

Exhibit 1c (*Boston Herald* log and articles)

Boston Herald Articles Log & Breakdown
7/26/2014 – 11/15/2014
Dzhokhar Tsarnaev

Index #	Date	Headline	Type	# of printed pages	Short (S)	Pictures	Side bars
1 Boston Herald	7/26/2014	U.S. needs to act now on borders, terror threats	Commentary	2		1	
2 Boston Herald	7/27/2014	Count on Tsarnaevs' EBT card collection	Commentary	2			
3 Boston Herald	7/29/2014	WTC cross is about history, not religion		2		1	
4 Boston Herald	8/2/2014	Lester will cherish Sox years		2	S	1	
5 Boston Herald	8/5/2014	NYC hospital isolates, tests patient for Ebola		2	S	2	
6 Boston Herald	8/7/2014	Tsarnaev's best pal doesn't fight for bail		2			
7 Boston Herald	8/8/2014	Veteran group of Hub cops climbs ranks		2	S	1	
8 Boston Herald	8/10/2014	One Run relay nets \$455G		1		1	
9 Boston Herald	8/15/2014	Airstrikes won't accomplish our mission in Iraq	Commentary	2			
10 Boston Herald	8/17/2014	A'S eager for games reprise		5	S		
11 Boston Herald	8/18/2014	Damone focused on the future		2		1	
12 Boston Herald	8/18/2014	Clark's cancer battle inspires Mayor Walsh		2	S	1	
13 Boston Herald	8/21/2014	Demilitarize our cops? ISIS would love that	Commentary	2			
14 Boston Herald	8/21/2014	Fear reigns on Gaza Edge: After helping Hub, trauma team returns		2		1	
15 Boston Herald	8/21/2014	Lawyer: Tsarnaev pal will plead guilty today		2		3	
16 Boston Herald	8/22/2014	Guilty plea opens evidence vs. Tsarnaev: Experts: Prosecutors must prove conspiracy		2		1	

Index #	Date	Headline	Type	# of printed pages	Short (S)	Pictures	Side bars
17 Boston Herald	8/22/2014	Dzhokhar's pal lost in translation	Commentary	2		1	
18 Boston Herald	8/23/2014	Feds brief hub cops on ISIS threat		2		1	
19 Boston Herald	8/24/2014	Welcome mat is out	Commentary	3		1	
20 Boston Herald	8/25/2014	How terrorists could win	Letter to the Editor	2			
21 Boston Herald	8/28/2014	Tsarnaev sister accused of bomb threat: Cops: She told woman, 'I know people'		2		1	
22 Boston Herald	8/30/2014	Fears ISIS could use traitors to hit U.S.		2		1	
23 Boston Herald	8/30/2014	Tsarnaev defense seeks to delay trial		2		1	
24 Boston Herald	9/1/2014	Terrorists coming home	Editorial	2			
25 Boston Herald	9/1/2014	Thugs reign on festive Hub parade	Commentary	2			
26 Boston Herald	9/3/2014	One Fund to hand out \$18.5M, create center		1			
27 Boston Herald	9/5/2014	Feds: Delays will prevent Tsarnaev insanity claim		1		1	
28 Boston Herald	9/6/2014	Hub's a terror hotbed, military pundit warns		2			
29 Boston Herald	9/6/2014	Terror comes home	Editorial	2			
30 Boston Herald	9/8/2014	Tracked down	Briefs	1		1	
31 Boston Herald	9/9/2014	Mosque denies ties to suspected ISIS techie: Admits other terrorists had visited		2			
32 Boston Herald	9/10/2014	Let parade roll on	Letter to the Editor	2			
33 Boston Herald	9/11/2014	Alliance helps marathon bombing victims rebuild		2		1	
34 Boston Herald	9/12/2014	How the T works to prioritize safety in post-9/11 world	Q&A	2			
35 Boston Herald	9/12/2014	Trial too speedy	Letter to the Editor	2			

Index #	Date	Headline	Type	# of printed pages	Short (S)	Pictures	Side bars
36 Boston Herald	9/13/2014	Fight fanaticism with freedom	Commentary	2			
37 Boston Herald	9/13/2014	Expert: Tsarnaev's ideal juror 'a little more liberal'		2		1	
38 Boston Herald	9/14/2014	Tracked down	Briefs	1			
39 Boston Herald	9/19/2014	A push to keep trial in hub: Bombing survivors want to face 'coward'		3		2	
40 Boston Herald	9/21/2014	Memorial a beauty, but a sad reminder		2	S	4	
41 Boston Herald	9/22/2014	Marathon bombings survivors take the field for mobility clinic		2		1	
42 Boston Herald	9/24/2014	Deval's devotion to riffraff is disturbing	Commentary	2		3	
43 Boston Herald	9/24/2014	Pilot program looks to be proactive in halting terror		2		5	
44 Boston Herald	9/25/2014	FBI warns police, keep eye out for lone-wolf extremists		2		1	
45 Boston Herald	9/25/2014	Judge: Tsarnaev can get a fair trial in Boston		2		2	
46 Boston Herald	9/26/2014	EBT card bonanza	Commentary	2			
47 Boston Herald	9/26/2014	A fair trial in Boston	Editorial	1			
48 Boston Herald	9/28/2014	Deval under oath — if only	Commentary	2			
49 Boston Herald	9/29/2014	Tom's 'mixed' message: In new book, ex-mayor praises, raises concerns about FBI in wake of bombings		2			
50 Boston Herald	10/2/2014	No firing squad for these deserters, just EBT cards	Commentary	2			
51 Boston Herald	10/3/2014	Biden: Terrorists not an 'existential threat'		2		1	
52 Boston Herald	10/5/2014	Blame the bad, not their tools	Commentary	2		1	
53 Boston Herald	10/7/2014	Impartial attorney says of weed plea: 'It could work in this case'		2			
54 Boston Herald	10/7/2014	Tsarnaev pal's defense is pure reefer madness	Commentary	2			

Index #	Date	Headline	Type	# of printed pages	Short (S)	Pictures	Side bars
55 Boston Herald	10/7/2014	Victims' mom: Phillipos' pot excuse 'sickening'		2		3	
56 Boston Herald	10/8/2014	Affleck bro takes on 'Boston Strong'		2		1	
57 Boston Herald	10/8/2014	Other Tsarnaev bud may smoke pot claim		2		1	
58 Boston Herald	10/9/2014	Pal a possible witness against Tsarnaev		2		1	
59 Boston Herald	10/9/2014	Phillipos must take high road and testify	Commentary	2			
60 Boston Herald	10/12/2014	Tsarnaev's lawyers seek evidence from 2011 triple homicide tied to late brother		2		2	
61 Boston Herald	10/14/2014	Tracked down	Briefs	1		1	
62 Boston Herald	10/15/2014	Pal, text support claim Phillipos was stoned		2		2	
63 Boston Herald	10/16/2014	Pal says Phillipos 'extremely out of it' night things tossed		2		1	
64 Boston Herald	10/17/2014	Duke too late to help Dzhokhar pal		2			
65 Boston Herald	10/18/2014	Judge denies Tsarnaev bid to toss out seized evidence		2		1	
66 Boston Herald	10/18/2014	Phillipos trial slated to wrap up Tuesday		2		1	
67 Boston Herald	10/21/2014	Striding toward marathon memorial: Mayor in talks for permanent tribute to victims		2		1	
68 Boston Herald	10/22/2014	Phillipos case sent to jury for deliberation		1			
69 Boston Herald	10/23/2014	Pay tribute in schools	Letter to the Editor	2			
70 Boston Herald	10/23/2014	John Chapman in the 9th	Editorial	1			
71 Boston Herald	10/24/2014	Attack in Ottawa stirs emotions		3		1	
72 Boston Herald	10/25/2014	Ex-mayors share special bond	Commentary	2		1	
73 Boston Herald	10/26/2014	United ceremony	Briefs	3		1	

Index #	Date	Headline	Type	# of printed pages	Short (S)	Pictures	Side bars
74 Boston Herald	10/28/2014	Long deliberations good for Phillipos: Stoner defense may be resonating with jury		2		1	
75 Boston Herald	10/29/2014	Dumbbell Phillipos' excuse a big waste	Commentary	2			
76 Boston Herald	10/29/2014	Lawyers: Phillipos 'happy' to discuss deal to testify		2			
77 Boston Herald	10/29/2014	Youth has been no excuse		2		1	
78 Boston Herald	10/30/2014	Hernandez lawyers say DA lifted venue change words		2		1	
79 Boston Herald	10/31/2014	Menino beloved by Hub sports figures		2		2	
80 Boston Herald	10/31/2014	Hub's mayor gained national respect		2		1	
81 Boston Herald	10/31/2014	Tom taught kids to strive, care		2		1	
82 Boston Herald	10/31/2014	Hub legend built a stronger city: Beloved mayor remembered for giving back		4			
83 Boston Herald	10/31/2014	The Menino legacy	Editorial	2			
84 Boston Herald	11/1/2014	Survivors say thanks, Tom: Led city through bombing crisis		2		1	
85 Boston Herald	11/2/2014	Champion for city: Biz leaders say Menino's legacy is varied, assured		2		1	
86 Boston Herald	11/2/2014	Son cherishes moments of humor, compassion		3		2	
87 Boston Herald	11/3/2014	Mass includes prayers for mayor		2		1	
88 Boston Herald	11/3/2014	City's people pay respects		2		2	
89 Boston Herald	11/5/2014	Tsarnaev sis pleads guilty: Faces no jail time in counterfeit cash case		2		1	
90 Boston Herald	11/6/2014	Tsarnaev lawyers seek evidence about Tamerlan		1			
91 Boston Herald	11/9/2014	Sorkin's scold news: 'Newsroom' rehashes marathon bombings	TV Show Review	2		1	1
92 Boston Herald	11/10/2014	The Palmer method: Unpredictable musician/author does things her way		2		1	

Index #	Date	Headline	Type	# of printed pages	Short (S)	Pictures	Side bars
93 Boston Herald	11/11/2014	'Inspiration to all of us': For bombing survivor, amputation a 'new beginning'		2		1	
94 Boston Herald	11/11/2014	Tsarnaev prosecutors: He can't keep secrets		2			
95 Boston Herald	11/14/2014	Ex-cop: Bomber search violated Constitution		2			

Boston Herald Articles Log & Breakdown
7/26/2014 – 11/15/2014
Dzhokhar Tsarnaev

of Articles: 95

Photos: 80

Information boxes/sidebars: 1

Type of article:

News articles – 62
Briefs – 4
Letters to the Editor – 4
Commentary – 17
Editorial – 5
Interview Q&A – 1
Comments – 1
TV Show Review - 1

Breakdown by month:

2014:
July 26, 2014 – 3
August – 20
September – 26
October – 34
November 15, 2014 – 12
TOTAL – 95

Boston Herald (MA)

July 26, 2014

Edition: ALL

Section: News

Page: 6

Volume 32, Issue 207

Topics:

Index Terms:

Columnists

U.S. needs to act now on borders, terror threats

Author: *Adriana Cohen* By *Adriana Cohen*

Article Text:

With terrorist threats at their highest levels since 9/11, Americans must demand that the federal government secure the nation's borders immediately. No one should be permitted to enter the U.S. without getting screened and having their backgrounds checked. Nobody.

Putting aside the flood of illegal Central American kids, we cannot afford to leave our borders so wide open that jihadist terrorists can stroll right in and launch another attack like the **marathon bombings**, 9/11 or worse. A nation cannot expect to remain sovereign without secure borders.

In the roiling Middle East, dangerous Muslim terrorists are multiplying in force. ISIS is no longer a terror "group" or "cell," it is a full-blown, extremely dangerous army, toppling countries and committing mass atrocities. Now it is threatening to take over Iraq and turn it into a terrorist state.

Yet President Obama keeps traipsing from golf course to fundraiser to vacation. Meanwhile ISIS could very well be acquiring dirty bombs, chemical or other weapons of mass destruction, and aiming them at our ally Israel and the U.S. There's also the ongoing threat of Iran developing nuclear weapons doing the same.

Secretary of State John Kerry keeps coming up with ineffective sanctions to stem the tide. Let's get real, Kerry makes Jimmy Carter look like Rambo. We'd be better off — and safer — if Kerry went back to windsurfing and an experienced foreign policy expert like former U.N. Ambassador John Bolton took the wheel.

Boston Herald articles (7/26/2014—11/15/2014) 1

Securing our borders also means tightening U.S. ports, which are wide open and vulnerable to a potential terror attack. Any terrorist bent on killing Americans and disrupting our economy can put a bomb in a cargo vessel overseas and ship it here. But the Department of Homeland Security has yet to implement U.S. Senator Ed Markey's 2007 legislation mandating that all cargo be screened before it enters the U.S. The public needs to pressure DHS and the White House to act now before it's too late.

When he was released from captivity at Camp Bucca in 2009, the now head of ISIS, Abu Bakr al-Baghdadi, told U.S. troops, "I'll see you in NY."

It is both perilous and foolish to ignore his warning given the very serious acts of terrorism we are witnessing unfold around the world.

Adriana Cohen is co-host of "Trending Now" on Boston Herald Radio. Follow her on Twitter @AdrianaCohen16.

Caption:

PROTECTING OUR COUNTRY: As more and more cross our borders illegally, it is more vital than ever to properly screen those entering the country, as seen below.

AP PHOTOS

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Boston Herald (MA)

July 27, 2014

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Section: News
Page: 14

Volume 32, Issue 208

Topics:

Index Terms:

Columnists

Count on Tsarnaevs' EBT card collection

Author: *HOWIE CARR*

Article Text:

What's the over-under on how many EBT cards the **Tsarnaev** gang had in their heyday? Very conservatively, I'm going to say 15.

It's difficult to nail down exact numbers, because these are, after all, undocumented Democrats, and God forbid that their privacy rights should ever be violated. As Rep. Shaunna O'Connell (R-Taunton) put it this week, "Deval Patrick can't run the state, but he sure is good at stonewalling."

The latest questions concern Khairullozhon Matanov, better known as "The Quincy Cabbie." Did he or did he not have an EBT card? Calls were placed to his lawyer (who we're paying for) but he did not return them. According to some law enforcement sources, not only did Matanov have an EBT card, but he also inherited the EBT card of confessed multiple-murderer immigrant Ibragim Todashev.

Todashev is the mixed martial arts fighter who was shot to death in Orlando by an FBI agent. Just before attacking the FBI agent, he had confessed to stabbing three drug dealers to death in Waltham on Sept. 11, 2011.

At least there is one positive thing about EBT cards — you can track where they're being used. In the hours before he and Speedbump **Tsarnaev** murdered the three Americans, Todashev was using his infidel-supplied EBT card in Waltham, sources tell me.

They also tell me Todashev was living with the Quincy cabbie before he left for Florida. And that when he left Massachusetts, he paid his back rent by handing his EBT card over to Matanov.

Boston Herald articles (7/26/2014—11/15/2014) 2

Why not? Drug dealers use EBT cards as a form of currency, so why not terrorists? Terrorists and drug dealers have a lot in common — they're always on welfare, and they're usually from foreign lands.

Matanov, you may recall, was an extremely successful cab driver. Using fake names, over three years he wired \$71,000 cash in 114 different wire transfers out of the Great Satan to Egypt, Jordan, Turkey and Uzbekistan.

Too bad he didn't save any money for his legal-defense fund. But hey, that's our job as U.S. citizens. Through their EBT cards, we pay for the pressure cookers to blow us up, and then we pay for their lawyers.

When it came to living high off the infidels, Quincy Cabbie was a piker compared to the Tsarnaevs. Naturally they all had EBT cards — they were “refugees,” after all, seeking “asylum” in America, asylum from work.

Mr. and Mrs. **Tsarnaev** had been living on Norfolk Street, which is in the Sectioneightistan neighborhood of Cambridge. Then they split up, an old ploy. If you split up, each “refugee” needs his own EBT card, and gets it, naturally, no questions asked. And each of the foreign freeloaders gets more dough, because despite what the old song says, two “asylum-seekers” cannot live as cheaply as one, especially if one of them is addicted to cognac.

Now that the **Tsarnaev** parents are back in their home country of EBTistan, they've reconciled.

Meanwhile, one of the **Tsarnaev** sisters is coming up for trial on her alleged dine 'n' dash at an Applebee's in Dorchester. Must be another one of those quaint customs they brought over from their home country of Shopliftistan.

Sister Bella has been arrested in New Jersey on drug charges. As for Speedbump, the dead terrorist, believed to have murdered seven people before his brother sent him to Paradise by running him over in a stolen SUV, he too had his own personal EBT card.

Anybody want to bet on who the Joker voted for for president in 2012?

Caption:

WELFARE WEALTH: Tamerlan, right, and Dzhokhar **Tsarnaev**, far right, and other family members had EBT cards.

STAFF FILE PHOTO BY NANCY LANE

MATANOV

TODASHEV

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Boston Herald (MA)

July 29, 2014

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Section: News
Page: 12

Volume 32, Issue 210

Topics:

Index Terms:

Local

WTC cross is about history, not religion

Author: *BOB McGOVERN*

Article Text:

The iconic 17-foot-tall cross of steel beams that work crews found in the rubble of the Twin Towers is a piece of history, a federal appeals court ruled yesterday in rejecting an atheist challenge — and its display in the National September 11 Memorial and Museum in no way represents a government effort to establish religion.

“Thank God,” said Father Brian Jordan, the Franciscan priest who had the cross pulled from Ground Zero weeks after an excavator showed it to him. “In a way, we’ve been vindicated. I’m satisfied and gratified that this will go down as a piece of history — as a reminder.”

American Atheists had tried to get the cross booted from the museum, claiming a constitutional church-state violation.

“Atheists died on 9/11, members of our organization suffered in lower Manhattan on that day, and our members helped with the rescue and recovery efforts, yet we are denied equal representation in the National Museum,” American Atheists President David Silverman said in a statement.

But a three-judge panel for the Second Circuit in its decision released yesterday held that the “actual purpose in displaying The Cross at Ground Zero has always been secular: to recount the history of the terrorist attacks of Sept. 11, 2001, and their aftermath.”

American Atheists has not yet decided whether it would appeal the decision to the full appellate court or the Supreme Court.

One constitutional scholar, however, said the court got it right.

“Even though I’m a strong believer in the separation of church and state, I think it really goes unnecessarily far for any group of nonbelievers to be so thin-skinned that they would object to a display such as that involved in this case,” said Boston civil rights attorney Harvey Silverglate. “It seems that common sense, every so often, really should prevail in these cases, and that’s what happened.”

The court said the cross simply tells “the story of how some people used faith to cope with the tragedy” and that it’s a “genuine historic artifact.”

To some, the analysis is even easier than that.

“I think that no matter what your religion is, you prayed to some kind of god that day,” said Thomas Kennedy, a Hyannis firefighter who was with the first search teams working the site. “I don’t have anything against the atheists, but I think they could focus their efforts elsewhere. This is a piece of history. It’s the same as all the other things they saved as a part of history.”

Jordan, a runner who was present during the **Boston Marathon** bombings, agreed.

“When I heard their argument, I knew the atheists didn’t have a prayer,” he said, in a vintage Brooklyn accent. “No pun intended.”

Laurel J. Sweet contributed to this report.

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Caption:

CLEARED: A federal appeals court ruled yesterday that a cross-shaped remnant from the wreckage of the Sept. 11 World Trade Center attacks is a secular item that can be a part of a national memorial.

AP FILE PHOTO

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Boston Herald (MA)

August 2, 2014

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Section: Sports

Page: 28

Volume 32, Issue 214

Topics:

Index Terms:

Baseball-Red Sox

Lester will cherish Sox years

Author: *GIDEON RUBIN*

Article Text:

OAKLAND — Yes, Jon Lester did leave Boston disappointed to some degree after negotiations with the Red Sox fell apart. But he was adamant that those emotions don't define his experience with an organization he helped win two World Series titles over parts of nine years.

Lester's comments came during an introductory press conference in Oakland yesterday, just a day after the blockbuster deal that sent him along with outfielder Jonny Gomes to the West Coast for outfielder Yoenis Cespedes and a competitive balance draft pick from the A's.

The 30-year-old left-hander is scheduled to make his A's debut today against the Kansas City Royals.

"I think anytime you negotiate with a team and it doesn't go the way everybody wants it to, there's always going to be disappointment, but that's not to say that the effort wasn't there on both sides to try to get something done," Lester said.

And he sounded like a player who hasn't given up on something getting done during the offseason, noting that he treasures his time in Boston.

Lester, who'll be a free agent after this season, is widely viewed as a rental for the low-payroll A's, who are now in full-blown 2014-or-bust mode.

"My time in Boston will be something I'll always remember, I'll always cherish, from 2002 (the year he was drafted) to yesterday," Lester said. "I've got nothing but great

things to say about the way they treated me and the way they treated my family. In good times and the bad times, they were always consistent.”

Lester said he thanked the team for the way he was treated.

He offered a not-so-subtle hint that he’d welcome a return to Fenway despite negotiations that in recent months reportedly didn’t go well. A four-year deal according to published reports worth \$70 million that the Red Sox offered was viewed by most in the industry as well below market value for a pitcher of Lester’s stature.

“We’ll see where that relationship goes, but right now I’m an A and I’m going to go out here and perform for these guys and try to help bring a championship here,” Lester said.

Gomes, who grew up in the San Francisco Bay Area in Sonoma County (about 40 miles north of Oakland), returns to the East Bay for a second stint with the A’s. He batted .262 with 18 homers and 47 RBI in 99 games for the A’s in their 2012 Western Division title run.

The 33-year-old outfielder, who played a big role in the Red Sox clubhouse chemistry last season, said he appreciates the significance of playing in a historic ballpark on the same left field in the Green Monster’s shadow that greats such as Jim Rice and Carl Yastrzemski, among others, patrolled.

“I got to play 81 home games inside a museum,” Gomes said.

Gomes said he values the special experience of winning a championship in a historic ballpark amid unique circumstances, with the city rallying behind the Red Sox in aftermath of the **Boston Marathon** bombing.

“Looking back on it, the Boston Strong, the marathon and the famous flex that we all rallied around that I think is going to be timeless,” Gomes said. “Not individually, but I’m extremely honored to be engraved in history in that city with the team that we had.”

Caption:

GOOD AS (GREEN AND) GOLD: New Athletics Sam Fuld, Jon Lester and Jonny Gomes show off their new jerseys at a news conference yesterday in Oakland, Calif.

AP PHOTO

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Section: News

Page: 12

Volume 32, Issue 217

Topics:

Index Terms:

Local

NYC hospital isolates, tests patient for Ebola

Author: *CHRIS CASSIDY*

Article Text:

A patient with possible Ebola symptoms who had recently returned from West Africa was being tested in isolation at New York's Mount Sinai Hospital yesterday, as the death toll from the terrifying virus rose and the outbreak spread into Nigeria — an alarming development that raised new fears that the health crisis could spread far beyond the region.

“Nigeria is a game-changer,” Northeastern University professor Alessandro Vespignani said of the second confirmed case in Africa's most populous country. A physicist who studies how technology and human behavior spread diseases globally, Vespignani said, “Nigeria is so much more connected than Sierra Leone and Liberia and Guinea. Nigeria is a country that, if they can't control the outbreak there, it could lead to a much faster internationalization of the outbreak.”

Deaths in what already has become the worst-ever Ebola outbreak have risen to 887, according to the World Health Organization. Confirmed cases of the virus increased to 1,603, spanning four countries in West Africa.

“The world is a very small place,” said Dr. Lachlan Forrow of Beth Israel Deaconess Medical Center, who has made dozens of trips to West Africa. “We are one global village, and there is no such thing in 2014 as a disease in one place that is irrelevant to other people in the world.”

The male New York patient arrived at Mount Sinai's emergency room early Monday with a high fever and gastrointestinal symptoms.

“The patient has been placed in strict isolation and is undergoing medical screenings to determine the cause of his symptoms,” the hospital said in a statement. “All necessary steps are being taken to ensure the safety of all patients, visitors and staff.”

Meanwhile, Kent Brantly, one of two Americans infected with Ebola in Liberia, was treated with an experimental serum before he left Africa amid high security to Atlanta, his organization, Samaritan’s Purse, said yesterday.

The second American, Nancy Writebol, is expected to arrive in Atlanta today.

Forrow, the Beth Israel physician, said Bostonians should neither panic nor underestimate the impact of Ebola, but added that even if a case was reported here, hospitals would be ready.

“We can say with confidence after the **marathon experience**, Boston hospitals are superbly equipped to do emergency responses right,” Forrow said. “If there was an exposure in Boston, I’m highly confident our emergency department and other staff would be all over it.”

Meanwhile, Dr. Nahid Bhadelia of Boston Medical Center will soon head to Sierra Leone to treat infected Ebola patients, a hospital spokeswoman said.

Herald wire services contributed to this report.

— chris.cassidy@bostonherald.com

Caption:

TOO CLOSE TO HOME: A visitor sits inside the emergency entrance of New York City’s Mount Sinai Medical Center, where a patient is undergoing testing for the Ebola virus.

AP PHOTOS

AIRPORT SCREENINGS: Nigerian health officials, above and left, wait at the arrivals hall in Murtala Muhammed International Airport in Lagos, Nigeria, in order to screen passengers yesterday.

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Boston Herald (MA)

August 7, 2014

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Section: News

Page: 17

Volume 32, Issue 219

Topics:

Index Terms:

Local

Tsarnaev's best pal doesn't fight for bail

Author: *LAUREL J. SWEET*

Article Text:

A Cambridge man authorities have alleged once possessed the handgun they believe the **Tsarnaev** brothers used to execute MIT police Officer Sean Collier as they were fleeing capture for the **Boston Marathon** bombings has volunteered to be held without bail indefinitely.

Stephen Silva, 21, of Cambridge — who allegedly told transit police he was Dzhokhar **Tsarnaev**'s "best friend" — pleaded not guilty yesterday to heroin and firearm charges and was remanded by U.S. District Court Magistrate Judge Marianne B. Bowler to the custody of the U.S. Marshals.

Silva is the sixth man to be arrested and linked to the April 15, 2013, terrorist attack in Copley Square — in his case, by a Ruger P95 9mm pistol with an obliterated serial number his indictment charges he had in his possession illegally two months earlier.

"The indictment charges that Mr. Silva possessed a firearm in February of 2013, which is approximately two months before the marathon bombing and the shooting of the MIT police officer. He has not been charged with any connection or any involvement with the marathon bombing.

"That's clear," Silva's court-appointed defense attorney Jonathan Shapiro told reporters after today's arraignment.

"I've read what's in the (news)papers. The papers are saying that law enforcement officials are saying the gun was the gun that was used, but again, that's not been charged," Shapiro said.

Shapiro also said he's not given up on fighting for Silva's release on bail at a later date.

"We're working on developing conditions for his release," he said. "It's something that takes time," he said.

— laurel.sweet@bostonherald.com

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Page: 12

Volume 32, Issue 220

Topics:

Index Terms:

Local

Veteran group of Hub cops climbs ranks

Author: *ANTONIO PLANAS*

Article Text:

A new batch of commanders and detectives who boast a “deep well of experience” with the Boston Police Department were promoted yesterday in a ceremony at Dorchester’s Florian Hall where Mayor Martin J. Walsh and police Commissioner William B. Evans praised their work and proclaimed the city’s future in good hands.

