

# Sentencing phase of Boston Marathon bombing trial underway

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The sentencing phase of Dzhokhar Tsarnaev's trial over his role in the 2013 Boston Marathon bombing is currently underway, with the defense calling witnesses beginning this past Monday. The chief issue in dispute is whether or not Tsarnaev will be spared the death penalty after he was found guilty in April of 30 counts related to the attack, 17 of which carry potential death sentences.

Prosecutors spent only three days out of more than three weeks of testimony making their case for the death penalty, which mainly consisted of testimony from victims and their family members.

During their opening remarks, lead prosecutor Nadine Pellegrini displayed a provocative, hitherto unreleased photograph of Tsarnaev thrusting his middle finger at a surveillance camera in his jail cell the day of his arraignment, three months after the bombing, in an attempt to paint Tsarnaev as "unconcerned, unrepentant and unchanged."

This was revealed as a simple scare tactic on cross-examination, however, when the defense team showed the full video recording of the incident, indicating that it was fairly typical spontaneous juvenile behavior.

Tsarnaev's defense attorneys are mainly presenting a potted family drama at the center of their defense, attempting to portray him as an innocent, otherwise normal teenager caught up in a toxic family environment stoked with psychological trauma and religious fanaticism. They are arguing that the young Tsarnaev brother under the spell of his older, more aggressive brother Tamerlan.

For example, in their opening arguments delivered on Monday, they accused Tsarnaev's mother of being a "destructive force in the lives of everyone around her" who was "desperate for praise and validation," while arguing that she was the ultimate source of his brother

Tamerlan's turn towards Islamic fundamentalism.

The defense's witnesses are thus far comprised primarily of Dzhokhar's childhood friends, classmates and teachers, all of whom have testified to his character as "quiet," "loyal," and a good friend and student. Witnesses have also attested to Tamerlan's "aggressiveness" and domineering relationship with his younger brother.

At no point thus far in the proceedings has the defense raised the really substantive issues of the case, namely, the implicit or explicit implication of the federal government in the Boston bombing. As revealed last year by court filings by Dzhokhar's defense attorneys, the FBI had attempted to recruit Tamerlan Tsarnaev as an informant.

There are strong indications that US intelligence was attempting to use Tamerlan to further its anti-Russian operations among Chechnyan insurgents. Tamerlan was also separately investigated by the FBI in 2011 for his Islamist fundamentalist sympathies and placed on at least two separate terrorist watch lists.

Nevertheless, Tamerlan was allowed to travel to Dagestan for six months in 2012 in an attempt to link up with Chechnyan rebels, and to return to the United States unmolested, even though the US government had been warned in a detailed letter by Russian intelligence of his Islamic fundamentalist views. While there, Tamerlan repeatedly expressed interest to a cousin in joining Islamic fundamentalist fighters in Syria, where they are acting as US proxy forces in a war to topple president Bashar Al-Assad. The militias in Syria include many veteran Chechen fighters.

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There are also connections between the American intelligence community and the brothers' uncle, Ruslan

Tsarni. In the 1990s, Tsarni headed the Congress of Chechen International Organizations, which was registered at the home of Graham Fuller, the former vice chairman of the National Intelligence Council at the CIA under President Reagan, and who was forced to resign because of his involvement in the Iran-Contra scandal. Tsarni was also once married to Fuller's daughter.

Then there is the murder of Ibragim Todashev, a key witness and friend of Tamerlan, by the FBI after being detained for four hours in his Florida apartment. Several different, mutually contradictory media reports to the effect that Todashev was killed after he suddenly attacked the officers were exploded when it was revealed that Todashev was unarmed and had been shot three times in the back and once in the head. Even though the official autopsy completely contradicted the officer's story, and despite the fact that the FBI agent in charge had a history of violence during his brief stint as an Oakland cop, no charges were ever filed.

Finally, there is the lockdown of the city of Boston carried out after the bombing. As the *World Socialist Web Site* explained at the time, the police-military occupation of a major metropolitan area, in the course of which military vehicles and helicopters patrolled the city while SWAT teams conducted warrantless house-to-house searches, was a "dress rehearsal for mass repression and the imposition of military rule." This analysis has been completely confirmed in the past nine months alone, which have seen the deployment of paramilitary forces against protesters on two separate occasions, in Ferguson, Missouri last fall and in Baltimore, Maryland this past week.

If these burning questions are not raised in the course of the sentencing phase, the only really substantial portion of the trial given the defense's admission of Dzhokhar's involvement, it is precisely because of their politically explosive character. This is in spite of the fact that limits imposed by the judge on the defense's ability to probe Tamerlan's planning and execution of the attack, which would obviously raise serious questions about government complicity, no longer apply during the sentencing phase.

There is broad opposition to executing Tsarnaev in Massachusetts. According to a poll commissioned by the *Boston Globe*, only 19 percent of the state's population favors the death penalty in Tsarnaev's case,

with 63 percent favoring life in prison. Even shortly after the bombing itself, a similar *Globe* poll only found 33 percent of those who responded favoring the death penalty.



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