

U.S. Is Now Pursuing Americans Who Commit Sex Crimes Overseas

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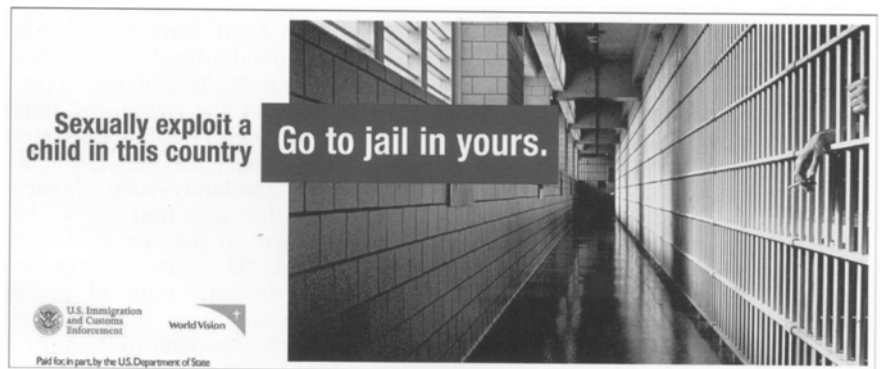
One suspect was a convicted pedophile from Baltimore accused of molesting boys in two Asian countries. Another was a doctor from Georgia who the Russian police said drugged his young victims in a St. Petersburg hotel. A third was a retired Army sergeant from Seattle who may have molested up to 50 children.

The three men would once have almost certainly fallen outside the grasp of United States prosecutors. But with the long arm of American law growing ever longer, all three could face significant prison sentences in the United States because of a measure passed by Congress last year that gives federal officials much more power to prosecute people suspected of molesting children on foreign soil. Officials have already used their expanded authority to prosecute five American men, four of whom are awaiting trial. Dozens more investigations are under way from Sri Lanka to Costa Rica.

American officials are hoping their investigations will help break what they believe are shadowy Internet networks used by pedophiles to share photographs of children and travel tips about countries with thriving child sex industries.

But so far, prosecutions under the new law have focused on people who traveled on their own.

The initiative dovetails with two priorities for the Bush administration: adopting a more aggressive agenda abroad to protect American interests at home and attacking what President Bush has called the "special evil" of child trafficking and exploitation. In the process, federal officials have forged an alliance with humanitarian groups in exposing havens for so-called sex tourists.



Ads are being placed at airports in several countries as warnings.

"We're no longer having to fight alone on this," said Joseph Mettimano, child protection policy adviser for a Christian-based group called World Vision. "We have a very active and very engaged government power working with us now."

But that new power is also prompting debate in federal courts and in public policy circles over how far the United States can and should go to combat child exploitation abroad.

Some critics of the initiative, including defense lawyers and law professors, question why, at a time of pressing counterterrorism needs at home, investigators from the Department of Homeland Security are using scarce resources to go after molesters abroad. Others accuse the Bush administration and Congress of overreaching by seeking to create what amounts to a global police presence. "What we're seeing is the ever-expanding authority of the federal government in the criminal justice arena," said Mike Filipovic, a public defender in Seattle who represents Michael L. Clark, the former sergeant picked up in Cambodia.

"Stopping child abuse is a laudable goal, but it's really somewhat patro-

nizing to these other countries to say that we feel that the only way to solve this problem is for us to do it for you," Mr. Filipovic said. "The issue here is should our government be able to prosecute our citizens for acts committed anywhere in the world?"

Some child-advocacy groups estimate that as many as 25 percent of all sex tourists abroad come from the United States. Although the data is inexact, Americans who have sex with children abroad are thought to number in the thousands, with hard-core pedophiles, casual tourists and business people taking advantage of lax enforcement, child advocacy groups and American officials say.

Indeed, some countries in Southeast Asia and Latin America are now seen as havens for molesters, turning a blind eye or even tacitly welcoming such tourists to promote their economies, experts say. Against that backdrop, agents for the Bureau of Immigration and Customs Enforcement, within the Department of Homeland Security, have mounted an aggressive effort with their new power. Investigations number in the dozens, officials said, with targets in Cambodia, the Philippines, Thailand, Sri Lanka, India, Russia, Mexico, Costa

Rica and elsewhere.

American agents are careful to open investigations only with the cooperation of host countries, said Michael J. Garcia, who oversees immigration and customs enforcement. In Cambodia, for instance, the police have in several cases charged Americans under local ordinances, then held them for extradition in close coordination with American officials.

And in the Washington suburbs, several analysts at the immigration agency's cybercrimes unit now peruse the Internet and follow tips about sex tourism networks abroad.

The government's expanded legal authority to pursue molesters abroad comes as part of a 2003 federal law known as the Protect Act, a package of child-protection measures best known for the creation of the Amber Alert for missing children. A more obscure provision eliminated an obstacle for prosecutors seeking charges against Americans accused of molesting children abroad.

Previously, prosecutors had to prove that a suspect left the United States "for the purpose" of molesting a child, a standard that authorities said made it almost impossible to bring charges. The Protect Act eliminated that and imposed a 30-year sentence for a conviction.

"The big change here," said Charles A. Ray, the American ambassador to Cambodia, "is that we can actually take aggressive action against these people and see results."