“Together, you have 671 years of service right here in front of us — an average of 19 years per officer,” Walsh said. “That’s a deep well of experience. ... You have to respond to thousands of different situations, confronting danger on a daily and nightly basis. ... You have learned the technical skills and developed the deep instincts that make you all great investigators.”

Evans said the department’s professionalism is “unmatched.”

“We’ve seen it on April 15 (the day of the **marathon bombings**), how well we responded,” Evans said. “The work is tireless, but we continue to step up to the plate and I really appreciate it.”

Lt. Stanley Demesmin is the department’s first Haitian to reach that rank. He said the promotion “humbled” him. “I wanted to give back to people,” Demesmin said of choosing to be a cop. “It’s a positive feeling that you get when you help out people.”

— antonio.planas@bostonherald.com

Caption:

PRIDE AND JOY: Newly promoted officers are joined by family members at yesterday’s ceremony. Clockwise from top left, Ella, 1, dons dad Lt. Michael Connolly’s hat, Lt.

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Stanley Demesmin gets help pinning his badge from son Jacques, 11, and Sgt. Luke Holbrook cradles 2-week-old son Shane.

STAFF PHOTOS BY ANGELA ROWLINGS

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Index Terms:

Local

One Run relay nets \$455G

Author: *ANDREW BLOM*

Article Text:

Organizers of One Run For Boston, a monthlong, coast-to-coast relay that raised \$455,000 for victims of the **Boston Marathon** bombings, yesterday donated the proceeds to The One Fund.

Boston Mayor Martin J. Walsh accepted the check from One Run co-founder Danny Bent, who was joined by **Marathon** survivors, including Officer Sean Collier's sister, Jennifer Lemmerman, and many of the runners who spent a month last spring battling rain, heat and coyotes to raise money for survivors.

Runners raised donations through sponsorships during their monthlong, 2,000-runner, 3,328-mile, 24-hours-a-day, 14-state relay from Santa Monica, Calif., to Boston that ended April 13.

— citydesk@bostonherald.com

Caption:

SELFIE TIME: One Run For Boston co-founder Danny Bent, center, takes a photo with Boston Mayor Martin J. Walsh after a check presentation at Copley Square in Boston yesterday. One Run For Boston raised \$455,000.

HERALD PHOTO BY CHITOSE SUZUKI

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Local

Airstrikes won't accomplish our mission in Iraq

Author: *ADRIANA COHEN*

Article Text:

Obama just had his “Mission Accomplished” moment, and it’s a farce.

Despite his assurances that the humanitarian mission atop Mount Sinjar was a success, nothing could be further from the truth. Obama has a big problem with the Islamic State in Iraq and Syria — a name he chooses not to use because it reminds people of his failure in Syria and the fact that we have to go back to Iraq — and he’d like it to just go away, at least until the midterms are over. But it won’t.

The president took time out from his 186th round of presidential golf yesterday to spike the football on the humanitarian mission to save the starving Yazidi refugees from ISIS.

“The bottom line is, is that the situation on the mountain has greatly improved and Americans should be very proud of our efforts,” Obama said in a press conference on Martha’s Vineyard. “We broke the ISIL (Islamic State in the Levant) siege of Mount Sinjar, we helped vulnerable people reach safety and we helped save many innocent lives.”

What he didn’t mention is that, according to numerous news reports, the ISIS jihad continues in full force ... and now they’ve commenced a “sexual jihad,” abducting hundreds if not thousands of Iraqi women and girls, raping them and trading them as sex slaves.

A few airstrikes are not going to end this. ISIS controls a vast swath of Iraq, and whether Obama and the Democratic Party like it or not, airstrikes will not be enough to dislodge them or embolden the weak Iraqi forces. That will, sooner or later, require American boots on the ground. The Iraq War isn’t over. And the threat now, as it was from the

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beginning, is what terrorists in Iraq can do to our interests in the region and to us here at home.

ISIS wants to attack America. Its leaders have said so, promising to raise the jihadi flag at the White House. They wouldn't be the first to target the White House. That was al-Qaeda on Flight 93. We already know, from 9/11 to the **Boston Marathon** bombing, that people radicalized overseas can and have killed Americans and caused massive economic disruption here.

What Obama and his party don't seem to grasp is that Americans will get behind a president who takes bold action in defense of the nation. Actually looking out for America's vital strategic interests might even help this beleaguered, scandal-plagued president — who hasn't managed to get a single thing right in foreign policy or at home in the last six years — and his fellow Democrats salvage this election.

— adriana.cohen@bostonherald.com

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Baseball-Red Sox

A'S eager for gomes reprise

Author: *BASEBALL NOTES* by *JOHN TOMASE*

Article Text:

Jonny Gomes misses Boston, too.

The former Red Sox outfielder is thrilled to be back in Oakland, in the part of the country where he grew up, playing for the team he used to watch as a kid and helped lead to a surprise AL West title in 2012.

But there will always be a part of him in Boston, especially after the connection he forged with the city during the magical 2013 season. He still can't fathom how 2014 went so wrong.

"That's not supposed to happen," Gomes said last week in Kansas City. "You play this game long enough, you see the team that wins the World Series, they're going to be on a five-year run. Maybe they don't win it all five, but they're right there, whether it's the Phillies, Cardinals, Giants, you name it. You make that run.

"How we played last year, no one played out of their minds. I thought we'd be able to sustain that. Talk about an emotional roller coaster. I've never been part of something like that."

Jon Lester was rightly the story of the July 31 non-waiver trade deadline, but Gomes left a unique mark on the Olde Towne Team in a brief time before joining Lester in Oakland.

The clubhouse impact was real as the Red Sox remade their culture on the fly, and he contributed some of the most indelible moments of the march to a title. From the iconic **Boston Strong** flex, to the walkoff helmet punt, to the three-run homer that won Game 4 of the World Series.

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That's why before leaving Fenway, he scooped up some dirt as a memento.

“(Winning) is what I stand for more than anything and I try to have my thumbprint on every game, even if I'm not in there,” Gomes said. “To finally get that goal was everything I play for.

“Obviously, **Boston Strong** is going to be a part of the legacy. The grandkids will go to Boston some day and see the flex and it won't be a picture of me or anything, but it was this community handshake, if you will.”

That said, Gomes is happy to be playing for a contender that he knows, which means he has a chance to win it all for a second straight year.

The A's he played for in 2012 made a huge late run to overtake the Rangers on the final day of the season and claim the AL West. They then took the Tigers to five games in the Division Series before dropping the finale, leaving the field to the obvious respect of their opponent and rival fans.

“As far as coming over here, there are a lot of familiar faces, but the feel is totally different,” he said. “It went from shocking the world to now, it's expected. And it happened quick for this organization.

“When we lost Game 5 against Detroit in '12, I know if that will ever get repeated, as far as a situation where you get a standing 'O' from the crowd, and even a quick-second from Detroit where they all tipped their hats to us. That's not going to happen again, if we're not fortunate enough to finish the season with a win. And the guys here know that.”

Gomes preaches playing the game right, which makes him the perfect fit in an Oakland clubhouse that remains relatively young and can only benefit from experienced veteran leadership.

“His reputation precedes him,” said A's platoon partner Stephen Vogt. “He's everything you can imagine a clubhouse leader looks and acts like. He keeps things loose, but he'll jump on a guy if they need to get jumped on.

“I wasn't here when he was here a couple of years ago. But when I was with Tampa, all you heard about was Jonny Gomes. And then I come here, and all everyone talks about is Jonny Gomes. Now he's here and it's all true. He's an asset to a team. It's no wonder he's been on so many playoff teams. It speaks to his character and ability.”

Vogt doesn't even mind that Gomes' arrival could even cost him at-bats against tough left-handers.

“I don't care,” he said. “The way I look at it is if there's a left-handed reliever in the game and it's my turn to hit with the game on the line, I'd rather have Jonny Gomes hitting for my team than Stephen Vogt hitting for my team, 100 out of 100 times.”

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Multiple A's noted that Gomes' arrival should help former Red Sox farmhand Josh Reddick the most. Reddick is a talented player who can play with the scattered enthusiasm of a youngster. Gomes kept him in line in 2012, when Reddick blasted 27 homers and won a Gold Glove. It also turns out he's been one of Oakland's best hitters in August since Gomes' arrival.

"For me, it's perfect timing," Reddick said. "My big breakout year was 2012. Now he comes back and I start hitting again. It's ironic how timing works like that. Maybe it's fate. He's one of the best teammates I've ever had."

Reddick said the key to Gomes' influence is knowing when not to push too far.

"Jonny knows all the boundaries of what lines to cross and not cross," Reddick said. "Just when you think he's about to go over that line, he dials it back enough to keep it in a positive way. He brings the best out of us on the field, when emotions are high. He can keep us focused. After a rough game, he'll pat you on the back, keep everyone calm. That's what you want from a guy on the bench. By the fourth inning, he's got his batting gloves on. He's ready to get in there and help this club out. He knows his role and comes ready to play."

As for the Red Sox, Gomes recognizes that trades are part of life in the big city.

"That's title town up there," he said. "It's part of the risk of signing with a big-market club. If they're rolling and you're not, you're gone. If you're on a big-market club and the team's not rolling, you're gone then, too. That's big-market baseball. Big-market teams make moves."

Gomes believes the Red Sox will ultimately recover, because they're in good hands between general manager Ben Cherington and manager John Farrell.

"They've got the Executive of the Year and the manager who fell about a vote shy," he said. "The two most important pieces are in. They'll be fine."

Lester reflects on debacle

Lester didn't just speak at length about his contract last week in Kansas City. He also touched on how the 2014 season went to hell, and in his mind a lot of it has to do with turnover up the middle.

"There's a lot of things that put us — put them — in that position," Lester said, correcting his pronoun to reflect his new home. "Anytime you lose the middle of your diamond, it's not easy."

The Red Sox bid adieu to a trio of free agents in catcher Jarrod Saltalamacchia, shortstop Stephen Drew, and center fielder Jacoby Ellsbury. They proved far more difficult to replace than hoped. The Red Sox turned, respectively, to veteran A.J. Pierzynski, and rookies Xander Bogaerts and Jackie Bradley Jr., with poor results.

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“We knew Jackie and nobody would’ve expected the struggles he’s had at the plate this year,” Lester said. “You had so many questions. Can Bogie play short? Can A.J. come in catching a new staff and handle the demands of that?”

“When you have guys like Salty and Stephen and obviously Jacoby, you have a catcher coming into his own, one of the best solid defensive shortstops you’re ever going to see, and you have an unbelievably dynamic player in center.”

The replacements struggled.

“No matter what Jackie did this year, he was never going to replace Jacoby,” Lester said. “He said it himself and hit the nail on the head — ‘I’m not trying to replace him. I’m trying to be me.’ That’s a great attitude, but at the same time, as a team you need to replace his production and what he brought to the table. That’s not a knock on Jackie, by any means.

“It’s the same thing with Bogie. He needed to replace the defensive stronghold that was Stephen Drew. He may one day be that, but at 21, he’s going to make the 21-year-old errors we all did when we were 21.

“And then A.J. coming in, he’s been around a while and played against us, seen us pitch, but the East is a whole different battle, especially when you come to Boston. I think he had a hard time with that.”

Add injuries to Shane Victorino and Mike Napoli, Lester said, in addition to the struggles of Daniel Nava, Will Middlebrooks, and even Dustin Pedroia, and you have a recipe for a team not living up to the standard it had set a year earlier.

“It almost just snowballed,” he said. “I don’t think anyone could’ve predicted it.”

That said, Lester believes the team’s young talent will eventually bear fruit.

“They’re young,” he said. “You’re going to have your ups and downs. You just have to figure out how to come out of it and be a little more consistent. These guys will be good players. Just give them time. Give them a shot.”

Odds and ends

Former Red Sox infielder Jed Lowrie on the media differences between Oakland and Boston: “The demand for information in Boston is like no other place. Unique is the perfect way to describe it. I’ve never experienced anything else like it. It just depends. (Lester) obviously thrived in that situation. It takes a special type of guy to succeed in Boston. You see a lot of good players go through there and not be successful for that reason. (Lester) is one of those people, personality-wise, who knew how to handle that situation.” . . .

What a killer week for high-profile pitchers, and a sobering reminder that even the most reliable arms are always one start away from injury. Both Tigers ace Justin Verlander

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(shoulder) and Rangers counterpart Yu Darvish (elbow) were placed on the disabled list, and their teams are hoping for the best. Remember that when the Red Sox make their decision on Lester this winter.

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Local

Damone focused on the future

Author: *LAUREL J. SWEET*

Article Text:

A 15-year-old Dorchester teen is recovering from the amputation of his left leg, surrounded by the community that has supported him during his long ordeal.

“The pain’s over,” Damone Clark told Mayor Martin J. Walsh during a visit in his room at Children’s Hospital yesterday. “I’m fine with it. I’m going to start walking again. I’m going to go to the store for no reason. If I can wake up every day, put on a leg even if it’s not mine, I can work it out. I know I can. If I’d saved the leg, I couldn’t jump or run or shoot hoops. I’m really enthusiastic about getting this done.”

Damone, a choir boy, cellist and member of the Dorchester Youth Collaborative, was diagnosed last year with osteosarcoma. His story has been chronicled by the Herald’s Peter Gelzinis, as his school, friends and the Boston Police Department have rallied around him.

The badly infected left leg the teen elected to have partially amputated Friday is heavily bandaged — and Damone is two months out from being fitted with a permanent prosthesis. But he told the mayor — a fellow childhood cancer survivor — he intends to get up today and let the therapy begin.

Damone is also looking forward to beginning classes at Cristo Rey on Savin Hill, where he will start his freshman year. He hopes to join its work-study program, and to use it as a launch pad for a career one day as an attorney. “I like waking up every day and learning something new,” he said.

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A second surgery to combat lung cancer awaits Damone, as does chemotherapy. “But,” he said, swiping one palm over the other, “I hope to have all that behind me by November.”

In the meantime, Damone said, he hopes to meet fellow amputees who inspired millions by surviving the **Boston Marathon** bombings.

“I would like to meet them and see how they’re living,” he said, smiling. “I can live that normal life.”

— laurel.sweet@bostonherald.com

Caption:

SHARED EXPERIENCE: Damone Clark shakes hands with Boston Mayor Martin J. Walsh yesterday at Children’s Hospital. Clark is battling cancer, a disease the mayor conquered as a child.

HERALD PHOTO BY CHITOSE SUZUKI

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Index Terms:

Local

Clark's cancer battle inspires Mayor Walsh

Author: *LAUREL J. SWEET*

Article Text:

Every time he walks through the doors of Children's Hospital, Mayor Martin J. Walsh relives a part of his childhood from 40 years ago, when he was a 7-year-old lying in one of its big mechanical beds and watching "Lost In Space" on TV, letting the Jupiter 2 fly him away from the cancer ravaging his stomach here on earth.

These days, the mayor often quietly pays visits alone, without an entourage, to other kids stricken with cancer.

Yesterday, the mayor sat by the bedside of a fellow Dorchester boy, 15-year-old Damone Clark.

Slipping Damone a Boston Red Sox 2013 World Series Champions ballcap, Walsh said, "You look good."

"I'm trying to get my hair back," Damone said, self-consciously touching his bald pate.

"It will come," Walsh assured him. "I lost all mine."

Damone looked up at the mayor. "I feel great," the teen said. "I'm really glad you came."

After leaving the hospital room, the mayor told the Herald what such visits mean to him:

"I'll get calls from parents or from young kids that know I've had cancer. Generally, I just do it quietly. I never call anybody, like I didn't call you guys today, because I'm not doing it for attention.

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“Oftentimes I’ll come in and visit sick families or I’ll get a call and come right over. You just let it happen, because every situation is different. Every young person is at a different stage, every family is in a different place. You can’t really prepare, you just have to go and see what the circumstances are.

“Oftentimes for the parent or parents it’s harder than for the young people because, depending on their age, they don’t really know what’s going on and the parents are living through the pain every day.

“I mean, this young man here is incredible. He’s remarkable.

“I’m inspired leaving him. I mean, I came in to try and make him feel good and I’m inspired by him. Everything he said ... He’s going into his freshman year in high school, his insight and his strength is actually incredible.”

— laurel.sweet@bostonherald.com

Caption:

BOSTON STRONG: Damone Clark, left, lost part of his left leg Friday but none of his fighting spirit as he recovers from the surgery in his ongoing battle with cancer.

HERALD PHOTO BY CHITOSE SUZUKI

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Topics:

Index Terms:

Local

Demilitarize our cops? ISIS would love that

Author: *ADRIANA COHEN*

Article Text:

In response to the recent tragic death of an unarmed black teenager in Ferguson, Mo., many liberals joined Kentucky Sen. Rand Paul in calling for the demilitarization of the police.

Although any misuse of force by cops warrants an in-depth investigation, Paul — and other political leaders and commentators on his left — should think twice before insisting on taking away armored vehicles and high-powered rifles from police.

There is the little matter of the Islamic State group, which just executed a Boston-based reporter to “send a message” and is vowing to bring their terrorist battle to the U.S.

Did these political and opinion leaders calling for cops to demilitarize not hear ISIS leader Abu Bakr al-Baghdadi say to U.S. troops, “I’ll see you guys in New York?” Perhaps they missed another recent video of an ISIS soldier promising to take over the White House and raise the jihadi flag.

Let’s not forget the lesson we learned here in Boston. In the days following the marathon bombings, it took a massive amount of law enforcement manpower to capture one terrorist teenage punk. What if, in the future, they had to confront dozens of ISIS terrorists bent on inflicting mass carnage all over Boston?

Do we really want to strip law enforcement of its ability to protect Americans?

ISIS is an ultra-violent and formidable terrorist army that is slaughtering Iraqi soldiers, beheading Christians and other religious minorities, burying people alive, and committing

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mass slaughter and torture of innocent civilians throughout Iraq and Syria. They're also abducting and raping troves of helpless women and girls and using them as "war booty."

U.S. Sen. Lindsay Graham has warned that it's not a question of if ISIS will attack America, only when.

Despite tensions in Missouri, now is the wrong time to demilitarize local police. Terrorist threats against the U.S. are at their highest level since 9/11 — thanks in no small part to President Obama's disastrous foreign policy.

We cannot afford to ignore ISIS — or, worse, get caught flat-footed. Our law enforcement needs to be fully trained and prepared for another major terrorist attack here on our soil.

I hope the left-wing commentariat, Rand Paul and the president are all taking notes.

Adriana Cohen is co-host of "Trending Now" on Boston Herald Radio. Visit www.adriana-cohen.com or follow her on Twitter @AdrianaCohen16.

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Local

Fear reigns on Gaza Edge: After helping Hub, trauma team returns

Author: *JEFFREY ROBBINS*

Article Text:

SDEROT, Israel — When Talia Levanon, director of the Israel Trauma Coalition, was asked to bring her team of specialists to Boston after the 2013 **marathon bombings** to help ease the community trauma in their wake, she was an obvious choice for the job. She and her group had years of experience helping Israelis victimized by similar acts of terror cope with serious stress disorders.

The Israeli mental health professionals spent five days in the Boston area working with parents, teachers and social workers to help relieve the emotional trauma caused by the bombings, the “lockdown” and the presence of soldiers and weapons in neighborhoods unused to the sight of them.

These days Levanon has her hands full trying to help Israeli families living in southern Israel deal with the trauma and fear inflicted by the nearly 4,000 rockets fired at them by Hamas militants in the nearby Gaza Strip over the past six weeks alone. The rockets trigger air raid sirens that go off all day and night, leaving residents only 15 seconds to get their families — which may include small children, elderly parents and disabled — into concrete shelters before rockets land and shrapnel flies.

Communities like Sderot, which 12 Bostonians visited yesterday as part of a solidarity mission called “Stop The Sirens,” have lived with rocket attacks by Hamas for 14 years. “Eighty-five percent of the people here suffer from one or more post-traumatic symptoms,” Levanon told the group.

Patricia, a 54-year-old grandmother, is so badly scarred by the constant rockets that she has not left the basement of her home since early June, when Hamas began its recent

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round of attacks. She told the group from Boston that visited her in that basement, “This is the only place I feel safe.”

Patricia’s 11-year-old daughter, Shir-el, alternately stroked and braided her hair as she wept, describing a life in which she could not sleep and was afraid to leave the house. At one point Shir-el asked her mother if she could leave the home to see her own therapist. Patricia softly told her no, that she was afraid to let her go outside.

As if on cue, there was a big “boom” outside, signifying that Israel’s Iron Dome defense system had intercepted an incoming rocket. Patricia jumped, as did everyone in the room. Shir-el told her mother that she no longer wanted to go to her therapist, and walked away.

“She’s afraid,” Patricia says. “She sleeps with me. She’s even afraid of animals.”

Patricia sees no end to the trauma from which she suffers. “I’m always alert,” she says. “I will always need therapy.”

Her hope is very simple. “I would like to live in peace.”

Jeffrey Robbins, a Boston attorney with the Mintz Levin law firm, is head of the Anti-Defamation League for New England.

Caption:

‘NEVER FEEL SAFE’: Talia Levanon, below left, and Patricia speak about living under threat of Hamas rockets coming into Sderot, Israel, above and right.

AP PHOTOS ABOVE AND RIGHT

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Topics:

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Local

Lawyer: Tsarnaev pal will plead guilty today

Author: *OWEN BOSS*

Article Text:

A former college roommate of accused terrorist Dzhokhar **Tsarnaev** will plead guilty today in Boston federal court to impeding the probe of the **Boston Marathon** bombings, his lawyer said yesterday.

Dias Kadyrbayev, 20, was set to go on trial next month on obstruction of justice and conspiracy charges, but his lawyer Robert Stahl filed a change of plea notice in advance of today's hearing. Stahl told the Associated Press that Kadyrbayev intends to plead guilty, but he wouldn't say whether he will admit to one or both charges.

The move comes a month after another **Tsarnaev** pal, Azamat Tazhayakov, was found guilty of obstruction and conspiracy charges stemming from the **Boston Marathon** bombings.

Prosecutors said Kadyrbayev, a Kazakhstan native from New Bedford, and Tazhayakov removed a backpack containing fireworks and a laptop computer from **Tsarnaev's** University of Massachusetts Dartmouth dorm room three days after the April 15, 2013, tragedy that killed three people and injured 260 near the finish line of the **Boston Marathon**.

The items were removed hours after the FBI released photographs of **Tsarnaev** and his brother, Tamerlan, as suspects in the bombing.

Tsarnaev's laptop was later recovered from their kitchen table. The backpack, still holding the hollowed-out fireworks, was unearthed a week later from the Crapo Hill Landfill in New Bedford.

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If convicted, Kadyrbayev faces up to 20 years in prison and deportation home to Kazakhstan.

Tazhayakov faces up to 25 years in federal prison when he's sentenced Oct. 16.

A third friend, Robel Phillipos, is charged with lying to investigators, while Quincy cabbie Khairullozhon Matanov has been charged with destroying evidence.

Tamerlan **Tsarnaev** was killed in a shootout with police several days after the bombings. Dzhokhar **Tsarnaev** has pleaded not guilty to 30 federal charges and is slated to go on trial Nov. 3. If convicted, he could be put to death.

Tsarnaev's defense team is pushing to have the trial moved to Washington, D.C., arguing it cannot find an impartial jury in Boston, and his lawyers are expected to file a request next week to delay the start of the trial.

— owen.boss@bostonherald.com

Caption:

THREE STRIKES: Dias Kadyrbayev, Robel Phillipos and Azamat Tazhayakov, from left, pose in New York City's Times Square. Kadyrbayev's planned guilty plea follows Tazhayakov being found guilty of obstructing the investigation into the marathon bombing. Phillipos also faces charges connected with the investigation.

GOVERNMENT EXHIBIT PHOTO

TSARNAEV

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Local

Guilty plea opens evidence vs. Tsarnaev: Experts: Prosecutors must prove conspiracy

Author: *BOB McGOVERN*

Article Text:

Evidence dug up as part of yesterday's guilty plea by a former college roommate of Dzhokhar **Tsarnaev** could be used against the accused **Boston Marathon** bomber if prosecutors can show they were part of a conspiracy to thwart investigators, according to legal experts.

"If people are considered co-conspirators, anything one says can possibly be used in the case of another," said Peter Elikann, a Boston criminal defense attorney. "If these guys were doing anything to help Dzhokhar out, and he knew about it, they would be considered co-conspirators since they worked together to achieve a goal — to get rid of the evidence."

Dias Kadyrbayev, 20, pleaded guilty yesterday in federal court to charges that he hindered the investigation into the deadly 2013 bombings. He could spend up to seven years behind bars if Judge Douglas Woodlock approves the agreed-upon plea.

As part of his plea, Kadyrbayev admitted to a series of facts, including a text exchange with **Tsarnaev** that occurred after the attacks.

One comment could show that Kadyrbayev and pal Azamat Tazhayakov conspired with **Tsarnaev** to hide a backpack and laptop that were key aspects of the obstruction charge Kadyrbayev admitted to.

"If you want you can go to my room and take what's there (SIC)," **Tsarnaev** texted Kadyrbayev, after it became clear that **Tsarnaev** was involved in the twin bombings that killed three and injured more than 260.

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The statement, which was made before Kadyrbayev and Tazhayakov raided **Tsarnaev**'s University of Massachusetts Dartmouth dorm room, could show that they were in a conspiracy to obstruct the investigation. If prosecutors prove the conspiracy, **Tsarnaev**'s words could be used against him as a co-conspirator, even if he isn't indicted as one, according to an expert.

"As long as the government can establish someone is a co-conspirator in the charged conspiracy, they don't have to be indicted," said Brad Bailey, a criminal defense attorney and former federal prosecutor. "It is sufficient to label someone an unindicted co-conspirator. However, the government still must prove the existence of the conspiracy charged and that the unindicted co-conspirator was part of it."

Tazhayakov was found guilty of obstruction and conspiracy charges last month. He faces up to 25 years in federal prison when he's sentenced Oct. 16. Kadyrbayev is set to be sentenced Nov. 18.

A third friend, Robel Phillipos, is charged with lying to investigators.

— bob.mcGovern@bostonherald.com

Caption:

BROTHER'S VIEW: Media question a man who identified himself as Ablai Khan Ismagulov, the brother of Azamat Tazhayakov, outside the Moakley Federal Courthouse yesterday.

STAFF PHOTO BY PATRICK WHITTEMORE

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Columnists

Dzhokhar's pal lost in translation

Author: *PETER GELZINIS*

Article Text:

Dias Kadyrbayev came to court yesterday flanked by his lawyer and his translator, a woman who looked a lot like my third-grade teacher.

She planted herself by Kadyrbayev's left shoulder and only sprung into action on those occasions when the 20-year-old Kazakh's brow wrinkled, or U.S. District Court Judge Douglas P. Woodlock would ask, "Do you understand me?"

The kid nodded politely, answered, "Yes sir," and "No sir," but never once, "I understand, your Honor."

