATION
MEDIA
POTUS QUESTIONS

GERMANY
LEGAL ISSUES

PERSONS: LOOSE, CINDY

COOKE, JOSEPH

SUBJECT: REPLY TO POTUS QUESTION RE GERMAN CHILD CUSTODY CASE

ACTION: NOTED BY PRESIDENT W/ COMMENT

DUE DATE: 28 JUN 00 STATUS: C

STAFF OFFICER: MUNTER

LOGREF:

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO
MUNTER
NSC CHRON

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSTSM

CLOSED BY: NSGP

DOC 3 OF 3

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 0004233

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 PATTEN	Z 00062614 PREPARE MEMO FOR BERGER
002 BERGER	Z 00062919 FWD TO PRESIDENT FOR SIGNATURE
003 PRESIDENT	Z 00070512 FOR INFORMATION
003	X 00071205 NOTED BY PRESIDENT W/ COMMENT

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

003 000705	VICE PRESIDENT
003 000705	PODESTA, J

UNCLASSIFIED

**NATIONAL SECURITY COUNCIL
THE WHITE HOUSE**

6/30

PROOFED BY: DS LOG # 4233
 URGENT NOT PROOFED: _____ SYSTEM PRS INT ARS
 BYPASSED WW DESK: _____ DOCLOG DS A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<u>DS</u> GIRE	_____	_____	_____
JACOBSON	_____	_____	_____
POWELL	_____	_____	_____
BASH	<u>1</u>	<u>DS 6/29</u>	_____
BRADTKE	_____	_____	_____
RUDMAN	<u>2</u>	<u>DS 6/29</u>	_____
STEINBERG	<u>3</u>	<u>DS</u>	_____
BERGER	<u>4</u>	<u>DS</u>	_____
SITUATION ROOM	_____	_____	_____
WEST WING DESK	<u>5</u>	<u>DS 7/5</u>	<u>D</u> <u>STAT</u>
RECORDS MGMT.	<u>6</u>	_____	<u>N</u>

A = ACTION I = INFORMATION D = DISPATCH R = RETAIN N = NO FURTHER ACTION

CC:

COMMENTS:

00 JUN 29 PM 6:16

EXEC SEC OFFICE HAS DISKETTE

Yes

Log # 4233

ADDITIONAL COMMENTS

Fm DB To MER Date 6/29

A lengthy memo BUT covers two
ISSUES. RECOMMEND you FORWARD to SRB.

Fm _____ To _____ Date _____

NATIONAL SECURITY COUNCIL

THE WHITE HOUSE

6/30

PROOFED BY: DS LOG # 4233
 URGENT NOT PROOFED: _____ SYSTEM PRB INT ARS
 BYPASSED WW DESK: _____ DOCLOG DS A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<u>Car</u> GIRE	_____	_____	_____
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BASH	<u>1</u>	<u>DS/6/29</u>	_____
BRADTKE	_____	_____	_____
RUDMAN	<u>2</u>	<u>DS/6/29</u>	_____
STEINBERG	<u>3</u>	<u>DS</u>	_____
BERGER	<u>4</u>	<u>DS</u>	_____
SITUATION ROOM	_____	_____	_____
WEST WING DESK	<u>5</u>	<u>DS 7/5</u>	<u>D</u> <u>Start</u>
RECORDS MGMT.	<u>6</u>	_____	<u>N</u>

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CC:

TOP DOWN + STAFF

COMMENTS:

EXEC SEC OFFICE HAS DISKETTE

Yes

00 JUN 29 AM 6:15

UNCLASSIFIED

Classification

National Security Council
POTUS COMMENTS / QUESTIONS / REMARKS

Package # 000 4233

SENT TO	SENT FOR		
	ACTION	INFO	OTHER
BERGER		✓	
STEINBERG		✓	
RUDMAN		✓	
BRADTKE		✓	
BASH		✓	
↓ STAFF OFFICERS ↓			
Muntar			
Blinken			

COMMENTS: "Keep pushing - I'm okay
on envoy if you think we should"

DUE DATE (Two days unless indicated otherwise): _____

UNCLASSIFIED

Classification

THE PRESIDENT

7-9-00

THE WHITE HOUSE

WASHINGTON

July 5, 2000

TO: JBL 04210

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Berger
PodestaINFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

SUBJECT: German Child Custody

You asked about follow-up on your conversation with German Chancellor Schroeder on child custody. You also asked about the German Youth Authority's decision to restrict visitation rights in the Cooke case, apparently in retaliation for the publicity the Cooke family has generated on the child custody issue.

