

108TH CONGRESS  
1ST SESSION

# H. R. 3470

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.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 2003

Mr. ROTHMAN (for himself and Mr. MENENDEZ) introduced the following bill; which was referred to the Committee on International Relations

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## 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 Haven in  
3 Cuba Act”.

4 **SEC. 1. 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, a properly constituted jury in a  
17 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, as a result of which Ms.  
21 Chesimard was legally and properly sentenced to life  
22 imprisonment in a New 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 80 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 the justice systems of one another  
16 and not provide safe harbor to individuals who have  
17 been legally indicted or convicted of serious offenses.

18 **SEC. 2. 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 individuals who have been legally indicted or con-  
5 victed 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.”.

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