This bit of lost in translation became all the more curious when Assistant U.S. Attorney Stephanie Seigmann rose to read six pages of stipulated facts about Dias' role in trying to get rid of evidence that allegedly ties his UMass Dartmouth buddy, Dzhokhar **Tsarnaev**, to the marathon bombings.

The most chilling part, the one without a trace of an accent, was the fateful text exchange Dias had with **Tsarnaev** on Thursday, April 18, 2013, the night he saw his friend in those pictures the FBI flashed around the world. There was nothing "foreign" about it.

"Yo, bro, u saw the news?" Dias asks.

"Yea bro, I did," **Tsarnaev** responds.

"For real?" texts Dias

“I saw the news,” **Tsarnaev** replies, then follows it up with a warning, “Better not text my friend.”

Though Dzhokhar tries to lighten things up with a quick “LOL,” Dias asks, “U saw yourself in there?” meaning strolling with backpacks among all those unsuspecting strangers on Boylston Street.

Dias then adds, “ahaha...hahaha.”

What kind of virtual laugh do you suppose that was? As it turns out, it became Dias Kadrybayev’s entry into a situation that would have him copping a plea to obstruction of justice. He would find himself up to his ears in a vicious terrorist incident.

When the brief courtroom proceeding was over, Kadrybayev’s lawyer, Robert Stahl, told reporters that he was convinced his client had no role in the planning of the bombing, or that his friends might be involved.

That might well be true. But when it comes to this horrific act, joining in the cover-up is just as bad. I rode the elevator down yesterday with a sergeant from the Somerville Police Department, a woman who politely declined to say anything beyond, “I needed to be here.”

This cop came to court yesterday to see a kid admit that he obstructed the justice that might well have prevented the murder of MIT police Officer Sean Collier, who had just learned he was going to join the Somerville police.

That text conversation, which is bound to play a role in Dzhokhar’s upcoming trial, ends with **Tsarnaev** telling Dias “If yu want yu can go to my room and take what’s there...” He ends with “Salam aleikum.”

Dias responds with: “what’s wrong with u?”

He should have taken that question to the police.

— peter.gelzinis@bostonherald.com

Caption:

GUILTY: Dias Kadyrbayev, a college friend of **Boston Marathon** bombing suspect Dzhokhar **Tsarnaev**, with his defense attorney Robert Stahl at his left, pleads guilty yesterday before Judge Douglas P. Woodlock for impeding the investigation into the deadly attack.

AP ILLUSTRATION

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Topics:

Index Terms:

Local

Feds brief hub cops on ISIS threat

Author: *ANTONIO PLANAS*

Article Text:

Islamic militants behind the barbaric beheading of an American journalist are capable of launching an attack on U.S. soil, security experts said yesterday as federal agencies warned police nationwide — including Bay State cops — to be on alert for ISIS.

“They’re a bigger threat than al-Qaeda simply because they’re so much bigger than al-Qaeda,” said international security expert John Pike.

The type of anti-Western warriors the terrorist group boasts also present a unique and real threat, he said.

“This is going to be a big problem. They have hundreds of people with European passports for which no visa is required to get into the United States. Unlike those Saudis ... who were part of the Sept. 11 team, these are all people who have lived in the West. They know how to talk. They know how to act. They know how to get around.”

The Islamic State of Iraq and the Levant, known as ISIS or ISIL, abducted freelance journalist James Foley and posted a gruesome video of his beheading, which it said was in retaliation for U.S. airstrikes against them in Northern Iraq. Foley, a native of Rochester, N.H., was freelancing for Boston-based GlobalPost when he was abducted in Syria on Thanksgiving Day 2012.

Boston and state police confirmed yesterday they received a joint bulletin from Homeland Security and the FBI regarding ISIS. The “for official use only” bulletin stressed there was no known threat to the U.S. and state police said it briefed them on the “actions of this murderous organization.”

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“It is reminding law enforcement to be alert and aware of the possibility of some issues here ... to be a little more vigilant because of the activity going on with the airstrikes,” said Boston police spokesman Sgt. Michael McCarthy.

He said police were urged to closely monitor social media websites, which ISIS is known to use to recruit supporters.

Cedric Leighton, a retired Air Force veteran who held top posts at the NSA and Pentagon, said ISIS is focused on the turmoil in Iraq and Syria so a “lone wolf” attack — rather than a large-scale plot like 9/11 — is the most likely possibility.

“What we’ve seen so far is ISIS try to inspire lone wolf-type terrorists on their behalf,” Leighton said. “It could spark something like a marathon-type bombing or a Times Square bombing. The **Tsarnaev** brothers were lone wolf characters and scenarios like that ... are certainly possible.”

Federal and New York City police officials estimate that at least 100 Americans could be fighting with ISIS. In April, a Colorado woman was arrested before she could travel to Syria to marry an Islamic militant she met online. A Texas man was recently arrested before he could hop a plane to Turkey. He pleaded guilty to terror charges alleging he wanted to join the group.

Texas Gov. Rick Perry said in New Hampshire yesterday that the porous Southern border could create an entryway for the Islamic militants.

“They have told us they are coming,” he said, “and why should we not take them at their word?”

— antonio.planas@bostonherald.com

Caption:

VIGILANT: A police officer patrols Downtown Crossing yesterday.

STAFF PHOTO BY PATRICK WHITTEMORE

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Volume 32, Issue 236

Topics:

Index Terms:

Local

Welcome mat is out

Author: *HOWIE CARR*

Article Text:

So the chairman of the Joint Chiefs of Staff said the other day that when it comes to terrorist attacks by ISIS, certain countries “because of open borders and immigration issues, it’s an immediate threat.”

Open borders? Immigration issues?

What nation could Army Gen. Martin Dempsey possibly be speaking of?

As it turns out, Dempsey is a good bureaucrat, an Obama Kool-Aid drinker from way back, and he was referring to the “southern border” of NATO.

Whew, that’s a relief. Besides, the U.S. doesn’t have any borders anymore, open or otherwise.

Who are these nattering nabobs of negativism, these nervous nellies screaming about ISIS? Gov. Rick Perry of Texas said it’s a “very real possibility” ISIS has already crossed the border in the flood of the shiftless Central American underclass invading EBT-land.

How dare Perry say such a thing! No wonder the Democrats had to indict him.

Does something seem very wrong here? The U.S. draws a “line in the sand,” so to speak, against ISIS — 10,000 miles away. But on our own border ... nothing to see here, folks, move along.

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Not only do we lavish welfare on any and all terrorists who want it — hello, Tsarnaevs! Now the Border Patrol union says the TSA is allowing illegal aliens onto commercial airliners, no ID's required, no questions asked.

On Friday, the feds issued a directive to all police departments warning of terrorist threats from ISIS. Two days earlier, the Boston City Council voted unanimously to bar Boston police from holding illegal aliens on “civil detainer” requests from ICE.

You see, illegal aliens in the “community” are afraid to report crimes because they could themselves be held. Oh sure, happens all the time.

If you're an undocumented Democrat who doesn't want to obey the law, who are we to judge you? If you want to sneak into the U.S. and leech off the welfare system while you're plotting to kill us, that's your right too. You're an illegal alien.

During the so-called debate, City Councilor Charles “Don't Call Me Chuck” Yancey pointed out that the Pilgrims were “undocumented” and smugly recalled a time when a measure to ignore the laws of the land would have been opposed by some troglodytes on the council.

Hey, Chuck, I can even remember a time when at least a few members of the council knew that it was the Puritans who colonized Boston, not the Pilgrims. The Pilgrims landed in Plymouth.

But what does it matter? The other day, an ISIS spokesman publicly dared the U.S. to invade Iraq. Two days later, he's dead, killed by the Syrian forces of Bashar Assad, the same regime Obama was threatening to bomb back to the Stone Age a year ago. As that “line in the sand” was being drawn against Syria, the U.S. was supplying arms to the Syrian jihadists who are now known as ISIS.

Jihad makes even stranger bedfellows than politics.

Meanwhile, Qatar is denying it provides financial funding for ISIS. You know Qatar — Obama sold them new Apache helicopters last month. And they own Al Jazeera, the network where Hillary Clinton says she goes to get “real news.”

Yes, that would be the same Hillary who now says Obama has no clue what he's doing in foreign policy.

But what do we care about any of this? How 'bout them Patriots? Plus, the terrorists have forgotten Boston, right, after flying two planes out of Logan on 9/11 and then bombing the **Boston Marathon**. They're done with us, right?

By the way, the same day the council gave the get-out-of-jail-free card to illegal aliens, they also banned a new app that would have been used to obtain parking spaces in Boston. This is what passes for a real threat to public safety in Boston.

Guess which network did a piece on the dispute? Al Jazeera America.

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Five minutes showing the real priorities of the local Pilgrims, I mean Crusaders. I'm sure no one in Qatar, or Cambridge, was taking notes on how clueless we are.

Nothing to see here folks, move along.

Caption:

ISIS CRISIS: Texas Gov. Rick Perry, above, said he fears ISIS has already invaded the U.S. through its southern border with Mexico, while Joint Chiefs Chairman Gen. Martin Dempsey, right, said ISIS threatens to infiltrate countries with soft borders. Below, ISIS fighters parade in Syria.

AP PHOTOS

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AP FILE PHOTO

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Topics:

Index Terms:

Letters

Letters To the Editor

Article Text:

How terrorists could win

Columnist Adriana Cohen said that we need to maintain our police forces as, what amounts to, a second standing army (“Demilitarize our cops? ISIS would love that,” Aug. 21). Already it is impossible to tell them from the U.S. Army in full battle gear. Cohen says that it is through this police/army that we will be kept safe from future **Boston Marathon** bombers.

She forgets that the suspect was not captured by the virtual lockdown of the entire area and the house-to-house search by police in Watertown. She has conveniently forgotten that it wasn’t until after the heavy hand of the police was lifted that the bomber was found, not by police but by a resident stepping into his backyard to check on his boat.

Finally, I would remind her of a quote often attributed to Ben Franklin: “Those who would give up essential liberty, to purchase a little temporary safety, deserve neither liberty nor safety.” When we give up our liberties and freedoms to live in a military camp, the terrorists have won.

— Jeff Padell, Walpole

After the deluge

What awful irony. Thirteen inches of rain in a couple of hours (“New York suburbs get entire summer’s worth of rain,” Aug. 13). During the deluge, an SUV driver slowed down to be careful, but was killed when her vehicle was struck by a truck carrying waste oil. Waste oil.

Thirteen inches of rain? How is that possible? Global warming allows a warmer atmosphere to absorb more moisture and leads to heavier rainfalls, flash floods and more mudslides. We know what causes global warming: burning coal, burning oil, burning natural gas, and allowing natural gas to leak into the atmosphere. Fossil fuel waste.

The U.S. National Climate Assessment, issued every four years by the National Oceanic and Atmospheric Administration, is an effort by more than 300 U.S. scientists to track how the climate is changing in the U.S. The just-released 2014 report said: “Heavy downpours are increasing nationally, especially over the last three to five decades. Largest increases are in the Midwest and Northeast. Increases in the frequency and intensity of extreme precipitation events are projected for all U.S. regions.”

— Judy Weiss, Brookline

Cruelty a threat to all

Some people are complaining that the “Puppy Doe” case has gotten so much attention (“ ‘Puppy Doe’ faithful at court as suspect larceny trial set,” Aug. 20). Beyond the terrible abuse heaped on the puppy, the case is also important because whoever did that might move on to hurt people as well.

For example, Robert Lee Brian was convicted recently of three counts of felony animal cruelty — as well as assaulting and threatening a neighbor. Brian was accused of beating, choking and hanging his pet dogs. This shows that judges need to take the Puppy Doe and other animal cruelty cases seriously.

— Martina Marchand, Brockton

Pity poor ‘Puppy Doe’

I can’t believe the terrible way that “Puppy Doe” was treated (“ ‘Puppy Doe’ faithful at court as suspect larceny trial set,” Aug. 20). If Radoslaw Czerkawski is responsible, I hope he suffers after he’s thrown in jail.

— Linda Block, Fort Lee, N.J.

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Topics:

Index Terms:

Local

Tsarnaev sister accused of bomb threat: Cops: She told woman, 'I know people'

Author: *ERIN SMITH*

Article Text:

The sister of accused **Boston Marathon** bombers Tamerlan and Dzhokhar **Tsarnaev** was arrested in New York City yesterday, accused of making a bomb threat against her boyfriend's ex, according to police.

Ailina Tsarnaeva, 24, of North Bergen, N.J., turned herself in to officers in Manhattan around 2:30 p.m. yesterday and was charged with aggravated harassment, according to police.

"She made phone threats against another female, saying, 'I know people who can go over there and put a bomb on you,'" said New York police Lt. Paul Ng.

Tsarnaeva allegedly called the mother of her boyfriend's children in Manhattan on Monday around 3 p.m. and made the threats, according to Ng. Police did not identify the mother or the boyfriend.

Ng told the Herald that Tsarnaeva was released on a ticket to appear in a Manhattan court at a later date.

It's not Tsarnaeva's first run-in with the law.

In October, Tsarnaeva turned herself in to Boston police to clear up a nearly 3-year-old default warrant in a counterfeit money case. According to police records, Tsarnaeva was living in Cambridge on April 16, 2010, when counterfeit money was used to pay a tab at a Dorchester Applebee's and her car was used by the suspects police were seeking. Tsarnaeva told police she was out with friends, but didn't know their names, and later dropped them off at South Station.

Tsarnaeva pleaded not guilty Jan. 13, 2011, to what prosecutors said was a charge of “misleading and impeding an investigation” but skipped a Feb. 24, 2011, court hearing into the counterfeit money case, prompting the warrant for her arrest.

Her younger brother, Dzhokhar **Tsarnaev** — who turned 21 last month — is slated to go on trial Nov. 3 for the April 15, 2013, **Boston Marathon** bombings that killed three and injured 260. He has pleaded not guilty to 30 federal charges and, if convicted, **Tsarnaev** could face the death penalty. Dzhokhar **Tsarnaev**’s defense team is pushing to move the trial to Washington, D.C., on the grounds they can’t find an impartial Boston jury, and have also signaled that they will ask for a delay of the November trial date.

Dzhokhar **Tsarnaev**’s older brother, Tamerlan **Tsarnaev**, who the feds allege helped carry out the attacks, was killed four days after the bombings in a shootout with police in Watertown as law enforcement closed in to arrest the pair in a manhunt that shut down Greater Boston. Prosecutors say during the brothers’ brief time as fugitives, they executed MIT police officer Sean Collier.

— erin.smith@bostonherald.com

Caption:

AILINA TSARNAEVA

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Volume 32, Issue 242

Topics:

Index Terms:

Local

Fears ISIS could use traitors to hit U.S.

Author: *O'RYAN JOHNSON and OWEN BOSS*

Article Text:

The barbaric militant group ISIS could use traitorous American fighters to launch lone-wolf terror attacks against the United States drawing on the scores of U.S. citizens in their jihadist ranks, international security experts said.

The chilling warning comes as British Prime Minister David Cameron ordered the U.K. terror threat level raised to “severe” yesterday, the second-highest rating.

“The estimate of how many Americans are fighting for ISIS right now runs between 50 and 300, which is the real threat,” international security expert John Pike said, adding the prime target would be a crowded place.

“If ISIS pulls off a bombing at a sporting event or a shopping mall in the United States, that will demonstrate that it is not safe in a crowd and it only takes a handful of people to pull that off — a small number compared to the number of people they have that can get into the United States without a visa,” Pike told the Herald.

Although security officials are saying there is no evidence of a specific threat against the United States, Pike said the government should be worried about one of the dozens of American ISIS fighters coming home from the battlefield and carrying out a terror hit.

The U.S. is checking reports that a second American was killed in Syria while fighting alongside the militant group. NBC cites an anonymous member of the opposition Free Syrian Army as saying two Americans were killed in a battle last week with Islamic State fighters. The U.S. already has confirmed that American Douglas McAuthor McCain was killed while fighting with militants.

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“The one thing that al-Qaeda has done that ISIS has not done is pull off terrorist attacks in Britain and America,” Pike said. “That will certainly be something they’ll be looking to achieve.”

More than 500 British citizens have reportedly traveled to Iraq and Syria with at least half returning, raising security concerns, according to the U.K. newspaper The Telegraph.

A former ISIS fighter, Mehdi Nemmouche, returned home to Europe in May where he is accused of methodically murdering four people at the Jewish Museum in central Brussels, The Associated Press reports. Nemmouche was later arrested.

The 2013 **Boston Marathon** bombings were like that — allegedly carried out by radicalized American brothers Dzhokhar and Tamerlan **Tsarnaev** acting on their own. So was the 2010 attempt to bomb New York’s Times Square by Faisal Shahzad, who received training and direction in Pakistan but operated alone in the U.S.

Cameron said that while the Taliban facilitated al-Qaeda terrorism, the Islamic State group is “effectively a state run by terrorists.” He said the ambition to create an Islamist caliphate isn’t something that could be ignored.

“We could be facing a terrorist state on the shores of the Mediterranean and bordering a NATO member,” he said, referring to Turkey.

Herald wire services contributed to this report.

— owen.boss@bostonherald.com

Caption:

Terror threat raised to ‘Severe’ IN U.K.: Police officers stand guard in central London yesterday, above. British Prime Minister David Cameron, top left, ordered the U.K. terror threat level raised to ‘severe’ on fears American ISIS fighters, such as Douglas McAuthor McCain, bottom left, will return from the battlefield overseas and carry out lone-wolf operations.

GETTY IMAGES

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Volume 32, Issue 242

Topics:

Index Terms:

Local

Tsarnaev defense seeks to delay trial

Author: *OWEN BOSS*

Article Text:

The high-powered legal team for accused terrorist Dzhokhar **Tsarnaev** wants to push back the start of the blockbuster **Boston Marathon** bombings trial nearly a year, according to a motion filed yesterday in U.S. District Court in Boston.

Tsarnaev's lawyers argued that their client's case, set to begin Nov. 3, is being rushed to trial and said the scope of the investigation has "overwhelmed the ability of defense counsel to evaluate and respond to the government's case in the time allotted."

"The trial in this case is currently scheduled to begin just 16 months after the defendant was indicted. This 16-month period is one-half the median preparation time that federal courts have allowed defendants on trial for their lives over the past decade and would bring this case to trial faster than 103 of the 119 federal capital trials to get underway since 2004," the motion read.

Tsarnaev's lawyers asked that the trial begin on or after Sept. 1, 2015, and pointed to the massive amount of evidence gathered during the investigation in their request for additional time to prepare their case.

"The **Boston Marathon** bombing has been investigated by more than 1,000 FBI and other agents from additional federal, state, and local law enforcement agencies ... and by at least five separate committees of the United States Congress," the motion read. "The government has gradually produced some 6.7 terabytes of discovery, including more than 100,000 pages of witness statements, reports, photographs and scientific tests produced in scanned formats; thousands of items of physical evidence; and — perhaps most daunting of all — thousands of gigabytes of digital evidence."

Tsarnaev's brother, Tamerlan **Tsarnaev**, was killed in a shootout with police several days after the April 15, 2013, **Boston Marathon** bombings that killed three and injured 260.

Dzhokhar **Tsarnaev** has pleaded not guilty to 30 federal charges. If convicted, he could be put to death. His defense team is also pushing to have the trial moved to Washington, D.C., arguing it cannot find an impartial jury in Boston.

“We recognize that the government and many members of the public, especially in the Boston area, may want the trial to begin quickly,” the motion read. “But it is critically important that any trial be fair, which means giving both sides, not just the government, enough time to uncover and present all relevant evidence.”

— owen.boss@bostonherald.com

Caption:
DZHOKHAR TSARNAEV

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Section: Opinion

Page: 12

Volume 32, Issue 244

Topics:

Index Terms:

Editorials

Terrorists coming home

Article Text:

Last Friday as most Americans were busy stocking up on supplies for the holiday weekend barbeque, the people of Great Britain were being told their terror threat level was being raised from “substantial” to “severe” and that a terror attack by a foreign fighter was “highly likely.”

It was sobering news, but not unexpected in the wake of the growing threat from radicalized Islamists recruited to fight for the Islamic State terrorists in Syria and then encouraged to return home to Europe or the United States and wreck havoc on their native soil.

This is no theoretical threat. It has already been well documented that Mehdi Nemmouche, a French national who on May 24 shot and killed four people at the Jewish Museum in Brussels, had recently returned from 11 months fighting for the Islamic State in Syria.

Last week it was confirmed than an American from San Diego, Douglas McAuthur McCain, was killed in Syria fighting for the Islamic State. U.S. intelligence is trying to confirm whether a second American was also killed.

Last May Moner Mohammad Abusalha, an American who grew up in Vero Beach, Fla., killed 16 people and himself in a suicide bombing against government forces in Syria. U.S. officials acknowledge he had traveled back to the U.S. after his recruitment and before returning to Syria and his “final reward.” The might-have-beens there are horrifying indeed.

Thousands of Europeans and about 100 Americans have gone to fight for various extremist groups in the region. About a dozen Americans are believed to be fighting under the black banner of the Islamic State.

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The real question facing the U.S. intelligence community is what happens when they try to return?

Bostonians are particularly sensitive to the harm that lone terrorists can do when faced with the countless “soft” targets provided by our open society — our malls and sports stadiums and civic celebrations. And we also know how easy it was for someone like Tamerlan **Tsarnaev** to find common ground with a nest of extremists and then return to the land that gave him refuge and build his bombs.

We have always known that we can fight the terrorists on their own territory or wait for them to come to us. It seems the Obama administration has not yet made up its mind on that score.

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Volume 32, Issue 244

Topics:

Index Terms:

Commentary

Thugs reign on festive Hub parade

Author: *KEVIN C. PETERSON*

Article Text:

The murder of 26-year-old Dawnn Jaffier on a Saturday morning in August should lead us to a sobering conclusion: it's time to cancel the Boston Caribbean Parade. Forever.

The yearly carnival is supposed to be a celebration of West Indian culture. But over the years it has become an event associated with routine violence.

Jaffier — a youth mentor who spent the summer coaching kids at the West End Boys and Girls Club — died during J'ouvert, a pre-parade event. She was shot in the head on Blue Hill Avenue in Dorchester, her blood staining the street.

But many others have been victims of shootings and bloodletting connected to the parade in years past.

Consider the following small sample of the carnage:

- In 1993 seven people were shot during the carnival. Police blamed feuding gangs.
- In 2007 four people were stabbed as they attended festival-related events.
- In 2008 a man police believed to be attending the carnival was found stabbed to death in a Dorchester park.
- In 2010 three parade watchers were shot, one died.

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The problem with the Caribbean Carnival is that it gives outlaws opportunities to show their disrespect for law-abiding citizens. Gun-toting youth have turned the parade into a place of violence that many now fear.

If the slightest chance exists that someone may be shot or murdered next year, then shutting down the event is a responsible action.

Let's not get this twisted. We shouldn't confuse the yearly violence at the Caribbean festival with what happened at the **Boston Marathon** two years ago.

The bombings on Boylston Street were an aberration, one terrible event in an otherwise long history of peaceful celebrations.

But the ugly terror that happens along Blue Hill Avenue each festival approaches the level of self-inflicted, protracted terrorism. It numbs our souls.

It's an insult to the black community in Boston to allow the parade to continue when the results of the event are too often murderous.

Jaffier's life represented yet another bright promise in an increasingly vibrant and diverse city. We all need to ask ourselves: "Is her blood on our hands?"

Kevin C. Peterson is a senior fellow at the Center for Collaborative Leadership at the University of Massachusetts Boston and founder of the New Democracy Coalition. Talk back at letterstoeditor@bostonherald.com.

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Topics:

Index Terms:

Local

One Fund to hand out \$18.5M, create center

Author: *RICHARD WEIR*

Article Text:

The One Fund Boston announced yesterday it was distributing another \$18.5 million in cash donations to over 200 marathon bombing survivors and victims' families, while also establishing a \$1.5 million center at Mass. General Hospital to provide ongoing care to those injured in the April 15, 2013, terrorist attacks.

The One Fund Center, a collaboration between Mass. Eye and Ear, Spaulding Rehabilitation Hospital and the Benson Henry Institute for Mind Body Medicine, has a two-year mission to provide personalized care to those injured in the bombings and their families, helping heal both their physical and invisible wounds.

The One Fund, which has so far handed out a total of \$80 million in cash gifts and program support, has received donations from more than 200,000 people.

The fund said yesterday it was distributing another \$100,000 to the families of the four victims killed in the bombings and their aftermath. Also, the One Fund is phasing out, and all future donations will go to the center.

— richard.weir@bostonherald.com

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Volume 32, Issue 248

Topics:

Index Terms:

Local

Feds: Delays will prevent Tsarnaev insanity claim

Author: *LAUREL J. SWEET*

Article Text:

Prosecutors say stalling by Dzhokhar **Tsarnaev**'s lawyers has blown any chance they had of using an insanity defense to save the **Boston Marathon** bombing suspect from execution.

Asserting the deadline for doing so has long passed, exasperated federal prosecutors said in a motion, "It is now clear that **Tsarnaev** will not offer evidence relating to a mental condition. ... Aside from a one-sentence disclosure notifying the government that an expert will testify about 'relevant aspects of Mr. **Tsarnaev**'s life story,' the defense has produced no information whatsoever about its case-in-chief."

Prosecutors also want the judge to make the defense state any mitigating factors they'll use to argue against the death penalty if he is convicted. The defense has said that would tip their hand. The trial is set for Nov. 3.

— laurel.sweet@bostonherald.com

Caption:

DZHOKHAR TSARNAEV

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Volume 32, Issue 249

Topics:

Index Terms:

Local

Hub's a terror hotbed, military pundit warns

Author: *CHRIS CASSIDY*

Article Text:

A retired Army commander is warning that the Bay State is now among the top breeding grounds in America for homegrown terrorists after a report that a former Stoughton man is helping to run social media for ISIS.

“This is a critical time,” retired Lt. Col. Allen West told Boston Herald Radio yesterday. “Think about the **Tsarnaev** brothers. They were right here in Boston. So in Boston, another hotbed for radicalism and jihadism and another recruiting ground. We know Dearborn, Michigan, is one. We understand Chicago as well, and Minneapolis. We have got to start focusing on where these hotbeds are and we have to have the right type of domestic criminal investigation into it.”

The Herald reported yesterday that 32-year-old computer expert Ahmad Abousamra is suspected of using the tech skills he honed at Northeastern University and the University of Massachusetts at Boston to spread the Islamic State of Iraq and Syria's anti-American message of hate on social media.

Abousamra, who graduated from Stoughton High School in 1999 and has dual U.S. and Syrian citizenship, was placed on the FBI's Most Wanted Terrorists list last year.

“Yes, they're absolutely here,” West said. “Don't look for this administration to get serious about it because the (Department of Justice) has opened up a civil rights investigation against the Ferguson, Mo., Police Department instead of opening up an investigation on the homegrown jihadism in Minneapolis, Minnesota or in the Boston area.”

Meanwhile, the U.S. and a coalition of NATO allies — including Great Britain, France, Germany and Canada — vowed yesterday to cut off ISIS' financial resources and provide intelligence, equipment, ammunition and weapons to the fight.