Mr. Clark, who lived in Cambodia for about five years before his arrest and had returned occasionally to Seattle, is the first to challenge the new law. According to the criminal complaint against Mr. Clark, he told investigators that he had molested "approximately 40 to 50 children, stating that some of them may have been 18 years old." He

was charged with molesting two boys and pleaded guilty to the charges in March. But he also argued that the legal expansion was unconstitutional and an abuse of Congress's authority to regulate commerce.

On April 26 a federal judge in Seattle upheld the constitutionality of the law, saying Congress had acted within its power. Mr. Clark is to be sentenced June 25 but may still appeal the ruling.

American officials acknowledge that privately, some countries remain wary of working so closely with United States agencies. But so far, American officials say, foreign nations have been largely receptive.

Cambodia, in particular, is considered "a paradise" for foreign pedophiles, said Aarti Kapoor, a lawyer with a Cambodia-based group that assists prostitutes and abuse victims. Many residents are young and impoverished, the country's judicial system is prone to bribery and corruption and neighboring Thailand - also a favorite destination for sex tourists - has cracked down on the sex trade, Ms. Kapoor said. "U.S. law enforcement represents the only hope of finding justice," she said.

Federal officials point to Richard A. Schmidt as just the kind of person that the new law was intended to snare.

Mr. Schmidt, 61, is a former school-teacher from the Baltimore area who was repeatedly arrested in the mid-1980's for abusing boys.

In 1987, Mr. Schmidt was sentenced to an 18-year prison term after being convicted of multiple counts of sexually abusing a 12-year-old boy in Baltimore, court records show. He served 13 years, spending part of that time enrolled in a sex-offender program, officials said.

In 2000, he was released early for good behavior and settled in an upscale neighborhood in north Baltimore. But

in 2003, state investigators said that he had tried to take pornographic photographs of two boys in the Baltimore area, state officials said. A warrant for his arrest was issued, but he fled, first to North Carolina and then to the Philippines.

Last year, the Philippine police arrested Mr. Schmidt and charged him with having sex with underage boys. He fled again, this time to Cambodia. And within weeks, he was again spotted having liaisons with young boys.

This time, workers with private child welfare organizations spotted Mr. Schmidt taking a Cambodian boy to his apartment in Phnom Penh. According to court papers, the workers called the Cambodian police, who arrested Mr. Schmidt. Cambodian officials notified American investigators, who interviewed Mr. Schmidt and began building a case for his indictment in the United States.

Two Cambodian brothers, ages 10 and 13, told investigators that Mr. Schmidt had taken them to his apartment several times, teaching them English and computer games, then photographing them naked in the shower. A Cambodian judge released Mr. Schmidt last Dec. 25, but confiscated his passport and placed him on police watch.

Two days later, a social worker with a French group, Action for the Children, saw Mr. Schmidt check into a guesthouse with a 12-year-old boy, officials said. The social worker, who had been tailing Mr. Schmidt, called the police, who arrested Mr. Schmidt again. The boy later told investigators that Mr. Schmidt had sodomized him.

Mr. Schmidt was returned to Baltimore in February to face charges under the Protect Act and is in jail awaiting trial. His lawyer could not be reached for comment.

One group, the International Justice Mission, has investigators who build cases against suspected offenders, then turn the evidence over to law enforcement officials. The group has also been training Cambodian police in collecting evidence that can be used in American courts.

Another group, World Vision, serves as a clearinghouse for tips on foreign sexual predators and has mounted a \$2million advertising campaign, financed in part by the State Department, to warn Americans against committing sexual offenses abroad. The group plans campaigns in Thailand and Costa Rica, and with billboards near the airport in Phnom Penh and elsewhere in Cambodia.

"Abuse a child in this country," reads one poster, "go to jail in yours."

CASEBOOK

More Power for Sex-Crime Prosecutions

Five men in the United States have been charged under a provision passed by Congress last year that gives the authorities broad power to prosecute Americans for sex crimes against minors committed overseas. Four of the five are now awaiting trial. One, Michael L. Clark, has pleaded guilty and will be sentenced on June 25.

Michael L. Clark, 70	Gary E. Jackson, 56.	Gregory C. Kapordelis, 43	Richard A. Schmidt, 61	John W. Seljan, 86
<i>Seattle</i>	<i>Bainbridge I., Wash.</i>	<i>Gainesville Ga.</i>	<i>Baltimore</i>	<i>Garden Grove, Calif.</i>
An Army veteran, he was charged in September 2003 with having sexual relations in Cambodia with two boys, ages about 10 and 13.	He was charged in November 2003 with having sexual relations with three boys in Cambodia. The Authorities said he used a cam-era to record his sexual contact with the boys.	An anesthesiologist and physician at summer camps, he was charged in April 2004 with molesting under-age boys at a hotel in St. Petersburg, Russia, in 2003.	A former school-teacher, he was charged in February 2004 with several counts of molesting under-age boys in the Philippines and Cambodia.	Charged with attempting to fly to the Philippines to have sex with two pre-teenage girls. He was arrested in Los Angeles International Airport in October 2003 carrying pornography.

Source: Immigration and Customs Enforcement, Department of Homeland Security

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