

118TH CONGRESS
2D SESSION

S. 5085

To condemn convicted felon, Joanne Chesimard, who is also known as Assata Shakur, and those celebrating her violent actions against New Jersey law enforcement members, to call for her immediate extradition or return to the United States from Cuba, where Ms. Chesimard is receiving safe haven to the United States to escape prosecution or confinement for criminal offenses committed in the United States, and to officially honor and commemorate the New Jersey law enforcement members killed and affected by her violent acts.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2024

Mr. HELMY introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To condemn convicted felon, Joanne Chesimard, who is also known as Assata Shakur, and those celebrating her violent actions against New Jersey law enforcement members, to call for her immediate extradition or return to the United States from Cuba, where Ms. Chesimard is receiving safe haven to the United States to escape prosecution or confinement for criminal offenses committed in the United States, and to officially honor and commemorate the New Jersey law enforcement members killed and affected by her violent acts.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Justice for Trooper
5 Werner Foerster Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Joanne Chesimard, who is on the Federal
9 Bureau of Investigation’s list of Most Wanted Ter-
10 rorists, is believed to be receiving safe haven in Cuba
11 to escape confinement for criminal offenses com-
12 mitted in the United States.

13 (2) On May 2, 1973, Ms. Chesimard and 2 ac-
14 complices opened fire on 2 New Jersey State troop-
15 ers during a motor vehicle stop. Ms. Chesimard and
16 her accomplices wounded State trooper James Har-
17 per and executed State Trooper Werner Foerster at
18 point-blank range.

19 (3) After a 6-week trial in March 1977, Ms.
20 Chesimard was found guilty of first-degree murder
21 and sentenced to life imprisonment. On November 2,
22 1979, Ms. Chesimard, aided by armed individuals
23 posing as visitors, escaped from what is now the
24 Edna Mahan Correctional Facility for Women and
25 fled to Cuba.

1 (4) The Treaty Between the United States and
2 Cuba for the Mutual Extradition of Fugitives from
3 Justice, done at Washington, DC, April 6, 1904 (33
4 Stat. 2265), and the Additional Extradition Treaty
5 Between the United States and Cuba, done at Ha-
6 vana, Cuba January 14, 1926 (44 Stat. 2392), con-
7 stitute bilateral extradition treaties between the
8 United States and Cuba.

9 (5) The Government of Cuba has previously re-
10 turned fugitives from the United States, including—

11 (A) Jesse James Bell, a United States cit-
12 izen wanted on 15 drug charges who was re-
13 turned to the United States in January 2002;

14 (B) Leonard B. Auerbach, a United States
15 citizen wanted on Federal child sex crimes
16 charges who was returned to the United States
17 in June 2008; and

18 (C) James Ray III, a United States citizen
19 and New Jersey resident accused of murdering
20 his girlfriend, who was returned to the United
21 States in November 2018.

22 (6) The refusal of the Government of Cuba to
23 extradite or otherwise render Joanne Chesimard—

24 (A) is a deplorable example of a failure to
25 extradite or otherwise render; and

1 (B) has caused ongoing suffering and
2 stress to Mr. Foerster’s surviving family and
3 friends.

4 **SEC. 3. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) Joanne Chesimard is receiving safe haven in
7 Cuba to escape prosecution or confinement for crimi-
8 nal offenses committed in the United States and
9 must be extradited or returned immediately to the
10 United States, consistent with the Government of
11 Cuba’s obligations pursuant to its extradition trea-
12 ties with the United States;

13 (2) the Secretary of State and the Attorney
14 General should leverage all appropriate diplomatic
15 and policy tools to secure the timely extradition or
16 return of Mr. Chesimard from Cuba to face justice
17 in the United States; and

18 (3) New Jersey law enforcement officers, in-
19 cluding Trooper Werner Foerster, should be offi-
20 cially honored and commemorated for their public
21 service and ultimate sacrifice while protecting and
22 safeguarding New Jersey communities.

1 **SEC. 4. ANNUAL REPORT AND DETERMINATION ON FUGI-**
2 **TIVES FROM THE UNITED STATES IN CUBA.**

3 (a) **IN GENERAL.**—The Secretary of State, in coordi-
4 nation with the Attorney General, shall raise the issue of
5 fugitives from the United States receiving safe haven in
6 Cuba as part of bilateral conversations with the Govern-
7 ment of Cuba.

8 (b) **REPORT.**—Not later than 180 days after the date
9 of the enactment of this Act, and annually thereafter until
10 the date specified in subsection (c), the Secretary of State
11 shall submit a report to the Committee on Foreign Rela-
12 tions of the Senate and the Committee on Foreign Affairs
13 of the House of Representatives that—

14 (1) identifies steps taken by the Department of
15 State to advance efforts to secure the extradition or
16 return of Joanne Chesimard and other fugitives
17 from the United States who are residing in Cuba;

18 (2) includes a determination as to whether the
19 Government of Cuba is actively fulfilling its obliga-
20 tions under relevant bilateral extradition treaties be-
21 tween the United States and Cuba; and

22 (3) to the extent feasible, includes an estimate
23 of the number of fugitives from the United States
24 who are receiving safe haven in Cuba.

25 (c) **SUNSET.**—The Secretary of State is not required
26 to submit the report described in subsection (b) after the

1 date on which the Secretary submits a second consecutive
2 annual report under such subsection that includes a deter-
3 mination that the Government of Cuba—

4 (1) is actively fulfilling its extradition obliga-
5 tions; and

6 (2) is returning fugitives of the United States
7 who are residing in Cuba.

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