In your meeting, Schroeder agreed to create a bilateral working group to address at least two elements of this issue: visitation rights for "left-behind" parents, and compliance under the Hague Convention. We followed up immediately by sending Mary Ryan, State's Assistant Secretary for Consular Affairs, and a team to Berlin this week. I called her on the eve of her departure to underscore your personal commitment to this issue. Mary met with Chancellery, Foreign Ministry, and Justice Ministry officials, stressing the urgency and high-level commitment to easing visitation rights and ensuring fair and rapid attention to international custody cases.

Embassy Berlin reports that her interlocutors "appeared genuinely to understand the depth of the problem as a human tragedy" and suggested ways to speed up judicial hearings and other concrete steps. A senior German Justice Ministry official subsequently announced that custody cases would be settled within weeks rather than years -- a good sign. According to the Embassy, the Germans were less defensive than expected. However, the Embassy notes that the Germans are clearly more optimistic about improving future procedures than about righting past wrongs.

We will meet with Mary when she returns to Washington next week and prepare her for the first working group meeting in July. Between now and then, we will work with the Germans to agree on a clear process, a mandate for the working group, and a

PHOTOCOPY WJC HANDWRITING cc: Vice President
Chief of Staff

timetable to achieve and report on results. We also will move forward on naming members of our working group, and considering whether to make its leader (Mary or someone else) a special presidential envoy to give additional stature to the mission.

On the Cooke case: the State Department condemned the decision by the local court in Germany to limit visitation rights, calling it "outrageous" and "completely inappropriate." Our embassy in Berlin also lodged a strong protest. Mary raised this specific case in Berlin this week as well, and it featured prominently in her public statements there. German federal authorities agreed the action by the local court was wrong, but claimed Berlin does not have the authority to intervene -- underscoring one of our complaints about the system that we expect the working group to address. Joseph Cooke was allowed to see his children for two hours on Friday (with German onlookers present the whole time), but Germans later claimed the children expressed reservations about seeing Cooke and his mother in the future.

Attachment

Tab A Article on German Child Custody

6-26-00

U.S. Family Is Dealt a Blow

Child Visitation Curtailed Despite German Promises

By CINDY LOOZE

Washington Post Staff Writer

Three weeks after German Chancellor Gerhard Schroeder promised to help arrange visitation for American families embroiled in custody disputes, local German authorities have curtailed the visiting rights of the family in a celebrated case, apparently in retaliation for speaking to the press.

In late May, a youth agency in the southern German town of Konstanz urged Patricia Cooke of Flushing, N.Y., to cancel her visit to her grandchildren, Michelle, 8, and Daniel, 10, who are being raised in a foster home against the will of their father, Joseph Cooke.

"We have determined that you and your son have very emphatically brought into the open your evaluations and opinions," the letter from Konstanz began. The "media uproar," it said, had confused and unsteady the children.

After Cooke replied that she still planned to visit, she was informed that instead of her regularly scheduled six-hour visit, she could see the children for two hours this Friday and two hours Monday. The visits could take place only in the offices of a psychologist, who would observe the entire sessions, the Konstanz Special Service for Foster Children said in a June 16 letter.

A State Department spokesman yesterday called the local ruling "absolutely horrible," "completely inappropriate" and "absurd."

"These changes are clearly intended to be punitive measures because of the publicity that the case has generated," the spokesman said.