Obama said U.S. ground troops aren't needed in Syria, where ISIS is based, but instead called for the coalition to support and train the more moderate rebels who are fighting ISIS and the regime of Syrian President Bashar al-Assad.

Herald wire services contributed to this report.

— chris.cassidy@bostonherald.com

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Boston Herald (MA)

September 6, 2014

Edition: ALL

Section: Opinion

Page: 8

Volume 32, Issue 249

Topics:

Index Terms:

Editorials

Terror comes home

Article Text:

The **Boston Marathon** bombing should have erased any doubt in our minds that terror can lurk anywhere, that those bent on jihad can live among us, work among us, go to our schools and still be hellbent on destroying a nation that gave them shelter and the freedoms we all enjoy.

Still as much as we know that, to realize that yet another would-be jihadist who once called Stoughton home may well be the social media guru for the Islamic State is — well — shocking.

Ahmad Abousamra, 32, has been on the FBI's Most Wanted Terrorists list since 2013 and was named a co-defendant with Tarek Mehanna of Sudbury, now doing 17 years in federal prison for providing material support to terrorists. But Abousamra, born in France, and with dual U.S. and Syrian citizenship, is believed to have fled for Syria in 2006 after being questioned by the Joint Terrorism Task Force.

The FBI believes he began his head-long flight into terrorism shortly after the 9/11 attacks, traveled to Pakistan in 2002 for "training," went to Yemen in 2004, and returned to Boston six months later.

He began his computer studies at Northeastern and got his degree in computer science at the University of Massachusetts Boston in December 2006 — yes, folks, your tax dollars at work.

And now as if in some dreadfully ironic joke, Abousamra is being credited with using that computer science degree to help the Islamic State put all their horrifying propaganda videos up on YouTube and post their latest atrocities and warnings on Twitter.

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The FBI had initially warned that Abousamra trained with jihadists with the intent of killing U.S. soldiers. Then he and Mehanna were accused of trying to amass automatic weapons for a possible hit on a softer target like a shopping mall.

But by all accounts it seems Abousamra has finally found his calling somewhere in the Caliphate where he is now part of the problem the Obama administration has committed to “manage.”

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September 8, 2014

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Section: Inside Track

Page: 15

Volume 32, Issue 251

Topics:

Index Terms:

The Inside Track

Tracked down

Author: *GAYLE FEE / INSIDE TRACK*

Article Text:

Boston Marathon bombing survivor and former Suffolk University tennis star Kaitlynn Cates, who has undergone multiple surgeries on her calf as a result of injuries she suffered in the bombing, hopping a chopper to Willowbend in Mashpee, where she coached a tennis practice for kids from the Boys & Girls Club ... “Breaking Bad” Emmy winner Bry an Cranston, who did “All the Way” at the American Repertory Theater, taking in “Finding Neverland” at the A.R.T. ... Matthew McConaughey and the “Sea of Trees” crew filming at Clark University in Worcester ... The late U.S. Sen. Ted Kennedy’s prize sailboat, Mya, rolling down Route 6 in Yarmouth on the back of a truck ... Nantucket and Eastham homegal Meghan Trainor doing her hit “All About That Bass” with Jimmy Fallon and The Roots using all kids’ instruments ... “The Real Housewives of New Jersey” castie Kathy Wakile signing copies of her dessert cookbook, “Indulge: Delicious Little Desserts That Keep Life Real Sweet,” at the BJ’s Wholesale Club in Seekonk ... Grammy-nominated kiddie crooner Mister G in Cohasset at a first birthday party for Watkins Strategies PR prince Matt Watkins’ son John ...

Caption:

Boston Marathon bombing survivor Kaitlynn Cates is back in action after undergoing multiple surgeries on her calf as a result of injuries she suffered.

PHOTO COURTESY REGAN COMMUNICATIONS

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Boston Herald (MA)

September 9, 2014

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Section: News
Page: 12

Volume 32, Issue 252

Topics:

Index Terms:

Local

Mosque denies ties to suspected ISIS techie: Admits other terrorists had visited

Author: *CHRIS CASSIDY*

Article Text:

The executive director of the Islamic Society of Boston is denying media reports that a Stoughton man suspected of helping to run social media for ISIS worshipped at the society's Cambridge mosque.

"To our knowledge Ahmad Abousamra never came to our mosque and has absolutely no connection," Yusufi Vali, the executive director of the Islamic Society of Boston Cultural Center, told the Herald yesterday.

Abousamra was placed on the FBI's Most Wanted Terrorists list last year and is now suspected of using the computer science skills he honed while studying in the Bay State to help spread the violent jihadist message of Islamic State of Iraq and Syria.

That group, known for its ruthless and barbaric violence, beheaded two American journalists this summer.

Some media outlets, including the New York Post and CNN, reported yesterday that Abousamra had worshipped at the same Cambridge mosque as other extremists, including accused **Boston Marathon** bomber Tamerlan **Tsarnaev**; Abdurahman Alamoudi — the mosque's founder — who was sentenced for conspiring with Libya and plotting to assassinate a Saudi prince; Aafia Siddiqui, now in prison for planning a chemical weapons attack in New York; and Tarek Mehanna, who's serving time for conspiring to shoot up a mall with automatic weapons.

In a statement, the Islamic Society called the Post report "a sensationalist article about our mosque full of many half-truths and inaccuracies" and claimed it was never contacted for comment. But it admitted others did attend.

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“As far as we know, some of the people mentioned by the NYPost may have prayed at the Cambridge mosque at one time or another, just as they most likely shopped at grocery stores in Central Square, bought coffee from the nearby Dunkin’ Donuts and withdrew and deposited funds at local banks, activities they surely engaged in many more times than they prayed at the mosque,” the statement reads.

It also said the mosque doesn’t exclude anyone and doesn’t check IDs, and it “unequivocally condemns ISIS.”

“All of these individuals, if and when they prayed at the ISB mosque, were law-abiding citizens and never exhibited any hint of criminal or violent sentiment,” the statement said. “Like any other faith institution, if we were to ever observe any hint of criminal or violent behavior, we would immediately intervene and notify the authorities.”

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Boston Herald (MA)

September 10, 2014

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Section: Opinion

Page: 22

Volume 32, Issue 253

Topics:

Index Terms:

Letters

Letters To the Editor

Article Text:

They protest too much

I'd like to give these poor misguided souls a quick lesson in economics ("8 fast-food workers arrested in protest," Sept. 5). They don't realize they're campaigning to eliminate many of their own jobs. When wages are high, production costs rise. To cover this, prices must rise. When prices rise, demand will decrease.

Then, some workers will lose their jobs. Employers will not pay a worker \$15 per hour if that worker can not produce at least that amount. Minimum wage laws are, therefore, a formula for causing increased unemployment among the least-skilled members of society. In turn, this will cost the government in additional welfare spending, requiring higher taxes or greater budget deficits to finance it.

— Joe Genevich, Dorchester

Let parade roll on

In his column, Kevin C. Peterson calls for canceling the Boston Caribbean Parade "forever" due to violence ("Thugs reign on festive Hub parade," Sept. 1). This would, essentially, punish hardworking and taxpaying Boston residents, Caribbean people and entrepreneurs who rely on the festivities to make money.

Now, the killing of Dawnn Jaffier during a pre-parade event this year was tragic. But Peterson argues that "the ugly terror that happens along Blue Hill Avenue each festival approaches the level of self-inflicted, protracted terrorism." This is unfair and harsh. Yes there are a few idiots who don't know how to enjoy themselves and whose actions are dangerous, neglectful, and irresponsible — but "terrorism"? That's a term for such incidents as the **Boston Marathon** bombings.

If we're going to cancel the Caribbean Parade, well why not other parades as well? As we saw with the Boylston Street bombings, violence can erupt anywhere.

— Steven Ricot, Boston

Flynn skips key facts

As someone who worked in the Boston Public Schools for over 30 years and stood on the South Boston High steps on the first day of school in 1974, I agree with Ray Flynn's column on some points ("40 years later, busing ruling still misguided," Sept.2). It was an ugly time for students, teachers, parents and school administrators. He is right, busing was not about education, but about desegregation. Segregated schools were determined by federal law to be unequal.

I disagree with the former mayor's analysis of the cause of busing. The idea that busing was caused by the elites or educational experts is simply not true. It was a basic matter of law.

If the Boston Public School system had not violated federal law by purposely segregating black students in the 1950s and 1960s, and if the elected School Committee had not refused to voluntarily desegregate the schools, busing would not have been necessary. I hope the next time the former mayor writes about busing, he will not leave out those facts. Telling the truth about the past is the best way to learn from it.

— Tom Larkin, Bedford

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September 11, 2014

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Section: Business

Page: 21

Volume 32, Issue 254

Topics:

Index Terms:

Economy

Alliance helps marathon bombing victims rebuild

Author: *MARIE SZANISZLO*

Article Text:

For months after she came home from the hospital with prosthetics in place of the legs that were blown off in the **Boston Marathon** bombings, Celeste Corcoran was carried upstairs by her husband, Kevin, every night to bed and back downstairs every morning before he left for work.

Through a program called Renovate for Recovery, volunteers from the Boston Society of Architects installed a chairlift, which has helped. But maneuvering around the small rooms of their Lowell home still has proved challenging.

“I bang into things in my wheelchair all day long,” said Corcoran, a hairdresser whose 19-year-old daughter, Sydney, also was injured in the bombings.

Tomorrow, the Corcorans will break ground on a fully handicap-accessible home on 21/2 acres they bought in Dracut with donations made to The One Fund Boston. And from the design of the building to its construction, virtually all of the work is being done for free.

“I’ve said before that good always overcomes evil,” said Corcoran, 48. “It renews your faith in humanity after something so violent and so hateful. That’s why one way for us to give back is to get the word out that help is still available for the survivors.”

In the wake of the bombings, the state Department of Public Safety created the Boston Survivors Accessibility Alliance, a network of volunteers who make the homes of marathon bombing victims accessible for free. But health care privacy laws prevent the group from contacting them directly. Instead, survivors have to contact the department.

“Many survivors weren’t ready at the time to face this part of moving on and how they were going to live the rest of their lives,” said Dana Cohen of Patrick Ahearn Architect in Boston, who designed the Corcorans’ new home with large, open spaces, wide doorways and an elevator.

With time, though, survivors who either didn’t know that help was available or weren’t ready to accept it may now see a need for home-accessibility modifications that the alliance’s volunteers can fill, said Liz Mason, director of client services for Green Leaf Construction, the Leominster company building the Corcorans’ home.

“I just want people who may have declined help in the beginning to realize help is still out there,” Corcoran said.

Survivors can request help at www.mass.gov/eopss/agencies/dps/bsaa-application-6-7-2013.pdf.

— mszaniszlo@bostonherald.com

Caption:

WINNING SPIRIT: Carmen Acabbo, Celeste and Sydney Corcoran, from left, cross the finish of this year’s marathon. Both Corcorans were injured in the 2013 bombing.

STAFF FILE PHOTO BY NANCY LANE

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September 12, 2014

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Section: News

Page: 14

Volume 32, Issue 255

Topics:

Index Terms:

Local

How the T works to prioritize safety in post-9/11 world

Article Text:

MBTA Police Lt. Cmdr. Christopher Maynard joined Boston Herald Radio's "Morning Meeting" from South Station yesterday to talk about post-9/11 security and more. Here are excerpts:

Q: What's going on at South Station right now?

A: They're performing a security inspection. It's kind of similar to what you see at the airport. They use a machine called an 'Itemiser' which basically detects trace explosives. What they do is they swipe a bag ... with a small piece of cloth that they then put through the machine and it detects whether anyone's handled explosives.

Q: Is there a lot more security that we don't see post-9/11?

A: There are systems in place. We have key stations where we do have sensors within the system that detect chemicals ... that will trigger alarms which we will then respond to. We have over 4,000 cameras in place along the MBTA. Our surveillance program is really ramped up and it's now integrated within a larger system. It's tied in with MassDOT, the state system, city of Boston and other entities as well.

Q: What happened two years after the terrorist attacks?

A: We got more assets in place to respond to needs and what was happening day-to-day at that point. At some point it couldn't go on forever with people working 80 hours a week. They had to throttle it back a little bit. There was still additional coverage, and we still have additional coverage at this point.

Q: How did the advances you made to your security after 9/11 come into play during the **Boston Marathon** bombings?

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A: We were pretty well stocked. It would be easier to say what we didn't use. We used everything. Our SWAT teams were used. Our explosive detection dogs, our regular patrol officers, our detectives, every asset of this department was used. Our department was ahead of the curve. Our whole department was trained in terrorism a couple years before 9/11.

Q: The days following 9/11 there was a train attack in Spain. Did your MBTA team learn more from that?

A: That's why we have the training because what had happened in the early '90s at the World Trade Center. Terrorism was really on the upswing. It's more common in other parts of the world where transit is attacked. You think about what transit means to the city of Boston, what would happen if people didn't trust the transit system to come to Boston, to go to work. We know that transit is always a target. It's something that we're very much aware of and we take very seriously.

Go to bostonherald.com for the full audio interview.

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September 12, 2014

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Section: Opinion

Page: 18

Volume 32, Issue 255

Topics:

Index Terms:

Letters

Letters To the Editor

Article Text:

Retiree benefits sacred

With the general election campaign underway, voters should make sure the candidates will strive to protect the health care and pension benefits we retirees worked for (“Pols, supporters work a busy day at the polls,” Sept. 10). Legislation recently introduced in the U.S. Senate, the Bankruptcy Fairness and Employee Benefits Protection Act, would make it harder for companies to reduce or eliminate these promised benefits.

I, and many others, were told we would have health care benefits in retirement in exchange for accepting lower wages during our careers. Sadly, companies have not only reduced and in some cases canceled earned retiree health care benefits, but also found loopholes to dump pension obligations. Older Americans who labored their entire adult lives should not have to fear for the safety and security of their benefits.

— Peter Fitzgerald, Stoughton

Trial too speedy

Recently there has been media attention on Dzhokhar **Tsarnaev**’s motions to delay the trial (“**Tsarnaev** defense seeks to delay trial,” Aug. 30). Understandably, the public wants a quick resolution to the case and many are eager, given the horrific nature of his crime, for him to be executed. Justice demands, however, that the jury gets it right and that there is public confidence in the outcome. Furthermore, if the jury’s verdict is reversed on appeal, the victims’ families will have to endure the pain of another trial or sentencing phase.

The motion for a continuance needs to be given careful consideration. The defense has said that, if the trial goes forward on Nov. 3, it will be one of the quickest death penalty

trials (in terms of time from indictment to trial). That should not happen in a case of this complexity. Every death penalty defendant, no matter how horrendous the crime, deserves a defense team that has done a thorough job of investigating the defendant's life.

Despite the horrific nature of the **Boston Marathon** bombing, an overly speedy trial is not in the public's best interest.

— Ilya Ablavsky, Lynn

'Shenanigans' of fanatics

In his op-ed, Farouk El-Baz decries the "shenanigans" of the Islamic State and says that "vicious attacks on non-Muslims are abhorrent to Islam" ("Dire need for Muslims to lead fight vs. fanaticism," Aug. 29). El-Baz proposes to solve the problem of Islamic extremism by assuring a "proper education of Muslim youth in the religion."

The first step would be to "properly" train a bunch of teachers. Second, to cause the new, properly trained teachers to pass among the Muslim terrorists and revolutionaries and indeed all underprivileged young Muslims worldwide, while properly educating them so they become properly docile and civilized and learn to love the world. Next I presume, comes universal world peace.

El-Baz omits a time schedule for his solution, but several generations seems about right, assuming that the teachers are all charismatic geniuses. Meanwhile I guess we will just have to be patient and continue to put up with fanatics' continuing "shenanigans."

— Richard Chamberlain, Beverly

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September 13, 2014

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Volume 32, Issue 256

Topics:

Index Terms:

Commentary

Fight fanaticism with freedom

Author: *As you were saying ...* by KATRINA LANTOS SWETT

Article Text:

As America marked the 13th anniversary of the 9/11 attacks earlier this week, ISIS's atrocities highlight the fact that the Middle East remains unstable and an incubator of future threats. But as we learned through last year's **Boston Marathon** attack, allegedly perpetrated by two half-Chechen brothers, threats can come from people from any region plagued by violent religious extremism. While it remains uncertain where or when they were radicalized, both came from Russia's North Caucasus area, a bastion for such extremism.

How can nations combat extremism that fuels terrorism? Russia provides a textbook example of what not to do — repress and restrict a large Muslim population, targeting an entire group for a violent minority's actions, thereby creating potential new recruits for extremism and triggering more violence. The government then responds to this violence with more repression leading to more radicalization and strife. The way to break this vicious cycle or prevent it in the first place is this: Protect religious freedom — the right of people to practice their beliefs nonviolently, without fear of official reprisal.

Partly due to this vicious cycle, the European Court of Human Rights has cited Russia more than 200 times, mostly for its conduct in the North Caucasus, where Muslims remain the majority. There, Chechnya's Kremlin-appointed president, Ramzan Kadyrov, has instituted a repressive rule responsible for massive human rights and religious freedom violations. Kadyrov and his men stand accused of torture, murder, and the disappearances of opponents in Russia and abroad.

Muslims throughout Russia are harmed especially by the country's Extremism Law, through which people are labeled, often wrongly, as security threats: Violators face up to five years' jail time. The 2002 law defines extremism as promoting the "exclusivity,

superiority, or inferiority of citizens” based on religion; thanks to amendments in 2007, the law now applies to nonviolent actors. Thus, Russian citizens, from traditional Muslims to Jehovah’s Witnesses who simply preach that their faith is superior, can be prosecuted. A court in 2007 banned the Russian translations of 14 Koranic commentaries by Turkish theologian Said Nursi due to his assertion of Islam’s exclusivity, not because of any security risk.

The Nursi bans are one example among many prohibitions of Muslim materials under the extremism statute. In response to a court’s banning 65 Muslim texts issued by “literally all Islamic publishers in Russia,” the Council of Muftis protested in 2012 the “revival of total ideological control” in Russia.

Have these or other sweeping religious restrictions made the homeland of the **Boston Marathon** attackers any more stable or less violent? No. Have they reduced terrorism by discouraging people from becoming terrorists in the first place? No. In fact, common sense suggests the contrary, as do numerous studies showing that religious freedom, not repression, helps stabilize nations.

The conclusion is clear. If nations wish to combat terrorism, they must counter religious extremism with freedom, not repression. Punish the violent, but let the nonviolent practice their beliefs in peace.

Katrina Lantos Swett, a resident of New Hampshire, is president and CEO of the Lantos Foundation for Human Rights and Justice. “As You Were Saying” is a regular Herald feature. We invite readers to submit guest columns of no more than 600 words. Email to oped@bostonherald.com. Columns are subject to editing and become Herald property.

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Page: 2

Volume 32, Issue 256

Topics:

Index Terms:

Local

Expert: Tsarnaev's ideal juror 'a little more liberal'

Author: *BOB McGOVERN*

Article Text:

Somewhere in eastern Massachusetts are 12 people who will decide the fate of accused **Boston Marathon** bomber Dzhokhar **Tsarnaev** — and one of them could be you.

More than 2,000 people — from Haverhill to Duxbury, and from Framingham to Boston — could get the call from federal court by the end of this month, according to court papers filed yesterday. Doctors, garbagemen, lawyers, nurses and used-car salesmen may be among those who get the news they've been picked as potential jurors for the blockbuster terrorism trial.

Who is the perfect pick? Could you survive the scrupulous eyes of prosecutors, defense attorneys and a judge?

For **Tsarnaev**, a perfect juror would be a card-carrying Cambridge liberal — someone who blames George W. Bush for the war in Iraq and President Obama for NSA eavesdropping on citizens. Of course, that would-be juror would have to be willing to consider the death penalty if **Tsarnaev** is found guilty. Any moral qualms about lethal injections will be grounds for immediate disqualification.

Another good pick for **Tsarnaev**'s defense team would be a social worker or psychologist — an empathetic person who might see Dzhokhar as a lost soul, a stranger in a strange land who was under the spell of his older jihadist brother, Tamerlan. "It would be someone who is distrustful of the government's power and maybe a little more liberal," said David Yannetti, a criminal defense attorney not involved in the case.

Federal prosecutors will be looking for older folks who worked hard, paid their taxes and respect the government. A retired National Grid worker — who’s living on his pension and Social Security — would be the perfect candidate.

“You need a person who is law-abiding, pro-America and a little patriotic,” said Brad Bailey, a defense attorney and former prosecutor not involved in the case. “You need anyone who would have some real outrage that something like this could happen on American soil.”

Meanwhile, **Tsarnaev**’s attorneys will look kindly upon a humanities professor from one of Boston’s many universities — who would surely be skeptical as prosecutors paint the former UMass Dartmouth student-slacker as a cold-blooded killer.

A stockbroker or a small-business owner could make the cut for U.S. attorneys seeking a hard-line decision-maker. To put **Tsarnaev** to death, prosecutors want jurors who have no problem making gut-check choices without emotion. A surgeon — used to making life-or-death calls — would be able to cast a clinician’s eye on **Tsarnaev** and not be covered by the prospect of sending a young man to his death.

“You need a decisive type. You need someone who is accustomed to making big decisions, quickly,” Yannetti said. “He or she can’t be afraid to make a tough call.”

Both sides can kick out 20 potential jurors for no reason at all, and that typically eliminates those with the most extreme ideologies and prejudices.

Somewhere in the middle will be 12 men and women and six alternate jurors — and yes, one of them could be you.

— bob.mcgovern@bostonherald.com

Caption:

DECIDING HIS FATE: Experts say accused **Boston Marathon** bomber Dzhokhar **Tsarnaev**, above and below left, should hope for a cerebral, ‘more liberal’ jury, while the prosecution would be best served by older, ‘decisive’ types.

AP FILE PHOTOS

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Section: Inside Track

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Volume 32, Issue 257

Topics:

Index Terms:

The Inside Track

Tracked down

Author: *GAYLE FEE / INSIDE TRACK*

Article Text:

Steven Tyler bringing his two little pooches Butch Cassidy, the Morkie, and Sundance Kid, the Yorkie, to Pawsh Dog Boutique & Salon in the Back Bay for a spa day ... Aerosmith drummer and coffee merchant Joey Kramer dining with car czar Ernie Boch Jr. at Empire ... “Flipping Boston” bros Peter Souhleris and Dave Seymour, Bruins Dougie Hamilton and Ryan Spooner and Coastal Windows & Exteriors boss Stephanie Vanderbilt watching two episodes of the A&E show where Peter and Dave help rehab **Marathon** survivor JP Norden’s house at a screening bash and fundraiser for JP and his brother and fellow bombing victim Paul at Kings Lynnfield ... Thirty local chefs hitting The Colonnade hotel’s now-closed rooftop pool with Brasserie Jo kitchen king Nicholas Calias to do the ice bucket challenge and raise some dough for ALS research ...

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September 19, 2014

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Section: News

Page: 5

Volume 32, Issue 262

Topics:

Index Terms:

Local

A push to keep trial in hub: Bombing survivors want to face ‘coward’

Author: *LAUREL J. SWEET and JOE DWINELL*

Article Text:

Marathon bombing survivors are urging a federal judge to end the agonizing delay in the blockbuster trial of Dzhokhar **Tsarnaev** and keep it in Boston so they can finally face the accused terrorist and see justice done.

“If you could have seen the pain we did, you would put the trial in the community that was terrorized,” said Peter Brown, uncle of brothers J.P. and Paul Norden of Stoneham who lost their legs in the April 15, 2013, attacks on Boylston Street. “It was a spineless act. I’m asking the judge to do the right thing and keep the case in Boston.”

Tsarnaev’s lawyers continue to push to have the trial bumped back 10 months and relocate it to Washington, D.C., saying the 21-year-old Chechen refugee isn’t ready and an impartial jury cannot be found in the Hub.

U.S. District Court Judge George A. O’Toole said yesterday he will rule “shortly” on when and where the trial will take place.

Survivors, many of whom are still recovering from their injuries, said they’ve waited long enough.

“I’d like to see him have to face us, see us, have to face what he did. He’s a coward because he didn’t face us that day. He walked away. If he was a real man he would have stood there,” Marc Fucarile said of the twin pressure-cooker bomb blasts in Copley Square that injured him and more than 260 others, while killing Martin Richard, 8, Krystle Campbell, 29, and Lingzi Lu, 23.

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Fucarile, 35, a Stoneham newlywed who lost his right leg in the bombings, said **Tsarnaev** is a “coward” who must confront his accusers face to face in a Boston courtroom.

“I’ll go wherever (the trial) is, but it should stay here. It happened here, this is where it should be. This is where we are. We’re still involved and we still care,” Fucarile said.

MBTA Officer Richard “Dic” Donohue, who nearly bled to death after being shot in a fire on April 19 that killed Tamerlan **Tsarnaev** — the accused killer’s older brother — said nothing will keep him away from the John Joseph Moakley federal courthouse for the scheduled Nov. 3 trial.

“I’m anxious. I’ve been following Twitter all day,” Donohue said regarding the judge’s imminent decision. “I wish it would move a little faster, and having it here in Boston would be easier, but having it moved won’t stop me from attending or keeping up.”

MIT Officer Sean Collier, 26, was killed the night of the fire.

Lawyers for Dzhokhar **Tsarnaev** — accused of 30 federal counts in the bombing case, with 17 carrying the death penalty — have argued that he would face “an overwhelming presumption of guilt” in a Boston courtroom.

Tsarnaev’s lawyers submitted a poll in June claiming that 58 percent of Boston area people think their client is guilty. The survey also found that more than half of respondents took part in the 2013 marathon or knew someone who did.

“The community impact here is even greater than that (in the 1995 Oklahoma City bombing) given that the bombings occurred at the **Boston Marathon** on the day thousands of Bostonians and others from the region gathered to celebrate the runners, the Red Sox and Patriots Day,” **Tsarnaev**’s lawyers said in a filing.

The judge has ruled that at least 2,000 potential jurors from Greater Boston will be called to find a dozen who will pass final judgment.

For Liz Norden, the mother of bombing survivors J.P. and Paul, that day can’t come soon enough. “I just want to know what kind of person can do this,” she said. “I just want to see him. I want it over and done with.”

— laurel.sweet@bostonherald.com

Caption:
Dzhokhar **Tsarnaev**

STAFF FILE PHOTOS, ABOVE, BY MATT STONE; RIGHT, BY MATT WEST; TOP RIGHT, BY CHITOSE SUZUKI

WAITING FOR JUSTICE: **Marathon** bombing survivors and loved ones, including Marc Fucarile, above, Peter Brown, right, and Richard Donohue, top right, want Dzhokhar **Tsarnaev** to stay in Boston for trial.

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September 21, 2014

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Section: News

Page: 4

Volume 32, Issue 264

Topics:

Index Terms:

Local

Memorial a beauty, but a sad reminder

Author: *PETER GELZINIS*

Article Text:

When you grow up in Dorchester, as Joe Finn did, views of the horizon don't stretch past the house next door.

Perhaps that's why Boston's fire commissioner sat in his Colorado Springs hotel room yesterday morning, transfixed by a jaw-dropping view of Pikes Peak outside his window.

