

# Police state measures intensified in run-up to 2014 Boston Marathon

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In preparation for the first Boston Marathon since the April 15, 2013 bombings, City of Boston officials have announced increased security measures for this year's event taking place on Patriot's Day, April 21. Last year's attack claimed the lives of three people and injured 264 others. The tragedy was seized upon and used to implement far-reaching attacks on democratic rights, including a police lockdown of the Boston area.

Bombing suspect Tamerlan Tsarnaev was shot and killed in a shootout with police within days of the bombings. Tsarnaev's younger brother, Dzhokhar, was severely wounded and captured by police. He is now facing a trial in which US prosecutors are seeking the death penalty, after denying him his Miranda rights and questioning him for days after the arrest without a lawyer.

One year on, little is known about the events of last April 15 and its aftermath. Whatever Dzhokhar may have told the FBI remains secret. Not only were the rights of the suspects violated, but those of the entire population of Boston and surrounding areas. The Fourth Amendment's prohibition against illegal search and seizure without warrants was blatantly violated as people in Watertown, Massachusetts were forced from their homes at gunpoint.

With this as the background, claims that the new measures are simply aimed at protecting the Marathon should meet with the skepticism they deserve.

The new measures include the posting of 40 to 50 security checkpoints along Boylston Street from Massachusetts Avenue to the finish line. According to Sergeant Michael McCarthy of the Boston police, the checkpoints will be more like "observation points" and spectators will not have to pass through a metal detector or be scanned with a security wand.

Officials have said that "temporary" surveillance

cameras will be installed along the 26.2-mile route, which begins in Hopkinton and passes through a number of other suburbs to Brookline before ending at the Boston public library in Copley Square. Several police and state agencies have agreed to provide live footage from their public cameras, which can be integrated into one giant surveillance system so multiple agencies can monitor crowds at the same time.

The feeds will include images from the Massachusetts Bay Transportation Authority (MBTA), which used a \$6.9 million Homeland Security loan to install 435 cameras, allowing the monitoring of two-thirds of all bus trips on the system. The MBTA also has a large number of cameras throughout its stations and footage from these will also be made available.

That the new measures are part of a longer-term plan was made clear in an April 12 *Boston Globe* article, which noted, "Law enforcement officials began conceiving of the idea to combine the feeds three years ago, but last year's attacks convinced them to go ahead with the plans." It would be more accurate to say that last year's attacks, and the wholesale junking of constitutional rights in its aftermath, created more favorable conditions to go ahead with the plans without arousing significant public protest.

The security measures announced for the Marathon are part of a broad range of efforts by the US state to collect massive amounts of information about the population and its activities, as revealed in the exposures by NSA whistleblower Edward Snowden. A central role in this is played by the secretive teams that bring together federal, state and local law enforcement agencies under the so-called Joint Terrorism Task Forces (JTTFs).

It was the JTTF that brought together a Boston FBI agent and the two Massachusetts State Police officers

involved in the interrogation and assassination of 27-year-old Ibragim Todashev. Todashev, an associate of Tamerlan Tsarnaev, was killed during questioning by the FBI and Massachusetts State Police at his home on May 22, 2013. It was reported March 21 that the FBI agent who shot and killed Todashev is to be cleared of all charges.

The American Civil Liberties Union of Massachusetts (ACLU) filed a lawsuit in federal court for the release of documents about the Commonwealth's participation in the JTTFs and the role of local agencies in the killing of Todashev.

A press release dated April 10 states, "JTTFs have broad powers to investigate people and groups, yet little is known about how they function and to whom they are accountable. The recent reports about the death of Todashev raised more questions about how our state collaborates with federal agencies and about who is in charge when something goes wrong."

The ACLU issued a request under the Freedom of Information Act in December 2013 seeking information about the structure of the task force, the number and types of investigations done by the Boston FBI and the Todashev investigation. The FBI denied the Todashev request and has yet to provide any records regarding the other requests of the ACLU.

The lawsuit states that "The federal government's collaboration with Massachusetts state and local police, especially through the JTTF, has for years been shrouded in secrecy," and that the JTTF "conducts hundreds of investigations in Massachusetts every year using a broad array of tools."

Explaining the nature of these "tools," the press release notes:

"In 2008, the FBI released new guidelines that relaxed the standards required to open investigations on individuals and groups, including investigations and what the FBI termed 'assessments.' Under the new rules, the FBI and JTTFs may open assessments on individuals without any factual indication of wrongdoing or threat to national security. In the assessment stage of an investigation, law enforcement agents can use intrusive investigative techniques such as informants, interviews under false pretenses, and unlimited physical surveillance techniques previously reserved for investigations supported by factual concerns.

"The FBI retains the data it collects about assessment targets, even if the investigation reveals no evidence of wrongdoing. This practice raises additional questions about the civil liberties of innocent individuals subjected to assessments based on the criteria established by the FBI. It also raises serious questions about the effectiveness of such assessments."

The massive video and physical surveillance of the Boston Marathon provides the FBI with a dragnet which will catch up not only the expected one million Marathon spectators, but much of the population of the Boston metropolitan area. Millions of people not suspected, let alone convicted, of any crime will be recorded and end up in the files of the FBI without knowing it.



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