When visiting Germany on Sunday and Monday, Mary Ryan, assistant secretary of state for consular affairs, "will be raising this specific issue with every person she meets in the German government," the spokesman said.

Officials at the German Embassy in Washington said they had contacted Berlin about the case but would have no comment on it.

Joseph Cooke, Patricia's son, lost his children six years ago when his then-wife, Christiane Cooke, turned Michelle and Daniel over to German youth authorities without his knowledge, during a visit to her German family. She then checked herself into a German mental institution. Authorities, without contacting Joseph Cooke, placed the American-born children in foster care.

Cooke fought for their return, but German courts ruled that the children had become accustomed to German culture and language and would suffer if separated from the foster family. Patricia Cooke is now the only U.S. family member with visiting rights; if Joseph Cooke were to go to Germany, he could be jailed for failing to pay child support.

Dozens of American parents with children in Germany have complained of similar rulings and of the courts' refusal to grant or enforce visitation rights.

Last month, Congress unanimously passed a resolution condemning Germany, Austria and Sweden for "consistently violating" a treaty requiring the return of abducted children to their home countries for custody hearings. After the resolution and a front-page story in

The Washington Post focusing on Cooke's case, senior German officials said the government recognized that urgent action was needed to rectify gross injustices and to stem the damage to Germany's image.

Schroeder reportedly read several files, including the Cooke family's, and convened a Cabinet meeting to address the problem. In a meeting with President Clinton last month, Schroeder referred to the cases as "tragic," and Clinton called them "heart-rending."

But even as top officials were promising to do better, the Cooke family's situation was worsening.

A German social worker who urged Patricia Cooke to cancel her visit warned in writing that, "if you persist in making contact at the end of June, you are advised that the Youth Agency views it strictly necessary that the visit not take place in the foster home, but on neutral territory and accompanied by a psychological professional."

Cooke responded that she did not understand the need for a psychologist to be present.

"I would like to do the normal things a grandmother does, like take them for ice cream," she said.

The next letter informed her of the reduced hours and gave her the address of the psychologist who would oversee the visit. The letter appeared to suggest that future visits would be dependent on her behavior.

Rep. Steve Chabot (R-Ohio), who has championed the rights of U.S. families in overseas custody cases, called the letters outrageous. "You have to question the good-faith promises of the German government. Now the spotlight is off, and we're back to business as usual," he said.

Cooke, a secretary who said she runs up her credit card balance and defers maintenance on her home to afford three short visits to Germany each year, took what was offered. She left last night for Konstanz.

00:21:32 NNO

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 At least weigh in
 This is ~~an~~ ~~answer~~
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TP

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 6-26-00

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TO: PODESTA, J
BERGER

FROM: PRESIDENT

DOC DATE: 26 JUN 00
SOURCE REF:

KEYWORDS: IMMIGRATION
MEDIA
POTUS QUESTIONS

GERMANY
LEGAL ISSUES

PERSONS: LOOSE, CINDY

COOKE, JOSEPH

SUBJECT: POTUS REQUESTS NSC RECOMS RE 22 JUN WP ARTICLE RE CHILD VISITATION
RIGHTS CASE IN GERMANY

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 28 JUN 00 STATUS: S

STAFF OFFICER: PATTEN

LOGREF:

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

~~FOR ACTION~~
~~PATTEN~~

FOR CONCURRENCE
BAKER
CROWLEY
MUNTER

FOR INFO
BRADTKE
MCCARTHY
SCHWARTZ

Munter

please transfer to Munter.

COMMENTS: POTUS NOTE READS: "JP / SANDY -- WE NEED TO DO SOMETHING, AT LEAST
WEIGH IN - THIS IS AWFUL. JUST THE REVERSE OF WHAT WE DID W/ ELIAN"

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OPENED BY: NSTSM

CLOSED BY:

DOC 1 OF 1

JP / Source
We need to do something
At least with us
This is awful
Just the number of what we
did up there

RK

HE 100-100-100
6-26-00

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NSC WW
Desk

6-26-00

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By CINDY LOOSE
Washington Post Staff Writer

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After Cooke replied that she still planned to visit, she was informed that instead of her regularly scheduled six-hour visit, she could see the children for two hours this Friday and two hours Monday. The visits could take place only in the offices of a psychologist, who would observe the entire sessions, the Konstanz Special Service for Foster Children said in a June 16 letter.