"What an incredibly beautiful spot," Finn said as he prepared to attend yesterday's service at the IAFF Fallen Fire Fighter Memorial, where five Boston jakes were enshrined along with 163 of their fallen brothers and sisters.

The names of firefighter Michael Kennedy of Ladder 15 and Lt. Edward Walsh of Engine 33 would take their place beside the names of 19 "hotshot" brothers who were enveloped by a wildfire in Prescott, Ariz., and four more who perished in a Houston hotel fire.

"To be out here is to understand that you really are part of a brotherhood," Joe Finn said. "We suffered a great loss back in March on Boylston Street. We grieved as a department, as a family, and the rest of the city and the region grieved with us.

"But when you come to something like this, you realize yours is one story among many. Our sacrifice, our loss, is shared by firefighters all across the country."

Kathleen Crosby-Bell, who has attended many tributes to her son, firefighter Michael Kennedy, in the five months since his death, still finds herself wondering if the public understands the commitment all firefighters make on our behalf.

"My first impression on seeing this national memorial out here," she said yesterday morning, "is that it's stunningly beautiful, but it needs to be bigger. You've got 168

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names being added to it now, and they'll be followed by at least another hundred with every passing year.”

The names of Michael Kennedy and Eddie Walsh were just two of the five fallen Boston firefighters whose names were added to the honor roll in Colorado yesterday.

Over the past year, Boston firefighters Frankie Flynn, Joe Mullen and Tommy Bell all succumbed to what Finn called the “occupational cancers that are killing our guys in far greater numbers than fire.” It is the residual effects of battling a fire where the smoke and fumes of synthetic materials are just as deadly as the flames.

The memorial affords these deaths the same honor and respect as line-of-duty deaths. “Frankie Flynn was the senior man at Engine 33, Michael and Eddie’s house,” Finn said. “He was one of the first guys on scene during the **marathon bombing**.”

“Joe Mullen, 25 years on the job, was a legend at Engine 8 in the North End. And Tommy Bell, over at Ladder 17 in Dorchester, was beloved, the comic of the house who kept everyone’s spirits up.”

Lt. Tom Cherry, who worked with Michael Kennedy and Eddie Walsh, came to Colorado Springs to hear their names called, to feel his heart swell with pride and his throat choke with emotion.

“It was an honor to be here,” Cherry said, “and yet to look over at Eddie’s wife and Michael’s mother, that was very hard. Someday, I’d like to come back with my children.”

Tomorrow, the walls that bear the names of Michael Kennedy, Edward Walsh, Frankie Flynn, Joe Mullen and Tommy Bell, along with 3,000 other firefighters, will be torn down to make way for a new and larger memorial.

The black granite walls will be pulverized and used to form a sacred path toward a new place of honor, in the majestic shadow of Pikes Peak.

— peter.gelzinis@bostonherald.com

Caption:

FOR ETERNITY: The names of Boston fire Lt. Edward J. Walsh Jr. and Michael R. Kennedy have been etched into the Fallen Firefighters Memorial Wall in Colorado.

PHOTO COURTESY TIME BURNS/IAAF

CROSBY-BELL

KENNEDY

WALSH

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Topics:

Index Terms:

Local

Marathon bombings survivors take the field for mobility clinic

Author: *LAUREL J. SWEET*

Article Text:

If **Boston Marathon** bombings survivor Heather Abbott has learned any life lessons in the past 17 months, it's that it's OK to fall down — so long as you're in hot pursuit of a dream.

“You just have to get over that fear,” the indomitable Abbott said yesterday on a Harvard University soccer field, where she was one of 50 adults, youths and tots participating in a free running and mobility clinic for amputees who've lost legs either to trauma or birth defects. Bombings survivor Roseann Sdoia also took the field.

Iceland-based prosthetic manufacturer Ossur has been holding a half-dozen such clinics across the country for the past decade.

“It's always amazing to see that there's so many amputees out there that want to get back into being active and start running. It's nice to be able to show people that it can be done,” said Abbott, 39, of Newport, R.I., a human resources manager for Raytheon.

Abbott was waiting in line at the Forum on Boylston Street on April 15, 2013, when the second of two homemade pressure-cooker bombs detonated, catapulting her body into the restaurant. The terrorist attack took her left leg from the knee down. But thanks to the Challenged Athletes Foundation, she now has a carbon-fiber running blade valued at up to \$30,000 she said she could never have afforded because it's not covered by insurance.

“It's really springy so it's kind of like being on a trampoline,” she said. “I still wouldn't say I'm an expert, but I'm getting better.”

But don't look for her in a bib at the starting line of the 2015 **Boston Marathon**.

“I will not be running the marathon,” she declared, laughing. “I wouldn’t have done it with two legs.”

— laurel.sweet@bostonherald.com

Caption:

‘IT CAN BE DONE’: **Boston Marathon** bombings survivor Heather Abbott, right, participated at the Ossur Mobility Clinic yesterday at Harvard University’s Cumnock Field.

STAFF PHOTOS BY CHITOSE SUZUKI

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Volume 32, Issue 267

Topics:

Index Terms:

Columnists

Deval's devotion to riffraff is disturbing

Author: *HOWIE CARR*

Article Text:

What is it with Gov. Deval Patrick and his soft spot for criminals — especially rapists?

Imagine if a Republican governor had fired the two female chiefs of the Sex Offender Registry Board because they wanted to put a convicted rapist on the list — a rapist who happened to be the governor's brother-in-law?

Can someone say candlelight vigils?irate Globe editorials. Round-the-clock, bigger-than-Christie-on-the-G.W.-Bridge coverage on MSNBC.

But Deval is a Democrat, so nothing to see here folks, move along.

And it's not like this is Deval's first crush on a rapist. How about Ben LaGuer, the Leominster monster who raped and beat a 59-year-old woman in 1983 and then claimed he was the victim of a racist frame?

Deval described him to the Parole Board as "thoughtful and eloquent," and chipped in \$5,000 for LaGuer's DNA test, which of course confirmed his guilt.

Talk about a war on women — the State House is Ground Zero. What about ex-Sen. Jim Marzilli, the perv in the Prius from Arlington? And ex-Rep. Carlos Henriquez, convicted of beating up his girlfriend? Some things on Beacon Hill never change.

Then there was Deval's trusted aide Carl Stanley McGee. He was arrested in Florida in 2007 on charges of sexual assault of a 15-year-old boy in a resort swimming pool. The charges were dropped after McGee paid money to the alleged victim's family — "it was not a big number," he said.

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So then the administration tried to get McGee a new state job at the Mass. Gaming Commission. That didn't fly, despite McGee's friendship with Deval.

Actually, it isn't just rapists Deval seems to have a soft spot for. Remember the Tsarnaevs, the accused **Boston Marathon** bombers? Two days after the jihadist's notes were found in the boat in Watertown, Deval went on "Face the Nation" and lied to Bob Schieffer that he had no idea what the motives of "those two young fellas" were.

And how about Ron Bell, his liaison to "the community"? After Bell was arrested for drunken driving in Boston, somehow he was able to secure a job in Lawrence City Hall with Willie "Landslide" Lantigua.

Deval's driver was named head of the Parole Board. He lasted until he and his cohorts cut loose a career criminal doing life sentences for armed robberies. As soon as the con got out, he killed another cop.

One last point. At the end of his term, there will be one way to know for sure if Deval's running for president or not: If he pardons his old pal LaGuer just before he leaves office, we'll know he's done with politics.

I say he's not, and he won't.

Sorry, Ben LaGuer, that's politics.

— howie.carr@bostonherald.com

Caption:
LaGUER

MARZILLI

McGEE

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September 24, 2014

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Volume 32, Issue 267

Topics:

Index Terms:

Local

Pilot program looks to be proactive in halting terror

Author: *BOB McGOVERN*

Article Text:

A pilot program launched in Boston, Los Angeles and Minneapolis to help catch homegrown terrorists before they join terror cells overseas could become a national model for cornering lone wolves, said U.S. Rep. William R. Keating.

“We’re trying to counter what the terrorist organizations are doing. These groups are becoming very sophisticated with social networks and propaganda, and this program is designed to stop it at the root,” Keating told the Herald last night. “We can continue to try and react, but this is an attempt to counter this at the inception stage.”

The program was created by the U.S. Department of Justice to help stymie terrorists locally, according to Keating. Boston was selected because of its history of dealing with terror suspects — including Dzhokhar **Tsarnaev**, who is accused of the **Boston Marathon** bombings.

“One of the reasons, sadly, is that we’ve had experience here in the wake of the bombing. We had law enforcement and authorities working together, and that was part of the selection process,” said Keating, a member of the House Homeland Security Committee. “We have a proven track record with a number of agencies working together. We also have a very diverse city.”

Keating said state, federal and local officials will work together to identify the issues that lead to homegrown terrorists. He did not know how long the program would last, but added that he wants to see it spread out to different parts of the country “where these issues exist.”

The FBI, which wouldn't get into the specifics of the program, said Boston is not a hub for terrorist activity.

"To suggest ... that Boston or Massachusetts has an organized network for travelers to Syria or Iraq is not accurate," said Vince Lisi, special agent in charge of the FBI's Boston Division.

Officials would only say that the pilot program would use education administrators, law enforcement, mental health professionals, faith-based organizations and others.

Other suspected terrorists with local ties include Ahmad Abousamra, a Stoughton High School graduate placed on the FBI's Most Wanted Terrorists list and now suspected of using the computer skills he honed while studying in the Bay State to help spread the violent jihadist message of ISIS; Tarek Mehanna of Sudbury, now serving a 17-year federal prison sentence for terror plotting; and Northeastern University grad Rezwan Ferdous of Ashland who also got 17 years in a plea deal for planning to bomb the Pentagon and the U.S. Capitol with remote-control model airplanes.

— bob.mcGovern@bostonherald.com

Caption:

ON GUARD: Massachusetts State Trooper Henry Chan with his K-9 Sandra patrols Terminal C at Logan International Airport yesterday.

STAFF PHOTO BY CHRISTOPHER EVANS

TAMERLAN TSARNAEV

Rezwan Ferdous

Tarek Mehanna

DZHOKHAR TSARNAEV

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Topics:

Index Terms:

Local

FBI warns police, keep eye out for lone-wolf extremists

Author: *BOB McGOVERN and CHRIS CASSIDY*

Article Text:

Federal authorities are warning police in Boston and across the country to be on the lookout for homegrown, lone-wolf terrorists who could be infuriated with America's decision to wage war on the Islamic State and other jihadis, according to a leading law enforcement official.

"We started an air campaign in Syria the other night, so this is going to certainly irritate Muslims around the world in some respect," said Massachusetts State Police Col. Timothy P. Alben.

State police received a bulletin from the FBI yesterday "warning and reminding" them to be on the lookout for lone-wolf extremists, Alben said. "There wasn't anything specific that they were pointing to, they just want us to be cautious of this home-grown problem.

"It's just reminding us to do our due diligence because the military campaign is ramping up overseas," Alben said.

Boston police received a bulletin but wouldn't discuss its contents. U.S. Rep. William R. Keating, who was briefed on the bulletin, said lone-wolf extremists "are the No. 1 domestic threat, and people in Boston are well aware of that." Keating said the Boston Regional Intelligence Center also received the bulletin yesterday.

Keating noted Islamic extremists "use our attacks to reinforce the view that the U.S. is the enemy of radical Islam. That's another reason to heighten attention."

The Boston area has produced the **Tsarnaev** brothers, accused in the deadly marathon bombings, as well as several others accused of terrorist activity — Tarek Mehanna, doing

time for trying to kill U.S. soldiers; Ahmad Abousamra, allegedly handling social media for the Islamic State; and Rezwan Ferdaus, who plotted to bomb the Pentagon and U.S. Capitol.

“This is going to be someone without a big network or a trail to follow. It’s exceedingly difficult to track them,” said Patrick Skinner, a former counterterrorism case officer in the CIA. “As Boston knows, it’s very, very difficult to stop them.”

“We haven’t perfected a way to identify, track and neutralize homegrown terrorists,” said Manuel Gomez, a former FBI agent. “It’s difficult because they act by themselves, and they assimilate very easily.”

Meanwhile, a video emerged yesterday showing French hostage Herve Gourdel being beheaded by Algerian extremists sympathetic to the Islamic State, which beheaded American journalists James Foley and Steven Sotloff and British aid worker David Haines. Colin Clarke of the RAND Corp. said the extremists may decide to devise even more gruesome plots if they decide the beheading videos are losing their shock value.

“At the end of the day, the purpose of terrorism is to terrorize,” said Clarke. “If this just becomes banal, where this is run of the mill ... I think there will be pressure because it’s going to be looked at as small potatoes.”

— bob.mcGovern@bostonherald.com

Caption:
COL. TIMOTHY P. ALBEN

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Topics:

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Local

Judge: Tsarnaev can get a fair trial in Boston

Author: *O'RYAN JOHNSON and JOE DWINELL*

Article Text:

A federal court judge last night slammed defense lawyers' claims that publicity had ruined accused terrorist Dzhokhar **Tsarnaev**'s chances of getting a fair trial in Boston, as he ordered the blockbuster case to remain in the Hub — a ruling hailed by survivors of the marathon bombings.

U.S. District Court Judge George A. O'Toole Jr. also pushed back the Nov. 3 trial date to Jan. 5, rejecting the defense team's appeal to postpone the case to September.

"It is doubtful whether a jury could be selected anywhere in the country whose members were wholly unaware of the marathon bombings," O'Toole wrote in his decision. "The constitution does not oblige them to be."

Tsarnaev, 21, is accused of setting off one of the two pressure-cooker bombs near the **Boston Marathon** finish line on April 15, 2013, that killed three and injured hundreds. He faces the death penalty for his alleged role in the attacks.

MBTA Officer Richard "Dic" Donohue, who nearly bled to death after being shot in a firefight April 19 that killed Tamerlan **Tsarnaev** — the accused killer's older brother — said he's relieved the case will finally start.

"A burden has been lifted off all of us," Donohue said. "It's important to kick it off."

Before the firefight, the Tsarnaevs are alleged to have murdered 26-year-old MIT officer Sean Collier.

The Chechen brothers are also accused of killing Martin Richard, 8, Lingzi Lu, 23, and Krystle Campbell, 29, in the bombings on Boylston Street three days earlier.

Adrienne Haslet-Davis, the ballroom dancer who lost her left foot in the bombings, told the Herald last night she's "happy" the trial won't ruin the holidays for survivors and the victims' families. She added keeping the trial here gives them all "some type of solace."

"The trial is where it should be. He needs to face his own death sentence where he was stupid enough to pull off what he did," she said.

"I'm happy survivors can sleep in their own beds and be close to their support units" as the case unfolds in U.S. District Court on the waterfront in South Boston.

"He shouldn't have any say in where the trial is," she said. "He's fortunate enough to have people around him and to be able to fight for his life, because not all of us had that luxury.

"This is what's best for the people with PTSD who have to face this trial," Haslet-Davis added. "I'm glad none of us will have Thanksgiving in the courtroom. I'm glad the trial, and he, won't be ruining the holidays."

— oryan.johnson@bostonherald.com

Caption:

Adrienne Haslet-Davis

Richard Donohue

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Volume 32, Issue 269

Topics:

Index Terms:

Columnists

EBT card bonanza

Author: *HOWIE CARR*

Article Text:

Another day, another anecdote, as Gov. Deval Patrick likes to call arrests of any of his core constituents, EBT cardholders.

Today's "leakage," another of his favorite phrases, involves one Gary Bond — no relation to Gary "U.S." Bonds, famous R&B singer of the 1960s.

This Gary U.S. Bond has had at least one million-dollar Lottery ticket winner, last month, on the \$4 million Gold Bullion scratch ticket.

Of course he took the one-time payment — \$650,000. According to the Lottery, after 25 percent federal taxes and 5 percent state taxes, he netted \$455,000. Not bad. Do you have \$455,000 cash in a bank account, or even under your mattress?

I'll bet you can see where this story is going. As has often been noted, not every person who has an EBT card is a drug dealer. But every drug dealer has an EBT card.

So the Haverhill cops go into Gary Bond's "subsidized apartment" (another popular public-sector perk among the EBT community), and they report finding a little more than 1 ounce of marijuana, 21 grams of cocaine and (a rather disappointing) three Oxycontin pills.

Haverhill police also reported seizing \$974 in cash, three Apple iPhones, brass knuckles, an airsoft gun and a machete — in other words, the usual EBT accessories.

Not to mention, two EBT cards, one belonging to Gary Bond and another to his wife, Fritzlaine Liautaud, 30.

If he'd taken the yearly payments from the Lottery, a court could have ordered that the money be stopped.

But of course Gary U.S. Bond knew that. He got the money, and how much do you figure is still around?

Just a hunch, but I'm going to bet that he and his wife both claim that they are "indigent" and will demand public defenders. Just like more high-profile criminals like Dzhokhar **Tsarnaev**, Whitey Bulger and Speaker Sal DiMasi.

Gary U.S. Bond had a prior conviction, but he was given probation. Of course he was. He had an EBT card. That makes him good people — just ask Deval Patrick.

If Charlie Baker can ever finish his "sweetheart" apology tour, maybe he could bring up the connection between welfare and drug dealing.

How many times this year have arrested drug dealers been found with multiple EBT cards — remember the woman in Taunton with 12, count 'em 12, EBT cards? Dealers take them as collateral for the next fix.

And you wonder why hundreds of thousands of the cards are "lost" every year, compared to how few traditional credit cards go missing.

Do you think Gary U.S. Bond has a dog? If he does, I'm betting it's a pit bull. Not every pit bull owner is a drug dealer, but every drug dealer ...

— howie.carr@bostonherald.com

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Volume 32, Issue 269

Topics:

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Editorials

A fair trial in Boston

Article Text:

One of the few things Attorney General Eric Holder got right during his tenure (for the other list, see above) was his decision to seek the death penalty against accused **Boston Marathon** bombing suspect Dzhokhar **Tsarnaev**. On Wednesday a judge ruled that while **Tsarnaev**'s trial will be pushed off to early January, it will in fact be held here in Boston, rejecting the defense team's request for a change in venue.

U.S. District George O'Toole was unpersuaded by the defense argument that every potential juror within driving distance of Boston had already found **Tsarnaev** guilty in their minds. The defense based that claim in part on a poll.

Well, gee, who'd have thought the judge might want to base his decision on something a bit, well, weightier than an opinion poll commissioned by the defense!

O'Toole saw no cause to doubt that **Tsarnaev** can get a fair trial in Boston. He acknowledged the publicity surrounding the case, but noted that, on its own, that isn't the determining factor.

"It is doubtful whether a jury could be selected anywhere in the country whose members were wholly unaware of the marathon bombings," O'Toole wrote in his decision. "The constitution does not oblige them to be."

O'Toole's decision was the right one based on the facts and the law, but to those who suffered most acutely as a result of the bombings, it is more than that. Whether they lost a child or a friend, a limb (or two), their hearing, their sense of well-being, they won't be deterred from witnessing the trial of the man alleged to have stolen them.

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Topics:

Index Terms:

Columnists

Deval under oath — if only

Author: *HOWIE CARR*

Article Text:

Gov. Deval Patrick never wanted to be the next attorney general — he's too busy at the State House settling "all family business," as the Godfather once put it.

He's making a list and checking it twice, and Deval knows even better than Santa Claus who's been naughty or nice, naughty mostly.

You're fired, Sex Offender Registry Board! And take that critic of the administration's \$1 billion botched Obamacare website rollout with you.

Besides, who wants to be the next Eric Holder if you can be the next Vernon Jordan? Access to any president is worth millions, and Jordan parlayed his well-publicized Clinton cronyism to the max, and now he's got more money than God.

Drumming up business for himself, not Massachusetts — that's what all these junkets have been about. Deval might as well have hung a sign around his neck — "For Rent." Do you really think Deval cares about Massachusetts? C'mon, how many years now has he had his mansion in Milton on the market?

His other mansion, out there in Richmond, the one he built — that's a weekend getaway. Oh sure, he'll have a nice \$2-million pied-a-terre in the Seaport District, but you'll see him here about as often as you did before he ran for governor.

(Remember his spotty voting record back then?)

Still, it's a shame that Deval isn't going to be nominated for attorney general.

Imagine the Senate Judiciary Committee hearings. Sen. Ted Cruz could grill him, under oath, about the exact circumstances of his abrupt departures from both Coca Cola and Texaco, and how much money he pocketed in each of those non-disclosure golden handshakes.

And these national politicians thought Eric Holder had a soft spot for Muslim terrorists, wanting to hold al-Qaeda terror trials in lower Manhattan? How would the statesmen have reacted when they saw the 2007 videotape of Deval describing 9/11 as “a failure of human beings ... to love one another?”

Or his appearance on “Face the Nation” after the **Boston Marathon** bombings blithely lying that he had no idea what the motive of those “two young fellas” was. Or his press conference earlier that week after the Muslim terror attack, warning people not to jump to conclusions that it was a Muslim terror attack.

What about his well-compensated service on the board of sub-prime mortgage lender Ameriquest, one of the architects of the housing bubble his pal Obama likes to blame on greedy Republicans?

And those are just the beginning of the scandals the senators could have asked him about. Right, Crash Murray?

Do you get the feeling that Deval has already checked out, except of course for settling a few old scores on Beacon Hill? He may not care much for Charlie Baker, but his opinion of Marsha doesn't seem all that much higher.

Remember how Deval tried to promote a boomlet for U.S. Attorney Carmen Ortiz, who is about as qualified for the job as, well, as he was. Then some of his top aides flipped to Juliette Kayyem.

Nah, I don't think we'll be seeing much of Deval after he walks down the State House steps in January. Good riddance, but I would have enjoyed hearing Ted Cruz ask him one final question:

“After graduating from Harvard College and Harvard Law School, Governor, just how many times did you have to take the bar exam before you passed?”

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Volume 32, Issue 272

Topics:

Index Terms:

Local

Tom's 'mixed' message: In new book, ex-mayor praises, raises concerns about FBI in wake of bombings

Author: *MATT STOUT*

Article Text:

Former Mayor Thomas M. Menino says the FBI dragged its feet on releasing videos of the suspected **Marathon** bombers in the days after the horrific terrorist attacks, such that he “silently vowed” to go to President Obama if the feds waited any longer, he says in his new book about his 20 years in office.

“Mayor for a New America,” penned by Menino with WBUR analyst Jack Beatty and due out Oct. 14, devotes its introduction to the April 15, 2013, bombings when Menino, in a wheelchair, checked out of the hospital to address the city hours after the deadly blasts on Boylston Street.

Menino said his “feelings are mixed” about the FBI, noting their commitment to catching the bombers but also what he said was “caution (that) seemed motivated by a fear of making a mistake.” Agents had footage of the suspected bombers by late Wednesday but were “resisting pressure” to release the images, fearing the bombers could show up at the Cathedral of the Holy Cross on Thursday when President Obama was scheduled to speak.

“I hope that risky plan wasn’t the only reason the FBI was reluctant to share the tapes,” Menino writes, adding he sought to “notch up the pressure” when he mentioned the surveillance footage in a CNN interview.

“I silently vowed to appeal to the president if the bureau didn’t budge,” Menino wrote. “On Thursday afternoon, it budged.”

Menino also calls the controversial shelter-in-place order given by Gov. Deval Patrick that Friday as police hunted a suspect an “overreaction.”

“Absent shelter-in-place, (Watertown boat owner David) Henneberry might have discovered Dzhokhar **Tsarnaev** earlier,” Menino said.

The book’s behind-the-scenes looks reveal a man who embraces his image as an iron hand ruling the city he loves:

- When he learned a “senior” City Hall staffer was supporting Mitt Romney for Senate in 1994, he ordered him to a traffic circle to hold a “Kennedy for Senate” sign all day.
- On criticisms he micro-managed the Boston Redevelopment Authority: “BRA directors can get lulled into thinking they head an independent agency. ... I never relaxed my grip.” He said donations from preferred developers did not determine his decisions. “They were one among many factors.”
- Menino also devotes a large chunk of one chapter to his running battles with the police and fire unions, which nearly upended the 2004 Democratic National Convention in Boston.

“I lucked out on the timing,” he writes of an August 2001 contract agreement. “After 9/11, I couldn’t have denied anything to our firefighters”

Of his style, Menino said, “I’ve been labeled ‘an incrementalist.’ A step-by-step mayor who resisted bold dramatic change. But I didn’t resist it. The city did. ... change is possible, but in small pieces and in slow time.”

— matthew.stout@bostonherald.com

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Volume 32, Issue 275

Topics:

Index Terms:

Columnists

No firing squad for these deserters, just EBT cards

Author: *HOWIE CARR*

Article Text:

They used to deport illegal aliens. They used to shoot deserters.

But that was then and this is now. So the three Afghan Army deserters who fled Camp Edwards and, after a short sojourn at a local strip club, took off for Canada, are now begging for political “asylum.”

And we all know what political asylum means — instant welfare, forever.

Instead of going in front of a firing squad, or at least being sent back to Afghanistan to fight the Taliban, the deserters are likely to score EBT cards, MassHealth, WIC vouchers, Section 8 housing, free translators — the full **Tsarnaev**, in other words.

All three of these deserters have wives. They have a total of 11 children, with one more on the way. All they ask is that the United States allow in 18 more foreign freeloaders and allow them to live on the arm for the rest of their lives.

After all, these men were our allies, at least until they wised up and decided to seek asylum at the nearest welfare office.

What could possibly go wrong? Hint: 2013 **Boston Marathon** bombings.

Did you see the photo of the **Tsarnaev** sister in the paper yesterday, burka-clad, handcuffed to a bench after allegedly making a bomb threat? Compared to the rest of her asylum-seeking Chechen family, she’s assimilated!

And of course, these 18 would just be the beginning. Ever hear of “chain migration?” Here’s how that works. Once the families get settled, with their free brand new cars and plasma-screen TVs, they can start bringing their relatives over. Their parents, and their parents’ siblings. Then wife invites brother, who brings wife, who brings her brother, who vouches for his sister-in-law ...

And all of them have five or six kids.

In yesterday’s story in the Globe, the word “asylum” appeared again and again. Two words that did not appear once: “job” or “work.” For these parasites, asylum equals retirement for them and all of their worthless relatives.

One of the deserters was quoted as saying in broken English, “I worry about my wife. My daughter.”

Hey, Americans feel the same way, and what we’re worried about is the millions of people like you trying to sneak into the country and do us harm. Untold numbers of terrorists and gangbangers crossing the Rio Grande and being handed free tickets by Homeland Security to get on commercial airliners. The return of diseases eradicated here decades ago — polio, tuberculosis, whooping cough ...

Ebola-infected Africans flying into Dallas-Fort Worth and immediately checking into U.S. hospitals, with taxpayers picking up the tab. Hey, it’s the least we can do. Just ask Eric Holder.

Sure, let ’em all in. What could possibly go wrong?

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Volume 32, Issue 276

Topics:

Index Terms:

Local

Biden: Terrorists not an ‘existential threat’

Author: *O’RYAN JOHNSON*

Article Text:

Vice President Joseph Biden last night painted an optimistic portrait of America’s foreign policy during the Obama years, claiming the administration engaged ISIS in Syria at just the right time, and has successfully checked Russia in the Ukraine.

