

106TH CONGRESS
1ST SESSION

H. R. 3329

To amend the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to require that, in order to determine that a democratically elected government in Cuba exists, the government extradite to the United States convicted felon Joanne Chesimard and all other individuals who are living in Cuba in order to escape prosecution or confinement for criminal offenses committed in the United States.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 10, 1999

Mr. ROTHMAN introduced the following bill; which was referred to the Committee on International Relations

A BILL

To amend the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to require that, in order to determine that a democratically elected government in Cuba exists, the government extradite to the United States convicted felon Joanne Chesimard and all other individuals who are living in Cuba in order to escape prosecution or confinement for criminal offenses committed in the United States.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “No Safe Harbor in
3 Cuba Act”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds that—

6 (1) on May 2, 1973, Joanne Chesimard and
7 two companions, upon being stopped in their vehicle
8 by New Jersey State Troopers James Harper and
9 Werner Foerster on the New Jersey Turnpike,
10 opened fire on these officers, striking Trooper Wer-
11 ner Foerster in the chest and James Harper in the
12 left shoulder;

13 (2) the suspects then used Trooper Foerster’s
14 own weapon to shoot him twice in the head, killing
15 him;

16 (3) in 1977, after a properly constituted jury in
17 a fair trial conducted according to the international
18 norms of the rule of law, found Ms. Chesimard
19 guilty of first-degree murder for the slaying of
20 Trooper Foerster, which resulted in Ms. Chesimard
21 being legally and properly sentenced to life in a New
22 Jersey State prison;

23 (4) in 1979, Ms. Chesimard escaped from the
24 Reformatory for Women in Clinton, New Jersey,
25 with the help of four men who took a guard and

1 prison van driver hostage, thereby recklessly placing
2 the lives of both men in danger;

3 (5) after escaping prison, Ms. Chesimard fled to
4 Cuba for the sole purpose of escaping her legally im-
5 posed life sentence in prison for the murder of
6 Trooper Foerster;

7 (6) there are currently approximately 90 other
8 individuals who have fled from the United States to
9 Cuba in order to avoid legal prosecution or legally
10 imposed confinement for serious criminal offenses;

11 (7) respect for the rule of law is a primary con-
12 dition for the establishment of any legitimate demo-
13 cratic government; and

14 (8) legitimate democratic governments must
15 show respect for each other's justice systems and not
16 provide safe harbor to criminals who have been le-
17 gally indicted or convicted of serious offenses.

18 **SEC. 3. AMENDMENT TO LIBERTAD ACT.**

19 Section 206 of the Cuban Liberty and Democratic
20 Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6066)
21 is amended—

22 (1) in paragraph (5) by striking “and” after
23 the semicolon;

24 (2) in paragraph (6) by striking the period and
25 inserting “; and”; and

1 (3) by adding at the end the following:

2 “(7) has proven its respect for the democratic
3 rule of law by ceasing to provide a safe harbor to
4 criminals who have been duly and legally indicted or
5 convicted of serious criminal offenses, including con-
6 victed felon Joanne Chesimard, and all other individ-
7 uals who have fled from the United States to Cuba
8 for the sole purpose of avoiding prosecution or con-
9 finement for serious criminal offenses committed in
10 the United States.”.

○