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But even as top officials were promising to do better, the Cooke family's situation was worsening.

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Cooke, a secretary who said she runs up her credit card balance and defers maintenance on her home to afford three short visits to Germany each year, took what was offered. She left last night for Konstanz.

JUN 26 12:23

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

4233

June 28, 2000

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ANTONY BLINKEN

FROM: CAMERON MUNTER

SUBJECT: Response to Presidential Query on German Child Custody

The President and you have asked about the status of follow-up to his discussions with German Chancellor Schroeder on Child Custody, as well as about a decision by the German Youth Authority to further restrict visitation in the Cooke case. This memo notes that we have sent State Assistant Secretary Mary Ryan to Berlin this week to push for progress, both in cases with unacceptable outcomes (such as the Cooke case) and in general procedures for future cases. Ryan's reports are optimistic about the latter, but more remains to be done: we will meet with Ryan when she returns next week.

Eric Schwartz also read your note emphasizing the importance of progress on this issue over the next six months. While Eric has considerable respect for Mary Ryan, he questions whether the structure we are establishing will provide the political muscle necessary to achieve genuine progress. The alternative would be to appoint an envoy with much clearer and closer ties to the President -- either a prominent outsider (which would create some legal hurdles) or someone here at the NSC/White House. Eric suggests that we evaluate the outcome of Mary's mission after she returns, and only then make a decision about who should be the envoy.

Concurrences by:  Eric Schwartz, Mary DeRosa, P. J. Crowley

RECOMMENDATION

That you sign the attached memorandum to the President.

Attachments

Tab I Memorandum for the President

Tab A Article on German Child Custody

Action
→ Camem

Siberell, Justin H. (NSA)

From: Siberell, Justin H. (NSA)
Sent: Monday, June 26, 2000 3:24 PM
To: @EUROPE - European Affairs; Blinken, Antony J. (EUR)
Cc: @MULTILAT - Multilateral and Humanitarian Affairs; @LEGAL - Legal Advisor; @NSA - Natl Security Advisor; @PRESS - Public Affairs; @NSCComm
Subject: POTUS question for response [UNCLASSIFIED]

Tony: On a June 22 Washington Post article by Cindy Loose titled, "U.S. Family is Dealt a Blow", the President wrote:

"We need to do something, at least weigh in. This is awful, just the reverse of what we did with Elian."

Item coming to you in hard copy.

Please prepare a one-page response to the President's question by COB Wednesday. Records to track.

Thanks, Justin

Camem
we can discuss in context
of Mary Ryan's visit to
Berlin — then over to you!

Dick.

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 0004233
RECEIVED: 26 JUN 00 14

TO: PODESTA, J
BERGER

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DUE DATE: 28 JUN 00 STATUS: S

STAFF OFFICER: PATTEN

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D O C U M E N T D I S T R I B U T I O N

FOR ACTION

PATTEN

FOR CONCURRENCE

BAKER

CROWLEY

MUNTER

FOR INFO

BRADTKE

MCCARTHY

SCHWARTZ

COMMENTS: POTUS NOTE READS: "JP / SANDY -- WE NEED TO DO SOMETHING, AT LEAST
WEIGH IN - THIS IS AWFUL. JUST THE REVERSE OF WHAT WE DID W/ ELIAN"

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSTSM

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED

THE WHITE HOUSE
WASHINGTON

INFORMATION

MEMORANDUM FOR THE PRESIDENT

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Mary
Spell out
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[meet with Mary]

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cc: Vice President
Chief of Staff

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~~Amend~~

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JUN 26 12:23

JP / Source
are used to do something
At least write in
This is ~~an~~ answer
That the number of what was
did of Elmer

PK

ONE PAGE
6-26-00

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