Speaking at Harvard’s Kennedy School of Government, Biden said terrorists do not represent “an existential threat to our way of life or our security.”

“We didn’t crumble after 9/11. We didn’t falter after the **Boston Marathon**,” Biden said. “This is going to require a lot of time and patience.”

Biden said the United States’ engagement in the world is more critical now than ever, even as he warned that “the international order that we painstakingly built after World War II” is fraying.

Biden said that the administration has found ways to stand up to Russian President Vladimir Putin without putting U.S. troops on the ground, and claimed the U.S. has stalled Russia in the Ukraine, where large parts of the country are controlled by pro-Russian rebels.

“We don’t want Russia to collapse, we want Russia to succeed,” Biden said.

“But Putin has to make a choice.”

Herald wire services contributed to this report.

Herald wire services contributed

Caption:

ROSY PORTRAIT: Vice President Joseph Biden, speaking at Harvard's Kennedy School of Government, said last night President Obama's foreign policy initiatives are working against ISIS and Russia's involvement in Ukraine.

STAFF PHOTO BY JOHN WILCOX

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Topics:

Index Terms:

Columnists

Blame the bad, not their tools

Author: *ADRIANA COHEN*

Article Text:

Guns don't kill people. People kill people. It's not just a slogan, it's the truth.

Need proof? Just look at the ISIS beheadings. What weapon has been used to barbarically kill two American journalists and innumerable other terror victims? A knife.

What weapon was used at the **Boston Marathon** finish line? A bomb.

What weapon was used during 9/11 to massacre Americans? Airplanes. You see the point. People kill people. The weapon is just a tool.

Why aren't gun control lobbyists and advocates going after knives, airplanes or bombs? It's because they know they can't. There is no way to legislate knives that billions of people use all over the world to cook and for other purposes. They can't ban airplanes or stop terrorists from getting materials to make a homemade bomb.

But what they can do is stop their misguided attack on the Second Amendment and use that energy to go after radical Islamist terrorists who are engaged in a Holy War to kill Americans and anyone else who doesn't subscribe to their extremist religious ideology.

Gun control advocates would be doing a greater public service if they lobbied Congress to shut the border — to stop terrorists, criminals and drug-runners from coming in.

They should also bang on Congress' door about protecting Americans from foreigners who bring contagious diseases into our country.

Why hasn't the President banned travel to the U.S. from Ebola-stricken countries? Britain has. Other countries have. Why not America?

Again, if gun-control advocates want to protect innocent civilians from being killed, they should use their time to stop Ebola from entering our country and infecting Americans. Will Ebola be a new form of bioterrorism used by ISIS or other enemies?

The reality is, violence is the root of the problem, not the weapon of choice.

And let's not forget how an American gun owner, Mark Vaughan, saved a woman's life when an Islamist convert allegedly beheaded a woman and then stabbed another at Vaughan Foods in Oklahoma. Had the president of Vaughan Foods not come along with a gun and shot the suspect, the stabbing victim would have died. A gun, handled by a responsible and law-abiding American, saved her life.

Mark Vaughan is a hero.

Bottom line: Guns aren't the problem. Radical Islamist terrorists who want to kill us are. In an age of ISIS, now is the time to strengthen the Second Amendment, not weaken it.

Adriana Cohen is Herald columnist and radio host on Boston Herald Radio. Go to adrianacohen.com, and follow her on Twitter @AdrianaCohen16.

— adriana.cohen@bostonherald.com

Caption:

MISSING THE POINT: Today's radicals are using more than guns to threaten and terrorize the U.S. and the world.

STAFF FILE PHOTO BY CHITOSE SUZUKI, ABOVE; AP PHOTO, TOP

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Topics:

Index Terms:

Local

Impartial attorney says of weed plea: ‘It could work in this case’

Author: *BOB McGOVERN*

Article Text:

Dzhokhar **Tsarnaev**’s buddy may have hit on a primo legal defense.

If Robel Phillipos’ lawyers can get jurors to believe that the UMass Dartmouth student was too stoned on April 18, 2013, to remember what he and his friends were doing, he could walk away from federal charges.

“It could work in this case,” said Peter Elikann, a criminal defense attorney who is not involved in the case. “If they’re trying to say that he was just a nervous teenager, the idea that he was smoking marijuana might enhance that argument, and it would be one more thing for the jury to consider.”

Phillipos, then 19, is charged with repeatedly lying to FBI interviewers during their investigation into the 2013 **Boston Marathon** bombings. Authorities say Phillipos was present when Kazakh exchange students Azamat Tazhayakov and Dias Kadyrbayev worked together to conceal evidence in order to help **Tsarnaev**. Tazhayakov was found guilty in July, and Kadyrbayev later pleaded guilty.

All that’s left is Phillipos, and now he’s saying that marijuana clouded his memories of the night. That could be enough to convince jurors that he’s just a dumb kid and not a criminal worth putting away for up to 16 years.

“If there are jurors who want to be lenient, you have to give them a door to walk through,” said Edward Schwartz, a Boston-based jury consultant who is not involved in the case. “This defense could be that door. It provides a legal opportunity — with legal language and instructions — that a juror can point to and say, ‘Here’s my way out.’”

To be guilty under federal law, Phillipos would have to be found to have “knowingly and willfully” lied to federal investigators. Unlike other crimes — like murder — there are no degrees of guilt.

If he didn’t knowingly lie, Phillipos is innocent.

“It’s all or nothing here. Either he did it knowingly and willfully, or he honestly couldn’t remember,” said Brad Bailey, a criminal defense attorney not involved in the case. “He’s either guilty or not guilty here.”

This isn’t a novel defense. Attorneys use the diminished capacity defense in a lot of cases, and sometimes it’s accepted as a way to reduce charges. Phillipos is hanging his hat on his stoner defense — but will a jury believe that a night of smoking pot left a blank?

Prosecutors also may have given him an out by saying it took five interviews with Phillipos before he confessed to being in **Tsarnaev**’s dorm room the night of April 18, 2013. Jurors could see that as instructive — that Phillipos was too stoned to know for sure and eventually cracked because he was scared.

The image of a nervous stoner, too far gone to understand the seriousness of his predicament, is exactly what defense attorneys want jurors to see.

“If they are trying to convince the jury that this wasn’t a thought-out scheme — it was just that he wasn’t thinking clearly and was nervous on top of that — this can only enhance that argument,” Elikann said. “I think it’s a smart move by the defense. It’s clear that they want to paint him as a kid who wasn’t thinking clearly, and not a diabolical schemer out to throw the police off the track.”

— bob.mcgovern@bostonherald.com

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Volume 32, Issue 280

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Columnists

Tsarnaev pal's defense is pure reefer madness

Author: *PETER GELZINIS*

Article Text:

It's a pathetic excuse for a defense. But then, Robel Phillipos had to say something.

So why not blame his alleged connection to last year's horrific **Marathon** bombings attack on weed.

“This is a case about a kid high out of his mind, saying, ‘I don't remember.’ ”

Yeah, that's the ticket.

That line was the cornerstone of defense lawyer Derege B. Demissie's opening statement in defense of his client, the 20-year-old UMass burnout, who is charged with lying to investigators about his involvement in a plot to dispose of evidence allegedly linking his high school and college buddy, Dzhokhar **Tsarnaev**, to the **Boston Marathon** bombings.

Robel Phillipos is the last of the so-called three UMass Dartmouth stooges, the friends of Dzhokhar, to face justice.

When the surveillance photos of Dzhokhar **Tsarnaev** and his brother Tamerlan went viral back in April 2013, Phillipos is accused of accompanying Dias Kadyrbayev and Azamat Tazhayakov to **Tsarnaev**'s UMass dorm room and disposing of a backpack containing a laptop and bomb ingredients.

Tazhayakov was found guilty of obstructing justice last spring. Kadyrbayev quickly followed suit and copped a guilty plea. Now the feds intend to call him as a witness to testify against Robel.

Most of the people who came to court yesterday were there to offer support for Phillipos' "high out of my mind defense."

They came to root for the kid dressed in a banker's suit, who claimed that the reason he couldn't remember anything about the day he hooked up with his two UMass obstructionist buddies was because he was "fishbowling," or smoking weed inside a car with the windows closed.

He was "high out of his mind."

What Dwight Schwader, a special investigator with the U.S. Office of Transportation's Inspector General's office, recalled when he questioned Robel several times is "how he seemed to lack any emotion about the severity of events we were questioning him about."

Yesterday afternoon, I never really got the chance to brief Celeste Corcoran on any of this, because she wasn't interested in having her afternoon ruined.

Sixteen months ago, Celeste lost both her legs, and her daughter, Sydney, nearly bled to death when a lovely April afternoon turned into a nightmare on Boylston Street.

"I have made the decision that these people have already taken too much of my life and my family's life," Celeste Corcoran told me. "I refuse to let them take any more.

"All my of focus now is directed toward my family and on the positive energy of healing."

I can't help thinking that Robel Phillipos could spare the more than 260 victims of this homegrown jihad the needless pain of being ambushed by all that negative energy if he just followed his pal Kadyrbayev's lead and threw himself on the mercy of the court.

But apparently that's not going to happen.

— peter.gelzinis@bostonherald.com

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Local

Victims' mom: Phillipos' pot excuse 'sickening'

Author: *LAUREL J. SWEET and JOE DWINELL*

Article Text:

The mother of two **Boston Marathon** bombing victims said it's "sickening" that a college buddy of accused terrorist Dzhokhar **Tsarnaev** could coldly brush off his alleged ties to the attempted cover-up of the horrific attack because he was stoned "out of his mind."

Robel Phillipos, 20, of Cambridge went on trial yesterday in federal court, where his lawyer told the jury the case is about a kid who was too high on marijuana to know what he was doing.

"This is a case about a kid high out of his mind, saying, 'I don't remember.' They're not saying he destroyed evidence. They're not saying he touched evidence. He committed no crime," defense attorney Derege B. Demissie said in his opening statement.

Phillipos, who's accused of lying to investigators, smoked pot for hours, according to his lawyer — including in a smoke-filled, closed-up car that created a "fishbowl" effect — the day he was in **Tsarnaev**'s University of Massachusetts Dartmouth dorm room when two other pals, Azamat Tazhayakov and Dias Kadyrbayev, removed evidence in the bombings.

"I just can't imagine this. How does he go to court and say he was stoned all day? This was terrorism," Liz Norden told the Herald last night.

Her sons, J.P. and Paul Norden, each lost a leg in the bombings on Boylston Street on April 15, 2013, and were among the more than 260 injured in the blasts. Killed in the bombings and subsequent manhunt were Martin Richard, 8, Lingzi Lu, 23, Krystle Campbell, 29, and MIT officer Sean Collier, 26.

“I can’t believe someone wouldn’t realize what was going on, no matter how high they were. You can’t be so stoned you don’t know a little kid was killed; women were killed; a cop was killed,” Norden said. “It’s sickening. It’s absolutely foolishness to say you were too high to understand what you were doing. This is an insult to the jury’s intelligence.”

Prosecutors, meanwhile, told jurors they will hear from Tazhayakov, found guilty in July of obstruction of justice charges for helping remove a backpack stuffed with a laptop and fireworks from **Tsarnaev**’s room three days after the bombings.

Tazhayakov, 20, who faces up to 20 years in federal prison when he’s sentenced Nov. 19, could get a reduced sentence in return for his testimony. Kadyrbayev, 20, pleaded guilty in August to tossing the backpack and its contents in a dumpster.

Phillipos, the son of a social worker for the state Department of Transitional Assistance, confessed to being in **Tsarnaev**’s dorm room the night of April 18, 2013, immediately after the FBI first went public with photographs of **Tsarnaev** and his older brother Tamerlan as their bombing suspects, officials say. When Kadyrbayev asked what he should do about the backpack, Assistant U.S. Attorney John Capin said Phillipos told him, “Do what you have to do.”

Phillipos hung out with **Tsarnaev** earlier that day, Capin said, and later “bragged about it being kind of fun” in text messages. He allegedly texted in one: “I was the last person to see the terrorist alive.”

— laurel.sweet@bostonherald.com

Caption:

OUTRAGED: Liz Norden, the mother of two **Boston Marathon** bombings victims, told the Herald she couldn’t ‘believe someone wouldn’t realize what was going on, no matter how high they were.’

STAFF FILE PHOTO BY CHITOSE SUZUKI

HANGING OUT: This photo, a government exhibit in the trial of Robel Phillipos, shows Dias Kadyrbayev, Phillipos and Azamat Tazhayakov in Times Square in New York City.

STAFF PHOTO BY ANGELA ROWLINGS

DAY IN COURT: Robel Phillipos, left, leaves federal court with an unidentified man yesterday. Phillipos is claiming he was too high to have willingly aided accused **Boston Marathon** bomber Dzhokhar **Tsarnaev**.

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Index Terms:

The Inside Track

Affleck bro takes on 'Boston Strong'

Author: *GAYLE FEE / INSIDE TRACK*

Article Text:

Hollywood is hot for “Boston Strong,” a film about the manhunt for the **Boston Marathon** bombers, and Cambridge homey Casey Affleck has signed on to star and produce.

Based on the book by local writer Casey Sherman and former Herald reporter Dave Wedge, the script has been attracting some big-name attention on the Left Coast, reportedly including Hollywood heavyweights Tom Hanks and Liam Neeson.

Yesterday, Variety reported that Affleck — who is currently in Quincy filming “The Finest Hours,” another flick based on a Sherman book — was attached to the project. But Sherman and Wedge told us they had nothing definitive to report.

Word is, Affleck hopped aboard after he and his agent read a spec script by Eric Johnson and Paul Tamasy, the same scribes who penned “The Finest Hours” and the Mark Wahlberg flick “The Fighter.”

“He read it last weekend, loved it and said he wanted to do it,” said Someone Who Knows.

Word is, Casey would likely play Boston Police Sgt. Detective Danny Keeler, who was at the finish line when the bombs went off and helped lead the manhunt for the bombers.

“He’s an awesome character, a flawed hero like Casey played in ‘Gone Baby Gone,’” said our spy. “He’s had kind of a roller-coaster career, and this was his biggest case.”

Affleck will produce the flick alongside his partner John Ridley and Watertown's Dorothy Aufiero, who also produced "The Fighter." Variety reports they will be taking it out to studios next week. The book "Boston Strong" is due in early 2015.

File Under: Strong Man.

Caption:
CASEY AFFLECK

HERALD FILE PHOTO

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Topics:

Index Terms:

Local

Other Tsarnaev bud may smoke pot claim

Author: *LAUREL J. SWEET*

Article Text:

Federal prosecutors will try today to douse a Cambridge man's claim he was too high from smoking pot to remember if he helped two college buddies dispose of evidence that could tie their friend Dzhokhar **Tsarnaev** to the **Boston Marathon** bombings.

Robel Phillipos, who has claimed he was too stoned to know what was happening, will face former co-defendant Azamat Tazhayakov, 20, again today in U.S. District Court as part of Tazhayakov's surprise post-conviction pact with prosecutors.

"As long as I tell the truth, it might help with my sentence," Tazhayakov briefly testified yesterday, telling jurors prosecutors have made no promises. Phillipos is charged with making false statements in a terrorism investigation.

FBI agent Michael C. Delapena, to whom Phillipos, 20, gave a two-page signed confession on April 26, 2013, testified yesterday that Phillipos told him it wasn't until 11 p.m. on April 18, 2013 — six hours after the FBI began broadcasting photos of **Tsarnaev** and his late brother and 30 minutes after MIT police Officer Sean Collier was found fatally shot in his cruiser — that he accepted his friend of two years was one of the bombing suspects.

"In retrospect, I should have notified the police once I knew (Dzhokhar) was the bomber," Phillipos' confession reads. "Further, I should have turned over the backpack to the authorities."

Prosecutors say Phillipos was with Dias Kadyrbayev and Tazhayakov on April 18, 2013, when they took a backpack with emptied fireworks and a laptop from **Tsarnaev**'s UMass

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Dartmouth dorm room, and when Kadyrbayev asked if he should get rid of the backpack, Phillipos said, “Do what you have to do.”

Tazhayakov was found guilty in July of conspiring to obstruct the investigation. He faces up to 20 years at sentencing Nov. 19.

— laurel.sweet@bostonherald.com

Caption:

HANGING OUT: From left, Dias Kadyrbayev, Azamat Tazhayakov, Robel Phillipos and Dzhokhar **Tsarnaev** kick back in their New Bedford crash pad in March 2013, one month before the **Boston Marathon** bombings.

PHOTO COURTESY OF U.S. ATTORNEY’S OFFICE DISTRICT OF MASSACHUSETTS

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October 9, 2014

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Volume 32, Issue 282

Topics:

Index Terms:

Local

Pal a possible witness against Tsarnaev

Author: *O'RYAN JOHNSON*

Article Text:

The lawyer for Azamat Tazhayakov, convicted of dumping evidence in the marathon bombing case, said his client has been in talks with federal prosecutors about testifying to “things that might be helpful” in the Jan. 5 trial of accused terrorist Dzhokhar **Tsarnaev**.

“He knew him for the better part of a year. You’re going to have a lot of interactions in that time. They’re both Muslims. They were fairly close friends. They socialized together. They went to the gym together. My client has a familiarity with **Tsarnaev** that few others might have,” said attorney Matthew Myers. “They discussed numerous things throughout the course of the year. Some of those things might be helpful to the prosecution.”

Myers said he expects to hear back from Boston U.S. Attorney Carmen Ortiz’s office in the next two weeks about whether they would include Tazhayakov as a witness in exchange for prosecutors recommending a reduction in sentence. He said Tazhayakov’s sentencing is set for Nov. 19. Tazhayakov was convicted in July and faces up to 25 years in prison.

Myers was in Boston yesterday for the trial of Robel Phillipos, whom Tazhayakov also testified against. Phillipos — a longtime friend of **Tsarnaev**’s — is charged with lying to investigators in the days following the April 15, 2013, marathon bombings.

— oryan.johnson@bostonherald.com

Caption:

TRIAL TALK: Robel Phillipos, right and above center with Dias Kadyrbayev, left, and

Azamat Tazhayakov, leaves court yesterday. Phillipos is charged with disposing evidence that allegedly ties Dzhokhar **Tsarnaev**, inset, to the marathon bombings.

STAFF PHOTO, RIGHT, BY MARK GARFINKEL

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Volume 32, Issue 282

Topics:

Index Terms:

Columnists

Phillipos must take high road and testify

Author: *PETER GELZINIS*

Article Text:

Had he chosen to go to Hollywood instead of UMass Dartmouth, Robel Phillipos could have made a fortune as a second banana on “The Big Bang Theory.”

Instead, this geek is now defending himself against charges he lied about his part in a lame attempt to cover up for accused terrorist Dzhokhar **Tsarnaev**.

Yesterday one of Phillipos’ former friends, and fellow conspirators, chose to rat him out and testify against him. Now he has no choice but to take the stand and try to sell a jury on why he was “too high” to do the right thing in the investigation of the **Boston Marathon** bombings.

And he has to pray they believe him. Otherwise, this sad sack in the slim-fit suit and crisp shirt is going to jail for a long time.

The son of a hardworking Ethiopian woman from Cambridge, Phillipos, who became friends at Cambridge Rindge and Latin with **Tsarnaev**, is now looking at a possible 25 years in federal prison.

Phillipos’ defense for joining fellow UMass Dartmouth buddies Azamat Tazhayakov and Dias Kadyrbayev in disposing of evidence that allegedly ties **Tsarnaev** to the carnage of Boylston Street is that he had been smoking weed practically all day on April 18, 2013.

Phillipos says he was stoned — “high out of his mind,” in his lawyer’s words — when **Tsarnaev**’s backpack, containing fireworks and a laptop, was being dumped by his buddies.

But if he hoped the stoned defense was believable enough to fly on its own, reality, in the form of Azamat Tazhayakov, put an end to that yesterday.

Like Phillipos, Tazhayakov, the son of a Russian oil magnate, figured he could beat the rap last summer. Instead, he emerged from his trial looking at the prospect of spending the next quarter century in jail.

So yesterday, Tazhayakov returned from his cell to the same courtroom where the same judge, U.S. District Court Judge Douglas P. Woodlock, plans to sentence him next month.

Tazhayakov came back as a witness for the government and wasted no time rolling on his friend, while essentially conceding that everything he strenuously attempted to deny last summer was a lie.

Tazhayakov admitted he was cooperating with the government in exchange for shaving years off his sentence. His lawyer also indicated Tazhayakov might offer testimony in the January trial of Dzhokhar **Tsarnaev**, in the hopes of lopping off even more time.

Tazhayakov even made a point of telling the government prosecutor that in the middle of that fateful evening, when Phillipos claimed he was “too stoned” to remember anything, he engaged Phillipos in an Xbox game ... and lost to him.

More than a third of the people who have attended Robel Phillipos’ trial are the Cambridge friends and teachers who have rushed to embrace him.

Now, it’s up to the wispy kid in a gray suit to convince a jury that he was too stoned to notice his pals were trying to cover up an atrocity. If he can’t, all those teachers and friends will soon be writing to beg the judge for leniency.

— peter.gelzinis@bostonherald.com

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Topics:

Index Terms:

Local

Tsarnaev's lawyers seek evidence from 2011 triple homicide tied to late brother

Author: *OWEN BOSS*

Article Text:

Accused terrorist Dzhokhar **Tsarnaev**'s high-powered legal team wants federal prosecutors to hand over evidence related to a grisly 2011 triple homicide in Waltham that authorities believe his older brother, Tamerlan, took part in, according to a new motion filed in federal court.

“Information and evidence tending to show that Tamerlan **Tsarnaev** participated in a triple homicide in 2011, and information depicting the brutality of those murders, is critical to the defense team,” read the motion that was filed Friday in U.S. District Court in Boston. “Such evidence would tend to corroborate Tamerlan’s dominant role in the charged offenses and would place the brothers’ respective personal characteristics and relative culpability into stark relief.”

Although prosecutors shot down a previous effort to obtain the evidence on the grounds that it could hurt an investigation into the Waltham crime by the Middlesex District Attorney’s Office, **Tsarnaev**'s lawyers argued that the request is “ripe for renewed examination as the trial nears.”

“Even the government has conceded that evidence concerning Tamerlan’s participation in (the) Waltham murders might be relevant if Dzhokhar were aware of it,” the motion read.

Prosecutors already have said they have a witness who is prepared to testify that Dzhokhar **Tsarnaev** knew about his brother’s alleged role in the Sept. 11, 2011, murders.

The victims of the triple homicide, identified as Brandon Mess, 25, of Waltham; Erik Weissman, 31, of Cambridge; and Raphael Teken, 37, of Cambridge, were found dead

Sept. 12, 2011, in an apartment on Harding Avenue in Waltham. All three were stabbed in the neck in exactly the same manner, the state's medical examiner's office said.

At some point before he was shot to death in a confrontation with the FBI on May 22, 2013, Tamerlan **Tsarnaev**'s pal, Ibragim Todashev, tied him to the triple homicide, prosecutors say.

The elder **Tsarnaev** was killed during a shootout with cops several days after the April 15, 2013, **Boston Marathon** bombings that killed three and injured 260.

Dzhokhar **Tsarnaev** was captured later and has since pleaded not guilty to 30 federal charges. He is slated to go on trial Jan. 5 and if convicted, he could be put to death.

— owen.boss@bostonherald.com

Caption:

DEFENSE REQUEST: Tamerlan **Tsarnaev** in a Cambridge District Court booking photo. Lawyers for accused **Boston Marathon** bomber Dzhokhar **Tsarnaev** want authorities to hand over evidence from a 2011 triple homicide in Waltham in which Tamerlan was a suspect.

DZHOKHAR TSARNAEV

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Volume 32, Issue 287

Topics:

Index Terms:

The Inside Track

Tracked down

Author: *GAYLE FEE / INSIDE TRACK*

Article Text:

Katie Campbell (wife of Bruin Gregory Campbell) leading a yoga class at the Brae Burn Country Club in Newton, part of the Home For Little Wanderers annual Home in One: Women Connect for a Cause fundraiser ... Katie's hubby and his teammates Tuukka Rask, Milan Lucic and Patrice Bergeron hanging out postgame with Ice Bucket Challenge inspiration Peter Frates, his wife, Julie, and new baby Lucy at the Garden. (The whole B's team did the Ice Bucket Challenge this past summer to support Frates and the fight against ALS) ... B's Jordan Caron, Reilly Smith and Matt Fraser doing dinner at Antico Forno in the North End ... **"Boston Strong"** screenwriters Paul Tamasy and Eric Johnson having a working brunch with film producers Dorothy Aufiero and Stephen Stapinski ... Ice- T and his lovely bride, Coco, partying at Avalon at Mohegan Sun ... "Real Housewives of New Jersey's" Kathy Wakile and her hubby, Rich, also doing Mohegan, where Kathy signed books, ate at Michael Jordan's and pressed the flesh with fans at the casino's "Reality Check" event ... Soccer superstar Kristine Lilly and a pack of Boston Breakers putting 100 kids through their paces at The Cooperative Bank of Cape Cod's annual "Positively Different Soccer Clinic" on the Cape ... Locomotion lead singer Ashley Tucker performing Whitney Houston's "I Will Always Love You" for the annual Una- Via One Way Treatment "Life is but a Dream" event against domestic violence at Bond at the Langham Hotel ...

Caption:

Yoga instructor Katie Campbell leads a yoga class at the Brae Burn Country Club in Newton at a fundraiser for the Home For Little Wanderers.

PHOTO BY MELISSA OSTROW

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Volume 32, Issue 288

Topics:

Index Terms:

Local

Pal, text support claim Phillipos was stoned

Author: *LAUREL J. SWEET*

Article Text:

Prosecutors are expected to rest their case today against Robel Phillipos, a day after several text messages and their star witness backfired on them by seemingly supporting the former UMass Dartmouth student's claim he was so high on pot he couldn't recall cleaning evidence out of marathon bombing suspect Dzhokhar **Tsarnaev**'s dorm room.

Quan Le Phan, 21, a senior at the University of Massachusetts Dartmouth, testified he knew of at least four occasions on April 18, 2013 — four days after the bombings — when Phillipos smoked marijuana with him or with others. The potfest started at noon when the two of them took bong hits just before Phillipos was to meet with a school official about his problem with weed.

Hours later, after the FBI posted photos of **Tsarnaev** and his late brother, Tamerlan, as suspects, prosecutors say Phillipos helped convicted classmates Dias Kadyrbayev and Azamat Tazhayakov remove a laptop and a backpack stuffed with fireworks from Dzhokhar's room.

"He had a marijuana hearing. He was speaking to an administrator on campus about his marijuana use," said Phan, who admitted he himself had toked up "plenty of times."

Phan told jurors, "We smoked a bong." But when asked by assistant U.S. Attorney John Capin to elaborate, he sleepily muttered, "I don't know how to describe a bong."

While Phan never actually said Phillipos was stoned, he did say, "He was quiet," and repeatedly answered "correct" when defense attorney Susan Church pressed him on cross-examination if his pal appeared to be high.

