

United States Senate

WASHINGTON, DC 20510

January 23, 2015

The Honorable Eric Holder
Attorney General
Department of Justice
Robert F. Kennedy Building
Tenth Street and Constitution Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Holder:

We are writing to express our strong concern about the Department of Justice's role in President Obama's recent announcement of a change in U.S. policy toward Cuba and to pose several questions related to your Department's actions on this issue.

As Attorney General, you serve as our country's chief law enforcement officer. You are expected to ensure the credibility of the American legal system and as well as help to protect and defend the American people.

We were thus troubled to learn that you played a role in the President's decision to transfer three convicted foreign intelligence agents from federal custody to Cuba. As you know, in addition to their infiltration of the Cuban-American community for espionage, one of the individuals in question was convicted of conspiracy to commit murder related to the downing of civilian planes operated by the U.S. humanitarian group Brothers to the Rescue in international airspace.

We have several questions regarding their cases:

- Was there a formal assessment conducted of the consequences for the credibility of the U.S. justice system of releasing individuals that were not just convicted foreign intelligence agents, but also a convicted accessory to murder?
- Why was there no effort made by the U.S. government to provide an explanation to the families of the murdered victims about this prisoner release before it took place or in the immediate aftermath of President Obama's announcement?

Related to the same 1996 incident, in a recent press report, a member of Congress recounted being told by Cuban President Raul Castro that, "I gave the order. I'm the one responsible," for the shoot down. This information sheds new light on the 1996 events and bolsters previous evidence of Castro's culpability in this heinous crime.

- Has the Justice Department discussed this conversation with the member of Congress in question and does the Justice Department rule out the indictment of President Castro for murder given his apparent admission of guilt for the murder of three American citizens?

Another issue that falls under your Department's jurisdiction is the effort to seek the return of fugitives from justice who have fled to other countries. As you know, there are reportedly more than seventy such individuals who have sought refuge in Cuba and are currently being harbored by the Castro regime. These include such violent criminals as Joanne Chesimard, who the FBI regards as a "domestic terrorist" and was named to the FBI's Most Wanted List in 2013, as well as Victor Manuel Gerena, Charles Hill and others. Chesimard and Hill were both involved in the murders of American police officers. There are numerous others guilty of lesser but still important crimes, including money laundering and health care fraud. While the United States government has publicly described the situation related to these fugitives in reports in the past, there is little definitive information about their cases available publicly. We agree with the President of the Fraternal Order of Police, who recently wrote to President Obama that, "The blood of American law enforcement officers doing their job on American soil is too high a price to pay for closer ties with the Cuban regime."

We would like the following information and questions answered about these American fugitives from justice:

- Please provide a list of all fugitives from justice that the FBI considers likely to be harbored in Cuba.
- Please provide copies of the indictments of each of the individuals on this list.
- As the nation's chief law enforcement officer, do you support the normalization of relations with Cuba without the return of fugitives from justice for prosecution who have the blood of Americans, including law enforcement officers on their hands?
- As the nation's chief law enforcement officer, do you support the removal of Cuba from the list of State Sponsors of Terrorism if the Castro government continues to harbor "domestic terrorists" such as Joanne Chesimard?

As the facts of these cases show, the actions of the individuals in question have deprived some Americans of their lives and affected the lives and well-being of countless others. Attempting to gloss over the facts of their crimes against the United States is an insult to the values and ethics of our judicial system and those same ideals that you, as our nation's chief law enforcement officer, are supposed to uphold.

We thus look forward to your answers to all of these questions, which we also intend to consider as part of the confirmation process of your successor.

Sincerely,



Marco Rubio
United States Senator



David Vitter
United States Senator



Ted Cruz
United States Senator

cc: Ms. Loretta Lynch, United States Attorney for the Eastern District of New York