

117TH CONGRESS
2D SESSION

S. 4715

To call for the immediate extradition or return to the United States of convicted felon Joanne Chesimard, William “Guillermo” Morales, and all other fugitives who are receiving safe haven in Cuba to escape prosecution or confinement for criminal offenses committed in the United States.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2022

Mr. MENENDEZ (for himself and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To call for the immediate extradition or return to the United States of convicted felon Joanne Chesimard, William “Guillermo” Morales, and all other fugitives who are receiving safe haven in Cuba 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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Joanne Chesimard, who is on the Federal
4 Bureau of Investigation's list of Most Wanted Ter-
5 rorists, is believed to be receiving safe haven in Cuba
6 to escape confinement for criminal offenses com-
7 mitted in the United States.

8 (2) On May 2, 1973, Ms. Chesimard, a member
9 of the Black Liberation Army extremist organiza-
10 tion, and 2 accomplices opened fire on 2 New Jersey
11 State troopers during a motor vehicle stop. Ms.
12 Chesimard and her accomplices wounded 1 State
13 trooper and executed State Trooper Werner Foerster
14 at point-blank range.

15 (3) After a 6-week trial in March 1977, Ms.
16 Chesimard was found guilty of first-degree murder
17 and sentenced to life imprisonment. On November 2,
18 1979, Ms. Chesimard, aided by armed individuals
19 posing as visitors, escaped from what is now the
20 Edna Mahan Correctional Facility for Women and
21 fled to Cuba.

22 (4) William "Guillermo" Morales, a bomb-
23 maker for the terrorist organization Fuerzas Arma-
24 das de Liberación Nacional, is credibly believed to
25 have committed numerous terrorist attacks on
26 United States soil, including the bombings of

1 Fraunces Tavern in lower Manhattan on January
2 25, 1975, and of the Mobil Oil employment office in
3 New York on August 3, 1977. Among those killed
4 in the bombing of Fraunces Tavern was Mr. Frank
5 Connor of New Jersey.

6 (5) Following hospitalization in Bellevue Hos-
7 pital in July 1978 after a bomb he was constructing
8 exploded prematurely, William “Guillermo” Morales
9 escaped to Mexico and made his way to Cuba before
10 June 1988.

11 (6) Other fugitives from the United States who
12 have been charged with offenses, such as hijacking,
13 kidnapping, drug trafficking, and murder, are be-
14 lieved to be receiving safe haven in Cuba. Fugitives
15 from the United States who are currently residing in
16 Cuba include—

17 (A) Charlie Hill, a member of the Republic
18 of New Afrika militant group who stands ac-
19 cused of killing a policeman in New Mexico in
20 1971 before hijacking a passenger plane and
21 obtaining asylum in Cuba; and

22 (B) Victor Manuel Gerena, a member of
23 the Puerto Rican terrorist group Los
24 Macheteros who stole a Wells Fargo armored
25 car in Connecticut containing over \$7,000,000

1 in November 1983 before escaping to Cuba and
2 remained on the Federal Bureau of Investiga-
3 tion's Ten Most Wanted Fugitives list for more
4 than 32 years.

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

13 (8) The Government of Cuba has previously re-
14 turned fugitives from the United States, including—

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

18 (B) Leonard B. Auerbach, a United States
19 citizen wanted on Federal child sex crimes
20 charges who was returned to the United States
21 in June 2008; and

22 (C) James Ray III, a United States citizen
23 and New Jersey resident accused of murdering
24 his girlfriend, who was returned to the United
25 States in November 2018.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) Joanne Chesimard, William “Guillermo”
4 Morales, and all other fugitives receiving safe haven
5 in Cuba to escape prosecution or confinement for
6 criminal offenses committed in the United States
7 must be extradited or returned immediately to the
8 United States, consistent with the Government of
9 Cuba’s obligations pursuant to its extradition trea-
10 ties with the United States; and

11 (2) the Secretary of State and the Attorney
12 General should leverage all appropriate diplomatic
13 and policy tools to secure the timely extradition or
14 return of all fugitives residing in Cuba to face jus-
15 tice in the United States.

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

18 (a) IN GENERAL.—The Secretary of State, in coordi-
19 nation with the Attorney General, shall raise the issue of
20 fugitives from the United States receiving safe haven in
21 Cuba as part of bilateral conversations with the Govern-
22 ment of Cuba.

23 (b) REPORT.—Not later than 180 days after the date
24 of the enactment of this Act, and annually thereafter until
25 the date specified in subsection (c), the Secretary of State
26 shall submit a report to the Committee on Foreign Rela-

1 tions of the Senate and the Committee on Foreign Affairs
2 of the House of Representatives that—

3 (1) identifies steps taken by the Department of
4 State to advance efforts to secure the extradition or
5 return of Joanne Chesimard, William “Guillermo”
6 Morales, and other fugitives from the United States
7 who are residing in Cuba;

8 (2) includes a determination as to whether the
9 Government of Cuba is actively fulfilling its obliga-
10 tions under the bilateral extradition treaties de-
11 scribed in section 2(6) between the United States
12 and Cuba; and

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

16 (c) SUNSET.—The Secretary of State is not required
17 to submit the report described in subsection (b) after the
18 date on which the Secretary submits a second consecutive
19 annual report under such subsection that includes a deter-
20 mination that the Government of Cuba—

21 (1) is actively fulfilling its extradition obliga-
22 tions; and

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

1 **SEC. 5. PROHIBITION ON THE USE OF INCLE FUNDING IN**
2 **CUBA.**

3 Amounts deposited into the International Narcotics
4 Control and Law Enforcement account to carry out the
5 activities authorized under section 481(a)(4) of the For-
6 eign Assistance Act of 1961 (22 U.S.C. 2291(a)(4)) may
7 not be used for programs or initiatives in Cuba until the
8 Government of Cuba is in compliance with—

9 (1) the conditions set forth in paragraphs (1)
10 and (2) of section 4(c) of this Act; and

11 (2) the conditions set for the resumption of eco-
12 nomic activity between the United States and Cuba
13 pursuant to law, including the Cuban Liberty and
14 Democratic Solidarity (LIBERTAD) Act of 1996
15 (22 U.S.C. 6021 et seq.).

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