Church then pointed out that one text — from 28 pages' worth prosecutors had presented as evidence — was sent by Phillipos to another friend after his first meeting with federal agents the following night.

“It was kinda funny,” Phillipos texted from his iPhone. “They asked me what I was doing all day when I was hanging out with people. I told them smoking on so many occasions that they just started to laugh. ... These guys only cared for the bombs and guns.”

Phillipos texted a different friend about the encounter: “They were pretty cool ass dudes. We talked about smoking for like 10 minutes.” He told still another pal, “I know that mad(sic) the interrogation more like a fun ass interview. I’m not gonna lie it was kinda fun.”

Phan also testified about a dinner on campus with classmates. “All of them” knew **Tsarnaev** and suspected he might be the bomber pictured in the FBI photos.

“No one” picked up the phone and called police, he said.

Killed in the attack were Martin Richard, 8, Boston University graduate student Lingzi Lu, 23, and Krystle Campbell, 29, while more than 260 others were maimed or injured.

— laurel.sweet@bostonherald.com

Caption:

WITNESS: Quan Le Phan leaves federal court yesterday after testifying in the case of Robel Phillipos, accused of cleaning evidence out of marathon bombing suspect Dzhokhar **Tsarnaev**'s dorm room.

STAFF PHOTOS, LEFT, BY STUART CAHILL; AND ABOVE, BY MARK GARFINKEL

ROBEL PHILLIPOS

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Topics:

Index Terms:

Local

Pal says Phillipos ‘extremely out of it’ night things tossed

Author: *LAUREL J. SWEET*

Article Text:

On the stoner yardstick for measuring dazed and confused, Robel Phillipos was a perfect 10 the night his UMass Dartmouth classmate Dzhokhar **Tsarnaev** became the FBI’s Most Wanted terrorist, a close pal of the pair testified yesterday.

“Ten,” Lino Rosas, 21, answered when asked by defense attorney Susan B. Church to rate Phillipos’ level of intoxication April 18, 2013, after he and Phillipos, 20, lit up joints and then “fishbowed” — putting up a car’s windows and inhaling marijuana smoke for what Rosas said “seemed like ... hours.”

“He seemed extremely out of it — high, gone, just sitting there, no worries,” said Rosas, who admitted he wasn’t in much better shape that day.

Phillipos’ lawyers declined to say yesterday whether they plan to put their client on the stand to bolster their argument he was too stoned to recall cleaning out evidence in **Tsarnaev**’s dorm room with already convicted classmates Dias Kadyrbayev and Azamat Tazhayakov. Phillipos is charged with two counts of making false statements in a terrorism investigation.

Rosas was the first of two friends of Phillipos called by the defense after assistant U.S. Attorneys B. Stephanie Siegmann and John Capin rested their case with lead investigator FBI Special Agent Timothy Quinn.

Rosas became rattled under cross-examination by Siegmann, who asked how he could be so certain of what happened 18 months ago if he was as out of it as Phillipos.

“It’s like trying to open a treasure box that I haven’t looked inside for years,” Rosas stammered. “It’s very difficult.”

Quinn testified, “Mr. Phillipos said he was stoned at the time” **Tsarnaev**’s room was rifled and a laptop and a backpack stuffed with fireworks taken.

It took the FBI nearly two weeks, but when Phillipos finally opened up Quinn suggested he offered to help in **Tsarnaev**’s prosecution.

“He wanted to nail the (expletive),” Quinn remembered Phillipos telling him. But when asked if he thought Phillipos was sincere, Quinn replied, “No.”

— laurel.sweet@bostonherald.com

Caption:

GOT VERY HIGH: A friend of Robel Phillipos, above leaving court yesterday, testified Phillipos smoked a lot of marijuana the night Dzhokhar **Tsarnaev** made the FBI’s Most Wanted list.

STAFF PHOTO BY MARK GARFINKEL

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October 17, 2014

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Section: News

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Topics:

Index Terms:

Local

Duke too late to help Dzhokhar pal

Author: *PETER GELZINIS*

Article Text:

Genet Bekele, the mother of Robel Phillipos, waited too long to reach out to her friend, Michael Stanley Dukakis. She should have made the frantic call at least a year before that Saturday in April 2013.

This Ethiopian woman and single mom — who trained as a social worker with Kitty Dukakis and whose young son once romped around the Dukakis house on Perry Street in Brookline — should have reached out to the Duke when her boy first began to lose himself in a marijuana cloud.

Perhaps then things might have been different.

But Genet Bekele waited until after the bombs had gone off on Boylston Street and the pictures of the **Tsarnaev** brothers were flashed around the world ... and after her son suddenly stopped calling for a couple of days.

She waited until the FBI had already grilled her boy, until Phillipos kept saying he was “too stoned” to remember watching a couple of friends get rid of bomb ingredients from Dzhokhar **Tsarnaev**’s dorm room.

Yesterday, the witnesses who preceded Michael Dukakis talked about bongs, blunts, marijuana vaporizers and getting high in cars with the windows shut tight.

The Duke walked in looking 10 years younger than 80 in a navy blue blazer and charcoal slacks. He never said a word about weed, but told the jury that the Robel Phillipos he’d known for years “was a very responsible kid, a terrific boy” who he took to the

Democratic Convention in 2004 as his guest, “because the kid was so interested in politics.”

Phillipos listened, head down and tears filling his eyes.

Dukakis explained how Bekele reached out to him in a panic during that fateful week last year.

“She was very concerned that she hadn’t heard a word from her son in a couple of days right after the bombing.

“I asked if Robel had a cellphone. She said yes. I told her to give it to me and I called him. When he answered, my first words were, ‘Robel, what’s going on?’ He told me that he’d been questioned by the FBI. When I asked him what he said, he told me, ‘I was so confused I don’t know what I told them.’

“That’s when I told him, ‘Hey, your mother’s been trying to reach you for two days. Call her, will you?’ And he did.”

The college professor, three-time governor and one-time presidential candidate stood up for a boy in a huge mess as a favor to his mother. On the witness stand for about 15 minutes, the Duke said no more than he was asked.

Outside, I asked if he was aware of Robel’s appetite for weed and how it had nearly cost him his place at UMass.

“No,” he answered, “I didn’t know.”

That’s a shame. Because there’s where Duke’s loyalty might have saved this kid from himself.

— peter.gelzinis@bostonherald.com

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Index Terms:

Local

Judge denies Tsarnaev bid to toss out seized evidence

Author: *BOB McGOVERN*

Article Text:

A federal judge denied a motion by attorneys for accused **Boston Marathon** bomber Dzhokhar **Tsarnaev** to throw out evidence found during searches of his apartment, dorm room and laptop computer — a ruling that will potentially allow hundreds of pieces of evidence in the blockbuster trial.

Judge George O'Toole Jr. ruled yesterday that while **Tsarnaev** had standing to challenge the April 19, 2013, search of his family's Cambridge apartment, authorities obtained a proper warrant and seized about 100 items that may come forward at trial. O'Toole also ruled that the searches of **Tsarnaev**'s University of Massachusetts Dartmouth dorm room, his computer and email accounts were constitutional.

He also denied a request for an evidentiary hearing on whether items were seized outside "the scope of the warrants."

"The defendant has failed to make the necessary showing of a need for an evidentiary hearing," O'Toole wrote.

O'Toole also denied **Tsarnaev**'s motion to dismiss based on a faulty grand jury selection.

Tsarnaev's attorneys argued that a clerk did not send replacement summonses to cover the 19 that were undeliverable. O'Toole, however, ruled that this did not run afoul of the Jury Selection and Service Act — a federal law that dictates the plan for jury selection.

Tsarnaev's lawyers argued that the jury selection plan used in the case was unconstitutional because it did not represent a fair cross-section of the population. O'Toole disagreed with that argument as well.

Defense attorneys argued that blacks and the elderly were not fairly represented.

— bob.mcGovern@bostonherald.com

Caption:

DZHOKHAR TSARNAEV

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Page: 6

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Topics:

Index Terms:

Local

Phillipos trial slated to wrap up Tuesday

Author: *O'RYAN JOHNSON*

Article Text:

Closing arguments are set for Tuesday in the trial of the man accused of lying to agents investigating the 2013 **Boston Marathon** bombings.

Robel Phillipos, who allegedly lied about being in accused bomber Dzhokhar **Tsarnaev's** room when two other men disposed of evidence related to the attack, did not testify.

The last person to take the stand in the case in U.S. District Court in Boston was Alan Wartenberg, a doctor who specializes in addiction. He testified that based on the amount of marijuana Phillipos says he smoked on April 18, 2013 — when the three entered **Tsarnaev's** room to remove a backpack and laptop — his understanding of when events happened and his memories of what happened may not be clear. Prosecutors say Phillipos saw the men remove the backpack and later said, "Do what you have to do," when one of them said he thought he should get rid of it.

Under cross-examination, Wartenberg said he only talked briefly to Phillipos and could not say precisely how much marijuana he smoked or how it would affect him.

Later in the day prosecutors filed a motion to have Wartenberg's testimony excluded.

"His testimony should therefore be excluded because it is unreliable, unhelpful to the jury, not connected to the facts in this case, and misleading to the jury," the filing states.

Phillipos spoke to the FBI in the days after the bombing, but former Gov. Michael Dukakis testified Phillipos was confused and not sure about what he told them.

Caption:

ACCUSED: Robel Phillipos, right, is accused of helping dispose of evidence in the probe of Dzhokhar **Tsarnaev**, shown with brother Tamerlan, above, at the site of the marathon bombings.

STAFF PHOTO, RIGHT, BY MARK GARFINKEL; AP PHOTO, ABOVE

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Topics:

Index Terms:

Local

Striding toward marathon memorial: Mayor in talks for permanent tribute to victims

Author: *ERICA CORSANO and RICHARD WEIR*

Article Text:

Six months after his administration staged a moving, one-year anniversary tribute to the marathon bombing victims and survivors, Mayor Martin J. Walsh said yesterday a permanent memorial to honor them is on his radar.

“The BAA has been talking about the memorial ... so we are going to see what we are going to do for a memorial,” Walsh told the Herald, noting that Ken Brissette, the mayor’s tourism, sports and entertainment director, and his soon-to-be arts chief, Julie Burros, will collaborate with the BAA on the effort.

Burros, head of cultural planning for the city of Chicago, will join the Walsh administration as the city’s first Cabinet-level arts chief in mid-December.

“We are committed to being responsive to the wishes of survivors, the Back Bay neighborhood and the Boston community as a whole as it relates to a permanent memorial. The city of Boston continues to work very closely with the survivor community and continues to serve as a resource for those impacted by last year’s event,” said Walsh spokeswoman Kate Norton, who added the city has been in discussions about the memorial with the Massachusetts Office of Victim Assistance and The One Fund Boston.

While there have been tributes marking the April 2013 attack, few details have emerged about where a monument might be erected and what it will look like.

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Once a memorial is built, it will help victims and their families heal “by bringing their community together and reducing feelings of isolation that commonly follow a mass tragedy,” said MOVA executive director Liam Lowney.

“It is like a tombstone,” added Dr. Kermit Crawford, head of the Massachusetts Resiliency Center, which provides assistance to victims of the **Boston Marathon** tragedy. “You can go and reflect and honor, and there is a certain amount of comfort and reassurance in it.”

The idea of a permanent memorial was news to some, though.

BAA executive director Tom Grilk said yesterday his organization has not had any meetings with the Walsh administration on building a monument.

“We stand ready to be of assistance to the city in any way that we can. It’s not something we would presume to organize. It was, after all, back in April 2013, an attack on Boston,” Grilk said.

Grilk said he was not aware of any progress in getting the project off the ground since former Mayor Thomas M. Menino announced the creation of a Remembrance Committee in June 2013 to oversee plans for a permanent memorial.

Dot Joyce, spokeswoman for The One Fund, which has collected and distributed millions to the bombing victims and their families, said the organization “is not playing a role in (the memorial) effort.”

— richard.weir@bostonherald.com

Caption:

‘COMMITTED’: Mayor Martin J. Walsh, shown above right with Carlos Arredondo and far right with 2014 **Boston Marathon** winner Meb Keflezighi, said he’s looking into building a memorial for bombing victims.

STAFF FILE PHOTOS BY NANCY LANE

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Topics:

Index Terms:

Local

Phillipos case sent to jury for deliberation

Author: *MARIE SZANISZLO*

Article Text:

Jury deliberations began yesterday in the case of Robel Phillipos, the self-described stoner who is charged with lying to investigators in the attempted cover-up of evidence against accused **Boston Marathon** bomber Dzhokhar **Tsarnaev**.

Phillipos is accused of aiding two of **Tsarnaev**'s other friends, who took a backpack containing fireworks and a laptop from his University of Massachusetts Dartmouth dorm room days after the attack.

“He watched as his friends obstructed the **Boston Marathon** bombing investigation,” Assistant U.S. Attorney Stephanie Siegmann told jurors during her closing argument in federal court in Boston. “He eventually admitted it during his fifth interview (with the FBI).”

But defense attorney Derege Demissie said Phillipos, who turned 21 last Saturday, was a scared “kid” whose memory was impaired because he had been smoking marijuana for between 12 and 16 hours on April 18, 2013, and whose confession was coerced by an FBI agent who “knows how to break the most hardened criminal.”

— marie.szaniszlo@bostonherald.com

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Topics:

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Letters

Letters To the Editor

Article Text:

New way on sentencing

The Herald is to be commended for its common sense editorial on mandatory minimum sentences for drug offenses (“Drugs and the courts,” Oct. 18). This follows after Bob McGovern’s thoughtful coverage of Chief Justice Ralph Gants’ call for doing away with ineffective drug sentencing laws.

The terrible irony of our current approach to sentencing is that, too often, judges are barred from sending to treatment those drug offenders whose crimes are driven by addiction. Mandatory minimum sentencing laws require judges to incarcerate addicts who break the law the same as the drug kingpins. A few addicts might get treatment behind bars, but that’s due to the luck of the draw, not any comprehensive policy. For everyone else, it’s prison without treatment. As a result, taxpayers shell out a bundle to warehouse prisoners with addictions without ever getting to the root of the problem.

As Gants pointed out, judges frequently give dangerous drug offenders sentences that are far longer than the mandatory minimum required. If the worst offenders can get sentences that fit the crime, then why not addicts and nonviolent offenders, too?

— Barbara J. Dougan, Mass. project director, Families Against Mandatory Minimums, Boston

Pay tribute in schools

Mayor Marty Walsh wants to build a memorial to the **Boston Marathon** bombing victims and survivors (“Striding toward marathon memorial,” Oct. 21). I do not agree. We have the One Fund, which brought in millions of dollars for the victims and their

families. We have the slogan Boston Strong, which has resonated not only all over this country but all over the world.

The city faces very serious quality-of-life issues which, no matter who is mayor, are swept under the table. At the head of the list is public education. Would it not be more fitting if one or more of the city's elite stepped up and endowed programs in the Boston Public Schools? We need to make sure that our schoolchildren know things like American history and civics so that they are aware of how this great country — warts and all — was founded and built. Such an endowment could be given in memory of what Boston Strong truly represents.

— Mike Arnold, Dorchester

Driven mad by policy

I am shocked at the idea of giving illegal immigrants licenses (“An end run around Homeland Security,” Oct. 16). This idea comes as the state tries to meet the standards of a tougher federal ID law. Now officials say the state has designed “compliant and noncompliant” licenses and ID documents. Implementing this would allow illegal immigrants to get licenses. I’m outraged by this.

— Marie DeMeo, Boston

Park rangers need guns

I disagree with Peter Gelzini's column in the wake of the two park rangers getting stabbed in Boston Common (“Giving park rangers guns not the answer,” Oct. 16). If park rangers James Lunnin and Albert Hurd had guns, they wouldn't have suffered the stab wounds.

— Ned Byrne, Weymouth

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Volume 32, Issue 296

Topics:

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Editorials

John Chapman in the 9th

Article Text:

Voters in the 9th Congressional District — which includes Cape Cod and the Islands and parts of the South Shore and South Coast — have an opportunity to elect a congressman much more closely aligned with their views. John Chapman has public, private and nonprofit experience and brings to the race common sense positions on matters of both fiscal and national security policy. The Herald is pleased to endorse him.

Chapman rightly criticizes the burdensome new taxes and regulations of Obamacare — indeed the very notion that the nation needed a top-down solution to the problem of inadequate insurance coverage at all. We certainly didn't need it in Massachusetts, where the state had covered 98 percent of the population under the plan pitched by Chapman's onetime boss, Mitt Romney.

Chapman, a lawyer, worked in economic development under Romney and went on to serve as general counsel at the Joslin Diabetes Center. Earlier in his career he worked in the Reagan White House and at the U.S. Securities and Exchange Commission. He rightly places the economy at the top of his priority list, supporting the Keystone XL energy pipeline and the jobs it would create (if it's not too late to save that).

Incumbent Rep. William Keating deserves credit for his response to the **Boston Marathon** bombing; he publicly criticized the federal handling of pre-bombing reports of Tamerlan **Tsarnaev**'s radicalization. But on other major issues he inspires far less confidence. The 9th went for the Republican candidate for U.S. Senate in each of the last two elections. Chapman's brand of fiscal conservatism is a far better fit for the district.

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Topics:

Index Terms:

Hockey-Bruins

Attack in Ottawa stirs emotions

Author: *STEVE CONROY / BRUINS NOTEBOOK*

Article Text:

The Ottawa connections in the Bruins organization run deep. Coach Claude Julien is a native and has some immediate family in Canada's capital city, as does general manager Peter Chiarelli. Captain Zdeno Chara and Chris Kelly also played a good chunk of their careers there.

And when they watched the terror that unfolded in that picturesque downtown and on Parliament Hill yesterday, they could not help but be jarred.

"Ottawa is home for me, so I spent a good portion of the afternoon looking up at the CNN station and trying to find out as much as I could. It's unfortunate," Julien said yesterday. "It just goes to show that these tragedies don't just happen in the USA but also in other countries, and there are other countries in Europe that that have been faced with that.

"It's unfortunate but this is the life we're facing right now, and these are the things that we should all be aware that are out there. We have to be vigilant and we have to be on toes and pay attention to what's around us."

Prior to last night's 3-2 loss to the Islanders, the Bruins' organization played both the U.S. and Canadian national anthems and held a moment of silence for the slain Canadian soldier, Cpl. Nathan Cirillo, who was gunned down by a Quebec-born shooter who had allegedly become a radical Muslim.

Much of what went on in Ottawa yesterday was reminiscent to what happened here on the day of the **marathon bombings** in 2013. Julien expected Ottawa to rally much like Boston did.

“I imagine it will. Every city rallies around its own city and I’ve talked to a few people, including my family that’s still back there,” Julien said. “My parents and brothers and sisters, it’s affected them even if they weren’t around that area. It affects the whole city like the bombing affected us here. They’ll have to get used to it in a way where that’s reality, unfortunately, and it’s happening.”

Chara spent five years in the Ottawa organization.

“It was very shocking, especially for that area. It’s a capital city but it’s fairly quiet and not a busy area, so to see something like that happening is very shocking, very surprising,” said the captain. “Obviously, you’re feeling for everybody in the city and in the country. I know when it happened here we received so much support from everywhere around the league, across the country and around the world, so for sure it’s something we’re thinking about and people in Ottawa and Canada are in our thoughts and prayers.”

Kelly was drafted by the Sens and spent the better part of nine years in the Ottawa organization.

“The Sens have an opportunity to help that city. That’s how we felt in Boston (after the marathon bombings),” said Kelly. “When you’re part of the community, it affects you more so.

“That was a sad day in Ottawa. I hope the team can help the community and I’m sure they will.”

Top line struggling

The line of Brad Marchand, Patrice Bergeron and Reilly Smith is going through some unusually rough times. One of the best two-way units in the league, the trio doesn’t have it going at either end of the ice right now.

Bergeron, last year’s Selke Trophy winner, was minus-2 last night and is minus-3 for the season, while Smith (minus-3) and Marchand (minus-2) are also poor. There’s not much going offensively, either. Bergeron hasn’t scored since the second game of the season, while Smith hasn’t scored in four games and Marchand scored his only goal of the season on Tuesday against San Jose, and that was on the power play.

“It’s definitely something I take a lot of pride in and something that can’t happen. I’m here to, on both sides of the ice, help the team, and you can’t be on the ice for that many goals,” said Bergeron.

Asked if he wasn’t feeling like himself, he said: “It’s one of those things that the bounces are just not going your way. Like we just talked about, the puck has got to get out, and we’ve got to figure it out from there. That’s it. Tonight, we had our chances to put the puck in the back of the net, and we’ve got to do the job as well.”

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After going 2-for-7 in the faceoff circle in the first period, Bergeron rebounded to win 10-of-11 the rest of the way . . .

David Krejci had a strong night in the circle, winning 15-of-19 draws. . . .

Milan Lucic's game continues to come around. He not only scored his first goal, he led the B's with six hits. . . .

With the loss of Chara in the first period due to injury, Dennis Seidenberg led the B's with 24:12 of ice time.

Twitter: @conroyherald

Caption:

JUST OUT OF REACH: Brad Marchand watches the puck pop in the air during the Bruins' 3-2 loss to the Islanders.

STAFF PHOTO BY MATT STONE

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Topics:

Index Terms:

Local

Ex-mayors share special bond

Author: *Ray Flynn*

Article Text:

Sitting with Tom Menino in his hospital room yesterday was the best day we ever had together.

We were two old mayors reliving the moments that defined the city we love.

It's a special bond that's almost impossible to explain. We didn't talk politics. We spoke about the moments in office that became history. For Tom, it was the **marathon bombings**. It's a day he said he'll never forget. I thought he handled it well. I kept the conversation on him and his success.

All he wants is to be respected. That's all any former mayor desires.

You work night and day with the city in your heart. Tom never gave up. He never quit. He put it all into the city of Boston.

That's what we spoke about.

His doctor at the Brigham came in and tried to break up the discussion between two former mayors.

"Doctor, when two old Boston mayors start telling stories, it's not something we want a respected person like you listening to," I joked.

The doctor said he hadn't seen Tom smiling so much in days, and told us to keep talking.

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Tom and I recalled the time when we started together in politics and the secret to our success. He is the son of Italian parents, as I am of Irish parents, and we worked harder than everybody else.

Yes, we had our differences of opinion over the years, but we never stopped respecting each other.

I always admired his toughness and his love for the city — it's a bond of loyalty about the people of Boston that every mayor shares.

I felt a deep sense of pride being with the man who never stopped fighting for the city and I know he won't stop fighting for himself now.

Tom Menino has too much to live for, a wonderful family and the admiration of the people of Boston.

His determination is legendary. His courage, too.

“Fight for yourself,” I told him in that hospital room. He choked up a bit.

It's time now for Tom to worry about himself. It's his turn. He's always put himself last in line. It comes with the territory.

The job stays with you. Terms end. Elections come and go. But once a mayor, always a mayor. This city owes so much to Tom Menino because he gave Boston all he had.

Raymond L. Flynn is a former mayor of Boston and a former U.S. ambassador to the Vatican.

Caption:

TIED BY LOVE OF HUB: Former Mayors Raymond L. Flynn, left, and his successor Thomas M. Menino are seen shaking hands in 1993.

STAFF FILE PHOTO

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Volume 32, Issue 299

Topics:

Index Terms:

Hockey-Bruins

Griffith sizes things up early

Author: *STEVE CONROY / BRUINS NOTEBOOK*

Article Text:

TORONTO — Seth Griffith will never be an imposing player. At 5-foot-9, 192 pounds, he certainly doesn't fit into the mold that was set by Nathan Horton and Jarome Iginla before him.

But as he entered into last night's game on a modest two-game point streak, the 21-year-old rookie is trying his best to overcome his size disadvantage while playing against top lines and defense pairs, and with David Krejci and Milan Lucic. And battling along NHL walls might be the toughest challenge for a player Griffith's size.

"I think I'm getting better at it every night," said Griffith yesterday morning. "Some of my favorite players are guys like Daniel Briere. I watch how he's done it for years, playing on the top line and he's facing top (defensemen), so it's just a matter of getting the puck out. But you don't want give it away too easy. You want to keep possession of it. It's just little tricks and body positioning that I've been working on to stay stronger along the wall."

Of course, you don't have to be huge to be effective. Though his line has hit a bit of a rut lately, 5-9, 183-pound Brad Marchand has been part of one of the best second lines in hockey for the past four years.

"When I'm sitting on the bench waiting for my shift, he's one of the guys I'm watching to see how he does along the wall," said Griffith. "It also helps that Krech and Looch are always in good position, so that makes it a lot easier."

How long Griffith lasts as the top-line right winger is anyone's guess, as general manager Peter Chiarelli has been looking to shore up that spot through the trade market. But at

least Griffith now seems to be over the understandable jitters he had initially on his call-up.

“I think when you first come into the league, you have to have a couple of games to adjust,” said Griffith. “The first few games I was obviously pretty nervous, but I’m starting to settle down. It just takes time and Krech and Looch take to me a lot, so I think that helps settle me down a little bit.”

A strong contingent of family members were expected to make the trek from Griffith’s native Wallaceburg in western Ontario over to the game last night.

United ceremony

There was a coordinated ceremony planned last night between the rinks in Toronto, Ottawa and Montreal so that the crowds in all three cities could simultaneously sing “O Canada” in honor of slain Canadian soldier, Cpl. Nathan Cirillo, who was murdered in Ottawa Wednesday outside the Canadian parliament.

“I think it’s important and I certainly support the fact that they’re doing it,” said Julien. “I’m from Ottawa so it did hit home. I’ve seen it in Boston. It’s not the first time I’ve experienced those situations and it doesn’t get any easier. It’s unfortunate and you hope we can somehow down the road make these things disappear. It’s obviously easier said than done. But I think it’s important to recognize our people for what they do and what they stand for. We have a soldier that certainly didn’t deserve that.

“In watching the news (Friday) night and seeing how people rallied around and stood by the (Highway) 401 and the overpasses, it was really touching, and I get shivers talking about it. It just shows the solidarity of people that believe in the countries and believe in standing together.”

Said Dougie Hamilton: “It’s obviously for our country and it’s pretty special to be a part of it and honor the soldiers. We went through it with the **Boston bombing** and it was pretty tough to sit there and see all the people and I think this will be the same. But I think as a Canadian, it touches you and it will be a special moment for sure.”

Iron man

Zdeno Chara missed just his 12th game to injury as a Bruin, and the Maple Leafs were certainly glad not to have to play against him. He is a career plus-31 in 81 games against Toronto. . . .

Both Krejci and Chris Kelly entered the game on five-game point streaks. For Kelly, it tied a career long. . . .

Patrice Bergeron earned his 500th career point on Carl Soderberg’s first-period goal, while Loui Eriksson was searching for his 400th.

Twitter: @conroyherald

Caption:

HOMEcomings NIGHT: Seth Griffith — shown during the preseason — took a two-game point streak into last night's Bruins game in Toronto, not far from where the 21-year-old grew up.

STAFF FILE PHOTO BY CHRISTOPHER EVANS

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Long deliberations good for Phillipos: Stoner defense may be resonating with jury

Author: *BOB McGOVERN*

Article Text:

The drawn-out jury deliberations over whether Robel Phillipos lied to the feds could signal that his too-stoned-to-remember defense is resonating with jurors.

