

US attorney general seeks death penalty for Boston Marathon bombing suspect

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On Thursday afternoon, United States Attorney General Eric Holder announced that federal authorities will seek the death penalty for Dzhokhar Tsarnaev if he is found guilty of the Boston Marathon bombing last April.

Tsarnaev's case would mark only the third time that the federal government has attempted to execute an individual for a crime carried out in the state of Massachusetts. Since 1964, the federal government has executed only three individuals nationwide, including the Oklahoma City bomber, Timothy McVeigh.

Holder, who has affirmed that he is personally opposed to the death penalty, justified the decision in a written statement: "After consideration of the relevant facts, the applicable regulations and the submissions made by the defendant's counsel, I have determined that the United States will seek the death penalty in this matter ... The nature of the conduct at issue and the resultant harm compel this decision."

The American Civil Liberties Union of Massachusetts issued a statement condemning Holder's decision, declaring that the death penalty "is discriminatory and arbitrary, and inherently violates the Constitutional ban on cruel and unusual punishment."

Similarly, the Boston Bar Association issued a statement earlier this month opposing the imposition of the death penalty in this case, saying it offered only the "illusion of ultimate punishment."

While the US attorney general argued that the bombing was premeditated, involved multiple killings and was committed in a "heinous, cruel and depraved manner," there is another motive for seeking the death penalty. It places the maximum pressure on Tsarnaev and his defense team to accept a plea bargain that would prevent the case from ever going to trial.

The probability of such an outcome was pointed to by

the *New York Times*, which noted, "In nearly half of federal death penalty cases, prosecutors withdraw the threat of execution before trial, typically because of a plea deal, according to the Federal Death Penalty Resource Counsel."

In this case, such an outcome would preclude the possibility of Dzhokhar Tsarnaev revealing in open court any inconvenient information exposing the role of government agencies in the events leading up to and surrounding the April 15 Boston bombing.

Tsarnaev's defense attorneys include Judy Clarke, who is a top lawyer in death penalty cases. She represented Theodore Kaczynski, the Unabomber, in a case in which the federal government called for the death penalty and then withdrew it in return for a plea deal.

Tsarnaev, 20, faces over 30 charges relating to the Boston events of April 15, with 17 charges carrying the possibility of the death penalty. He is accused of detonating explosive devices near the finish line of the Boston Marathon, along with his older brother, Tamerlan. The attacks, which killed three and injured more than 260 others, represent the bloodiest terror-related incident to have occurred on US soil since the September 11, 2001 attacks.

In the aftermath of the tragedy, authorities placed the city of Boston and its surrounding area under a state of de facto martial law, sectioning off whole residential areas as armed police conducted door-to-door raids, searching for the suspects. Tamerlan Tsarnaev was killed in a shootout with police on April 19. Dzhokhar Tsarnaev is also to stand trial for the shooting death of Massachusetts Institute of Technology (MIT) police officer Sean Collier, who is alleged to have been killed by the two suspects as they attempted to flee from capture.

Hailing the US attorney generals' decision to seek the death penalty, US Attorney for Massachusetts Carmen Ortiz released a statement saying “[w]e support this decision and the trial team is prepared to move forward with the prosecution.”

Reviewing the prosecutions' list of determining factors in the decision to pursue the death penalty, Ortiz stated “Tsarnaev received asylum from the United States; obtained citizenship and enjoyed the freedoms of a United States citizen; and then betrayed his allegiance to the United States.” The statement continued, “[Tsarnaev] targeted the Boston Marathon, an iconic event that draws large crowds of men, women and children to its final stretch, making it especially susceptible to the act and effects of terrorism.”

Federal authorities, however, have ample reasons to want keep the case from ever going to trial.

It has already been established that US authorities had received notice from Russian officials in 2011 of Tamerlan Tsarnaev's sympathies for Islamist terrorism. In following up on these warnings, the FBI initiated an investigation into Tsarnaev, but closed it six months later, claiming to have turned up nothing. US authorities took him off a federal watch list and then allowed Tamerlan to travel to the Russian region of Dagestan in 2012, where he attempted to establish links with radical Islamist groups.

It has also been revealed that the Tsarnaev family maintained links to both Chechen rebels and the US government through the Congress of Chechen International Organizations, set up by Ruslan Tsarni, the uncle of Tamerlan and Dzhokhar. That outfit was run from the suburban Washington, DC home of Graham Fuller, former vice-chairman of the US National Intelligence Council and ex-CIA station chief in Kabul, Afghanistan.

Further complicating the official story is the fate of Ibragim Todashev, a Chechen immigrant associate of Tamerlan Tsarnaev who was shot to death by an FBI agent while being interrogated in his Orlando, Florida apartment last May. It has been eight months since the killing of Todashev with no official explanation of the events being released.

While officials first claimed that Todashev had lunged at the agent with a knife, they were later compelled to admit he had been unarmed, the victim of what evidently amounted to a state murder. The

circumstances of his death raise real questions about whether he was silenced because he had information about Tamerlan Tsarnaev's ties to Chechen Islamists and the FBI or other US government agencies.

Last May, the Boston police commissioner and a top Massachusetts Homeland Security official told a congressional panel that local and state police were never informed by the FBI or the federal Homeland Security Department, in advance of the Boston Marathon, of warnings about the two Tsarnaevs or the investigation carried out by the FBI. This was despite the presence of state and local police officials on a joint terrorism task force for the region that included the FBI, Homeland Security and other federal agencies.



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