

As federal trial opens

# **Judge limits evidence on role of main perpetrator of Boston Marathon bombings**

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**5 March 2015**

The federal trial of accused Boston Marathon bomber Dzhokhar Tsarnaev got under way Wednesday amid extraordinary security surrounding the Boston courtroom, which was packed with reporters and victims of the April 15, 2013 bombings.

Boston police closed off streets that, even during major trials, are normally kept open. Barricades kept the public at a distance, while K-9 units guarded the building, a helicopter hovered overhead, and police boats stood by in Boston Harbor.

Even before the jurors were seated, Judge George A. O'Toole Jr. issued a ruling limiting the ability of lawyers for the 21-year-old defendant to discuss the role of his older brother, Tamerlan Tsarnaev, in the planning and execution of the terrorist attack that killed three people and wounded another 264. The judge granted a prosecution motion to largely exclude evidence concerning the relationship between Tamerlan and Dzhokhar until the sentencing phase of the trial.

The ruling indicates the government's intention to tightly control the information emerging from the proceedings so as to marginalize or exclude questions relating to extensive contacts over a period of years between the FBI and Tamerlan, who is believed to have organized the attack. The older Tsarnaev brother was killed in a shootout with police on April 19, 2013, four days after two pressure cooker bombs packed with nails and shrapnel were detonated near the downtown Boston finish line of the marathon.

In their opening statements to the jury, neither the prosecution nor defense lawyer referred to the still unexplained failure of federal agencies such as the FBI, CIA and Homeland Security Department to prevent the bombings, even though the FBI and CIA had been

warned multiple times by the Russian security service of Tamerlan Tsarnaev's Islamist terrorist sympathies, the FBI had questioned the older brother and his parents, and Tamerlan had been placed on US terror watch lists.

Last year, Dzhokhar Tsarnaev's defense team filed papers with the court alleging that the FBI had attempted to recruit Tamerlan Tsarnaev as an informant. The defense has requested all information relating to the FBI's investigation of the older brother, but the government has objected to the release of such documents.

The defendant is charged with more than 30 counts relating to the bombings, many of which carry the death penalty. The charges include the killing of a Massachusetts Institute of Technology policeman on the evening of April 18, three days after the bombings.

In 2013, Dzhokhar Tsarnaev pleaded not guilty to all charges.

In her opening statement, however, lead defense counsel Judy Clarke acknowledged that her client was involved in the terror attack. "It was him," she told the jury. She called the bombings a "series of senseless, horribly misguided acts carried out by the two brothers," and said Dzhokhar should be held accountable for his crime.

But she argued that her client had been lured and bullied into participating in the attack by his older brother, who was the author and chief protagonist of the crime. Clarke, who has represented defendants in a number of high-profile capital cases, is clearly seeking to convince the jury to spare her client's life and instead sentence him to life imprisonment, the only alternative sentence if he is found guilty.

Prosecutor William Weinreb focused on the horror of the bombings and the terrible physical and emotional toll they took on innocent bystanders, including an eight-year-old child who was one of the three fatalities. He insisted that Dzhokhar Tsarnaev was an independent actor, motivated by an Islamist extremist ideology and outrage over the US government's treatment of Muslims around the world. His statement made clear that the government intends to seek the death penalty.

The Boston bombings became the occasion for the police-military lockdown of Boston and its environs, an area with over one million residents, on April 19, 2013, following the killing of Tamerlan Tsarnaev and escape of Dzhokhar. Boston and its surrounding communities were flooded with thousands of heavily armed police and National Guard troops. They occupied the streets, supported by machine-gun-mounted armored vehicles, Humvees and Black Hawk helicopters.

Residents were ordered to “shelter in place” while police, with automatic weapons drawn, carried out warrantless house-to-house searches. The mass transit system was shut down, passenger train service was halted, and businesses, schools, universities and other public facilities were closed.

It was an unprecedented police-state operation. As the *World Socialist Web Site* noted at the time, the scene resembled the American occupation of Baghdad. This massive mobilization of police power was deployed, supposedly, to track down one 19-year-old suspect.

Just as there was virtually no expression of opposition to this dry run for dictatorship by any section of the media or political establishment at the time, the lockdown of Boston has been omitted from current commentary on the opening of the trial. This makes all the more important the posing of some of the unanswered questions regarding the events of April 2013, which are likely to be excluded from the court proceedings as well as the media coverage of the trial.

These include:

- Why did the FBI and CIA fail to respond to warnings from Russia's security agency FSB in 2011 and 2012 concerning Tamerlan Tsarnaev's support for Islamist separatist and terrorist organizations in Russia's North Caucasian regions of Chechnya and Dagestan? Why did they ignore Russia's request that

Tsarnaev be prevented from traveling to these regions?

- Why did the FBI clear Tamerlan Tsarnaev of harboring terrorist sympathies in 2011 after supposedly carrying out an intensive investigation? Why did the agency claim there was no “derogatory” information against him, even though it suspected him of having participated in the Waltham, Massachusetts murder of three Jewish men, including a “best friend,” on the tenth anniversary of the 9/11 attacks?

- Why was he allowed to travel to Dagestan in January of 2012, without even being questioned at the airport? He remained there for six months and reportedly made contact with Islamist groups that have carried out terror attacks against Russian targets. Why was he allowed to return to the US without even being stopped at the airport and questioned on his return?

- Why did the FBI, CIA and Homeland Security Department fail to inform their state and local counterparts on the Boston joint terrorism task force of their contacts with Tamerlan Tsarnaev prior to the Boston Marathon?

These unanswered questions strongly suggest that US intelligence was seeking to use Tamerlan Tsarnaev to further its covert anti-Russian operations among Chechen and Dagestan separatists. These regions also supplied many of the foreign fighters recruited by the CIA for its proxy war for regime change against Syrian President Bashar al-Assad.

This connection is underscored by another critical fact ignored by the US media—the role of Ruslan Tsarni, the uncle of the Tsarnaev brothers. In the 1990s, Tsarni ran a US group called the Congress of Chechen International Organizations, which helped supply anti-Russian insurgents in Chechnya with military equipment. The organization was registered at the home of his father-in-law, Graham Fuller.

Fuller had been vice chairman of the National Intelligence Council at the CIA under President Reagan, and had worked for the agency in a number of countries, including serving as CIA station chief in Kabul.



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