Jurors are back behind closed doors for a seventh day today. Phillipos' lawyers tried to convince them at the 11-day trial that the UMass Dartmouth student was too stoned on April 18, 2013, to remember what he and his classmates — Dias Kadyrbayev and Azamat Tazhayakov — were doing.

“It seems to me that the defense that they have put forth has already been an effective one,” said David Yannetti, a criminal defense attorney not involved in the case. “Going into this case, as a defense attorney, you would be very nervous that the jury would not pay attention to the particular facts of this case and base it on other factors. It appears the defense is working in some capacity.”

“I think the defense is probably feeling good at this particular point,” said Brad Bailey, a defense attorney and former federal prosecutor also not involved in the case. “Once they got through the first day, I think the defense is probably taking the perspective that, the longer they are out, there could be a mistrial — and a mistrial is a victory for them.”

For that to happen, all Phillipos needs is one juror who doesn't believe he made false statements to authorities during the **Boston Marathon** bombing investigation. Often, a delayed verdict means a juror is holding to a strong conviction of a defendant's guilt or innocence.

The delay in Phillipos' case means, at the very least, that jurors did not consider him guilty by association alone for being buddy-buddy with accused bomber Dzhokhar **Tsarnaev**.

“The defense appears to be an effective one even if it doesn't carry the day, and it's also a proud day for the jury system,” Yannetti said. “This was not something where the jurors went in and decided to make a snap judgment because no one will question us. They are clearly taking time to go through everything and do it the right way.”

At some point Judge Douglas P. Woodlock could try to force the jury's hand with what's called an “Allen Charge” — a strong push to reach a verdict. If the jury still can't reach a unanimous decision, Woodlock would eventually declare a mistrial and U.S. attorneys will have to decide whether to try the case again.

In July, a federal jury took 14 hours over three days to convict Tazhayakov of obstructing a terrorism investigation by concealing a backpack containing fireworks belonging to **Tsarnaev**.

That jury didn't buy his attorneys' claim that Tazhayakov was a “good kid” who made a bad decision.

The Phillipos jury has now been out more that twice that long.

— bob.mcgovern@bostonherald.com

Caption:

NO DECISION: Robel Phillipos, left, a friend of **Boston Marathon** bombing suspect Dzhokhar **Tsarnaev**, leaves federal court in South Boston yesterday with his lawyer. No verdict was returned after a sixth day of the jury deliberations.

STAFF PHOTO BY MATT WEST

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Dumbbell Phillipos' excuse a big waste

Author: *PETER GELZINIS*

Article Text:

After a federal jury took six days to convict Robel Phillipos of two counts of lying to federal agents investigating the **Boston Marathon** bombings, the judge sent him back home to live with his mother in Cambridge yesterday.

Obviously, U.S. District Court Judge Douglas P. Woodlock did not view this self-admitted pothead as either a flight risk, or a sufficient enough threat to the homeland to scrap a house arrest order and ship the 21-year-old off to jail to await sentencing in January.

Unlike his two UMass Dartmouth pals, Dias Kadyrbayev and Azamat Tazhayakov, who have already been convicted of the more serious obstruction of justice charges and are cooling their heels in jail, Phillipos was essentially convicted of being a dumbbell.

But when a dumbbell strays as close to a crime as malicious and atrocious as the terrorist bombings, an excuse like being too "high out of my mind" on weed to remember anything is not going to get you out of a huge mess.

After the verdict, U.S. Attorney Carmen Ortiz said Phillipos "concealed when he could have assisted. He lied to agents when he could have helped."

Indeed, that is what Phillipos, who was 19 at the time and had no run-ins with law enforcement, should have done ... if he had not already been suspended from school for smoking his brains out.

Ortiz was talking about the duty of conscientious citizens stepping forward to do the right thing. Hell, even a kid who had a little more street smarts would have understood the

potential mess he was in once he recognized Dzhokhar **Tsarnaev**, another UMass buddy, was the most wanted man in America, along with his big brother Tamerlan.

But what did Phillipos do instead? He jumped in a car, rolled up all the windows and smoked himself into a stoned stupor.

It's no excuse, of course. Yet Phillipos was not charged with, or convicted of, anything directly related to the bombings. He was hooked for lying to the feds about sitting in a room where two friends were planning to get rid of a backpack, a laptop and some empty fireworks tubes — incriminating evidence in the case against **Tsarnaev**.

Like a lot of other people, I'd like to believe that Robel Phillipos could have altered the tragic arc of fate just enough to have possibly prevented the death of MIT police officer Sean Collier.

But that assumes a 19-year-old kid, who'd smoked himself out of school, was not too scared, too stoned or too stupid to recognize what was right.

And, sadly, that may be assuming quite a bit.

— peter.gelzinis@bostonherald.com

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Lawyers: Phillipos ‘happy’ to discuss deal to testify

Author: *LAUREL J. SWEET*

Article Text:

With Robel Phillipos facing the prospect of 16 years in federal prison for hindering a terrorism investigation, his lawyers say they would be “happy” to discuss a deal for him to testify against his pal Dzhokhar **Tsarnaev**, although prosecutors haven’t yet asked.

Phillippos, 21, was convicted yesterday of two counts of making false statements to FBI agents investigating last year’s deadly **Boston Marathon** bombings.

Defense attorney Derege Demissie said prosecutors have not broached the subject of having Phillipos testify against **Tsarnaev**.

“He wasn’t asked to testify. That’s something that would have been discussed. And obviously, he has something important to offer. That is something we are happy to discuss,” Demissie said.

In brief remarks after the verdict yesterday, U.S. Attorney Carmen Ortiz did not discuss the prospect of Phillipos flipping, but welcomed the verdict: “He lied to agents when he could have helped. He concealed when he could have assisted. Mr. Phillipos made a choice. He chose to lie to law enforcement, and with the verdict today the jury got it exactly right.”

Ortiz noted that Phillipos had misled federal agents investigating “an event that left four young people dead, including a child, and many more injured.”

Phillipos is the third college pal of **Tsarnaev** to be convicted in connection with an effort to get rid of evidence after the April 15, 2013, bombings in Copley Square. **Tsarnaev** is

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facing trial on murder and terrorism charges Jan. 5. U.S. Attorney General Eric Holder has said prosecutors will seek the death penalty if he's convicted.

With yesterday's verdict, jurors dismissed Phillipos' defense that he was too "high out of his mind" on marijuana to remember the night of April 18, 2013, when he joined buddies Dias Kadyrbayev and Azamat Tazhayakov as they removed a backpack stuffed with fireworks and other evidence from **Tsarnaev's** University of Massachusetts Dartmouth dorm room.

"I don't believe that Robel Phillipos has ever been more angry at a person than he is angry at Dzhokhar **Tsarnaev**," defense attorney Susan Church said yesterday. "When Robel found out that Dzhokhar **Tsarnaev** did what he did in this case, he was absolutely mortified. It was an unbelievable feeling of shock and betrayal that somebody that he knew could commit such atrocious, horrible acts."

Phillipos was expressionless when the verdicts were read after more than six days of deliberations, but then sat, shaking his head. Kadyrbayev and Tazhayakov, convicted of obstruction of justice, will be sentenced next month. Phillipos is due to be sentenced Jan. 29.

— laurel.sweet@bostonherald.com

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Youth has been no excuse

Author: *BOB McGOVERN*

Article Text:

Jurors didn't buy Robel Phillipos' too-stoned defense or Azamat Tazhayakov's argument that he was a "good kid" — and that could be bad news for the **Tsarnaev** defense team's anticipated argument that accused marathon bomber Dzhokhar was an impressionable youth controlled by his now-deceased older brother Tamerlan.

When it comes to cases related to the bombings that left two young women and a small boy dead, with scores maimed and seriously injured and that led to the subsequent killing of an MIT police officer, it doesn't look like Boston juries are willing to buy claims of youthful indiscretion.

"It would absolutely be a concern for his attorneys," said Peter Elikann, a defense attorney not involved in any of the **Boston Marathon** cases. "The juries seem to believe that while these may be young, impressionable men, they still should take responsibility for their actions. The fact that they made dumb choices does not seem to win them a pass."

That is most likely to spell trouble for **Tsarnaev**, who will likely try to pull at jurors' heartstrings if he enters the death-penalty phase of his upcoming trial.

"Once he is found guilty, he might get some consideration if he was just a foolish, impressionable dupe," Elikann said. "However, the public and the juries don't really seem to look at these young men as just foolish dupes. The juries and the public seem to think that they are old enough to be responsible."

Sometimes immaturity will fly with jurors in more run-of-the-mill cases that you would see in state court — underage drinking, a bar fight and the like. However, those charged

with doling out verdicts in the marathon bombing cases are being presented with greater consequences.

“The defense is going to have a very uphill battle based on the nature of these charges, and the fact that deaths and serious physical injury occurred,” said Brad Bailey, a criminal defense attorney and former prosecutor, also not involved in any of the cases. “**Tsarnaev**’s defense has to realize that interjecting the issue of terror really gets the jury’s attention.”

Tsarnaev’s defense team will likely run their potential defenses by focus groups to gauge public reactions, according to Edward Schwartz, a Boston-based jury consultant not involved in the case.

“If you are going to use a defense which hinges on reduced culpability based on being under the influence of another, you need to do it in a way that respects the intelligence and the understandable skepticism of the jury,” Schwartz said. “If the jurors feel that they’re being insulted or disrespected by the theory, they’re not going to listen.”

— bob.mcGovern@bostonherald.com

Caption:

FOR THE DEFENSE: The lawyers for Robel Phillipos, from left, Derege Demissie and Susan Church, speak to the media outside of Moakley federal courthouse yesterday.

STAFF PHOTO BY MARK GARFINKEL

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Hernandez lawyers say DA lifted venue change words

Author: *O'RYAN JOHNSON*

Article Text:

Attorneys for disgraced former Patriots tight end Aaron Hernandez — who are set to argue in court today to move his trial — yesterday accused Bristol County prosecutors of lifting long passages of arguments against a change in venue from those used by federal prosecutors in the case against accused **Boston Marathon** bomber Dzhokhar **Tsarnaev**.

“As one reads the commonwealth’s opposition, it becomes apparent that sentences, paragraphs and indeed entire pages have been reproduced without attribution from the opposition filed by the United States to contest a motion for change of venue that was recently filed in federal court by accused **Boston Marathon** bomber Dzhokhar **Tzarnaev**,” lawyers for Hernandez wrote in yesterday’s court filing.

The Bristol District Attorney’s Office said in a statement: “We do not respond to personal attacks, especially where the very issue before the court is the extent of media sensationalism surrounding the present case. However, it is fair to say generally that parties are required to cite the controlling case authority in court pleadings. To the extent that both the **Tsarnaev** and Hernandez change of venue motions raise the same basic legal issues, we were required to cite the same Supreme Court cases setting out the governing law as the U.S. Attorney’s Office. Any experienced legal observer would understand that this is a standard practice.”

Hernandez has pleaded not guilty to first-degree murder in the June 2013 slaying of Odin Lloyd of Dorchester.

Hernandez’s defense team is in Fall River Superior Court today to try to move the trial to Worcester or Hampden county. In an earlier motion, they cited a poll that found more than 7 in 10 Bristol County residents see Hernandez as “definitely or probably guilty.”

Federal prosecutors managed to keep the **Tsarnaev** trial in Boston, despite a similar polling effort by his defense team.

— oryan.johnson@bostonherald.com

Caption:

COPYCATS: Accused murderer Aaron Hernandez, left, is seen with lawyer Charles Rankin in court earlier this month. His attorneys are accusing Bristol County prosecutors of lifting passages from arguments used by federal prosecutors against a change of venue for accused **Boston Marathon** bomber Dzhokhar **Tsarnaev**.

HERALD POOL FILE PHOTO

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Menino beloved by Hub sports figures

Author: *SCOTT LAUBER*

Article Text:

Pedro Martinez made his Red Sox debut on April 1, 1998, tossing seven scoreless innings to beat the Oakland A's.

A few days later, he met Mayor Thomas M. Menino — and felt like a full-fledged Bostonian.

Menino offered Martinez advice on all things Boston, including tips for where to live and the best places to eat. The relationship only grew, reaching a point where Martinez described the former mayor as “one of my dearest friends.”

It was vintage Menino, who understood the connection between the city and its professional athletes, the civic pride generated by the sports teams. He served 20 years — five terms — including a glorious 76-month span in which the Red Sox, Patriots, Celtics and Bruins each won championships.

Suffice it to say, few mayors were better at throwing a parade — or as it came to be known here, a rolling rally — even if he was good-naturedly teased for his mispronunciation of players' names (“Wes Wekler” and “KJ and Hondo”) and other sports malaprops.

And so, as the news broke yesterday that Menino died at age 71 after a battle with cancer, the sports community mourned right along with the rest of the city.

“The transformation of the city since he was around was unbelievable,” Bruins coach Claude Julien said. “All the things he did to transform the city into what it is today, I

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think he was so respected by the people of Boston. No doubt he'll be missed. He deserves a lot of accolades for what he did with the city of Boston.”

Said Bruins forward Patrice Bergeron: “I think he was a huge influence in the changes of the city and the way it has become now, the looks of it. It's beautiful. I think it's truly one of the nicest cities in America, and a lot of that is due to him.”

Menino opposed the Patriots' plan to build a stadium in South Boston in the mid-1990s. But in a statement, Pats owner Robert Kraft recalled Menino's congratulatory phone calls after each Super Bowl victory.

The Celtics and the Boston Athletic Association issued similar statements, with the B.A.A. noting Menino's leadership after the **marathon bombings**. Indeed, the mayor memorably left the hospital on a broken leg in order to help ensure the city's safety.

Menino had a strong relationship with the current Red Sox ownership group, with whom he worked closely to preserve Fenway Park. Team president Larry Lucchino said Menino was “like a big brother to me.”

“He was an incredibly effective mayor,” Sox owner John Henry said via email. “While he always talked about how lucky he was to have his job, Boston was clearly more fortunate. His legacy resides in every corner of this city in some way.”

Via Twitter, David Ortiz called Menino “a good man and a personal friend.”

And then there was Martinez, who seemingly spoke for everyone when he tweeted that Menino was “a big reason why I enjoyed Boston so much.”

Twitter: @ScottLauber

Caption:

IN THE HUDDLE: Mayor Thomas M. Menino meets with Patriots owner Robert Kraft and quarterback Tom Brady during an event at Henry Grew Elementary in 2010.

STAFF FILE PHOTO BY MARK GARFINKEL

FENWAY FAVORITE: David Ortiz and the crowd applaud after Mayor Thomas M. Menino threw out the first pitch before the 2013 AL Division Series.

STAFF FILE PHOTO BY MATT WEST

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Local

Hub's mayor gained national respect

Author: *KIMBERLY ATKINS*

Article Text:

WASHINGTON — Political leaders from across the country honored former Hub Mayor Thomas M. Menino yesterday for being the epitome of Boston strong for his tireless work for the city.

Secretary of State John F. Kerry said Menino had “the big, bold beating heart of a street politician,” focusing as much on making sure the streetlights were lit and the streets plowed of snow as he did on cultivating Boston’s national and international reputation.

“Others talked, Tommy worked,” Kerry said. “Crime fell, population rose, the skyline became world-class, schools got better, the financial, academic and medical sectors thrived, and neighborhoods became more diverse.

“He knew what built community,” Kerry added. “He felt the city and the neighborhoods in his bones.”

Vice President Joe Biden recalled Menino’s determination in the days after last year’s **Boston Marathon** bombings, when he checked himself out of a hospital after undergoing surgery on his broken leg.

“Tommy was heroic,” Biden said in a statement. “Even as he should have been in bed, Tommy stood tall, marching through the streets of Boston with a Louisville Slugger for a walking stick. He was determined to protect the people of his city.”

Former President Bill Clinton said in a statement that he and former Secretary of State Hillary Clinton “were blessed to be able to say goodbye to Tom last week.”

“He believed with all his heart that at the end of the day, if things weren’t getting better in every corner of Boston, the job wasn’t done,” Clinton said. “And nobody knew better than Tom how to get things done.”

Former Gov. Mitt Romney called Menino “a giant” who “leaves behind a city grateful for his leadership and vision.”

— kimberly.atkins@bostonherald.com

Caption:

BIG LEAGUE: Then-U.S. Sen. John F. Kerry and Mayor Tom Menino talk at a 2007 Martin Luther King Day event.

HERALD FILE PHOTO

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Local

Tom taught kids to strive, care

Author: *ANTONIO PLANAS*

Article Text:

Boston's schoolkids — who knew their former mayor well from his many visits and TV appearances — recalled the late Thomas M. Menino yesterday as a man who inspired them to reach for the stars and give something back to the city he loved.

“It’s sad to see him go because he was so involved. I feel bad for all the mayors that come after him. They have a lot of work to do to match the work he did. He left a big legacy. I don’t know if he can be outdone.”

— Imani Lennon, 17, John D. O’Bryant School of Math & Science

“He didn’t glorify the fact that he was the boss of Boston. He acted like all of us. He grew up like us. He didn’t make a big deal about the title.”

— Christina Demard, 12, Boston Latin Academy

“‘Greatness doesn’t come once in your life. It comes every time you try hard.’ ... He helped a lot of people — he helped me, too.”

— Matthew Ruiz, 13, of Jamaica Plain, recalling what Menino told his youth baseball team at Fenway Park

“He was, like, famous, so I was like, ‘Oh, snap — I’m actually meeting him.’ It did stick with me. I wasn’t that good of a kid — I was sort of distracted easily. He was trying to give me a good future.”

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— Steven Banks, 13, UP Academy Charter School of Boston, recalling a field trip as a fifth-grader to City Hall

“He used to say important words that inspired us — like how much he cared about us. And how he wanted to put more police officers on the street. ... Even though some died from the bomb — he didn’t want others to die.”

— Jazmarie Ayala, 11, Mather Elementary School, recalling watching Menino on TV, especially after the **Boston Marathon** bombings

“He made Boston a really good city for everybody to live in. Everybody loved him. I don’t think anyone could hate him.”

— Reanna Bhagwandeem, 11, Pope John Paul II Catholic Academy

— antonio.planas@bostonherald.com

Caption:

INSPIRATION: Students — clockwise from top left, Matthew Ruiz, Reanna Bhagwandeem, Christina Demard and Steven Banks — reflect yesterday on the mark former Mayor Thomas M. Menino made on their lives.

STAFF PHOTOS BY JOHN WILCOX

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Local

Hub legend built a stronger city: Beloved mayor remembered for giving back

Author: *RICHARD WEIR*

Article Text:

From the White House to Government Center, Thomas Michael Menino was remembered yesterday as a “bold, big-hearted” mayor who fought to make his beloved Boston a prosperous and inclusive city that would host a national Democratic convention at the TD Garden and an LGBT prom at City Hall.

“He was a mayor for all Boston — those he worked with, the schoolchildren and their parents, the homeless to the hungry, the college students and the new immigrants,” Mayor Martin J. Walsh said of his predecessor. “He had a heart big enough for everyone in our city.”

Menino, the son of a factory worker from Hyde Park, who rose from a humble start as a political aide driving his boss around town to become the city’s longest-serving and its first Italian-American mayor, died yesterday at age 71 after a long battle with cancer.

President Obama, who shared the stage of the 2004 Democratic Convention in Boston with Menino and then joined him to help rally the city after the 2013 **Boston Marathon** bombings, called him “bold, big-hearted and Boston strong.”

“Tom was the embodiment of the city he loved and led for more than two decades,” Obama said. “Tom helped make his hometown the vibrant, welcoming, world-class place it is today.”

Cardinal Sean O’Malley said, “Mayor Menino placed family, faith and public service above all else. His passing is a great loss to the city of Boston, the commonwealth, our country and to his family, who were the center of his life. ... Under Mayor Menino’s

leadership, the city of Boston achieved world-class status while he always remained keenly focused on the needs and concerns of the city's neighborhoods and its people."

As Menino himself put it in his 2005 State of the City address: "I am committed to making our city work for all Bostonians. I know this city. I love this city. And I am prepared to move our city forward."

His body will lie in state starting at 10 a.m. Sunday at Faneuil Hall. A private funeral Mass will be held at noon Monday at Most Precious Blood Church in Hyde Park, his childhood parish where his parents worshipped and where he was baptized.

Menino, who ran the city with an iron fist and a common man's touch, forging a political juggernaut that handily defeated his opponents, reshaped the Hub in both sweeping and small ways that will long serve as monuments to his historic 20-year, five-term run.

Under the man famously known as the "Urban Mechanic," the industrial wasteland of the old Seaport area morphed into the booming Innovation District, where cranes continue today to erect trendy hotels and high-rises; formerly downtrodden and dangerous neighborhoods became revitalized; and Dudley Square was put on course for resurgence as the once-boarded-up Ferdinand Furniture building is transformed into a \$115 million school department headquarters and tech startup incubator.

The city's fiscal footing strengthened; racial tensions ebbed; Beantown became Greentown; and a wounded city rallied after the **Boston Marathon** bombings shook its soul.

"There are very few people whose lives have not been impacted by the mayor. It is a function of his longevity. I think history will be kind to Tom Menino. History is not kind to all mayors," said Larry DiCara, a former City Council president and mayoral candidate. "The city is a better place than when he became mayor almost 21 years ago."

One of Menino's defining moments was his decision in 1995 to boycott the St. Patrick's Day Parade in South Boston because it excluded openly gay marchers — an "act of great political courage" that DiCara likened to President Jimmy Carter giving draft dodgers amnesty.

City Councilor Michael Flaherty, who ran against Menino in 2009, recalled him opening the doors of City Hall in 1996 to welcome a prom for gay, lesbian and transgender students, starting an annual tradition.

"He always made it his point that, no matter who you are, if you are in Boston, you will be treated like everyone else. It stems from who he was as a person. He was a neighborhood guy. And he wanted to be a mayor for everybody," Flaherty said.

But perhaps Menino's finest hour came when he checked himself out of the hospital, "against his doctors' wishes," to steer the city through the aftershocks of the 2013 marathon bombings, recalled his former school superintendent, Carol Johnson.

“He felt the city needed him,” Johnson said. “The city needed assurance and he was there to give it to them.”

He was born in Hyde Park in 1942 to Carl Menino, a foreman at Westinghouse Electric, and his wife, Susan, both of Italian ancestry. A 1960 graduate of St. Thomas Aquinas High School in Jamaica Plain, Menino initially shunned college — disappointing his father — and took a job at Metropolitan Life Insurance.

“Truman didn’t go to college,” the younger Menino once told his dad, referring to his idol, President Harry S. Truman, whose portrait once hung behind his desk in his City Hall office overlooking Faneuil Hall. Menino would eventually earn his bachelor’s degree at the University of Massachusetts Boston in 1988.

Menino met his wife, Angela Faletta, on a tennis court after coaxing her and a friend into a mixed doubles match. They married three years later in 1966. He also leaves behind his son, Thomas Menino Jr., a Boston police detective; his daughter, Susan Fenton; and six grandchildren.

Menino cut his political teeth as the longtime driver and chief aide of Dorchester state Sen. Joseph F. Timilty, who ran for mayor and lost three times between 1971 and 1979.

He got his start as an elected official in 1983 when he won the newly created District 5 City Council seat, a post he would hold for nine years until March 1993, when President Bill Clinton appointed then-Mayor Raymond L. Flynn to be the United States Ambassador to the Holy See.

As City Council president at the time, Menino automatically became acting mayor — or as some dubbed him, the “accidental mayor” — until he defeated former state Rep. James Brett in the general election in November 1993.

Never a great orator, Menino charmed voters by making self-deprecating jokes about his legendary gaffes, and he was a tireless campaigner. Even in nonelection years he spent weekends hopping from senior centers to block parties to ribbon cuttings — shaking hands with half of the city’s residents, according to city folklore. All the while, he assembled a political machine that crushed his opponents.

After running unopposed for mayor in 1997, he trounced Peggy Davis-Mullen in 2001, garnering 76 percent of the vote, and topped Maura Hennigan in 2005 with 67 percent of the vote. His toughest victory came against Flaherty in the bruising 2009 mayoral race, which Menino won by only 15 percent — a landslide by most measures — after being blasted by his rivals for using the shadowy Boston Redevelopment Authority to bestow favors on his developer friends and punish his enemies.

The criticism of some controversial BRA moves dogged Menino’s last months in office, but in a city where another popular legendary mayor, James Michael Curley, served time on corruption charges while in office, Menino managed to dodge major scandals.

He famously ruled City Hall with a tight grip that made city councilors and others reluctant to cross him. But he also had a caring and affable side, particularly when it came to matters of family.

“Every time I saw Tom Menino he would ask how’s your daughter, how’s your family. That’s how he wanted to start talking to you,” said former City Councilor Paul Scapicchio, who attended Boston Latin School with Menino’s daughter Susan. “Family was very important to him.”

— richard.weir@bostonherald.com

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Editorials

The Menino legacy

Article Text:

For 20 years Tom Menino led this city through times of unparalleled growth and inconceivable sorrow.

Having won the only job he ever really wanted — and how rare is that in politics? — he served this city and its people 24/7 for each and every one of those years.

He was, in the beginning, the accidental mayor — in the right place at the right time when then-Mayor Ray Flynn opted for a Vatican ambassadorship. He soon became the Urban Mechanic, tending to the city's basic needs — making sure the phones were answered and potholes filled. He rose before dawn, walked the streets of the city, listened to complaints and basked in the compliments.

And over the years he became the inevitable mayor — the man who would remain in the job as long as he still wanted the job.

The Tom Menino we remember could be a curmudgeon — and often he relished that role. He was a man who never forgot his friends and never forgave his enemies. He was loved and he was feared — but most of all he was respected for his work ethic and his utter devotion to this city.

No more was that in evidence than on April 15, 2013. When two **pressure cooker bombs** went off in the heart of the city — in the heart of his city — Tom Menino checked himself out of the hospital, where he had undergone surgery to repair a broken leg, to lead and to be that steady presence people expected.

At a prayer service days later for those killed and wounded in the bombings, the mayor rose from his wheelchair at the podium and spoke these words: “We are one Boston. No

adversity, no challenge, nothing can tear down the resilience in the heart of this city and its people.”

For two decades he embodied that heart and that resilience. He held the hands of those who lost family members to senseless violence, he cared deeply about the plight of the homeless and worked hard to tackle those issues. He watched as elegant towers came to dot the downtown landscape and boutiques and cafes opened in neighborhood squares. He was a part of that change.

Now he is gone, but the monuments to his accomplishments are everywhere — not just in bricks and mortar but in the hearts and memories of those privileged to have known him.

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November 1, 2014

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Topics:

Index Terms:

Local

Survivors say thanks, Tom: Led city through bombing crisis

Author: *JOE DWINELL and ERIN SMITH*

Article Text:

When the city was on its knees after the marathon bombings, former Mayor Thomas M. Menino climbed out of his wheelchair to be by the bedsides of survivors in a courageous show of support some say carried them through those dark days.

“The mayor had a tear roll down his eye. He felt so bad for my boys,” said Liz Norden, whose two sons both lost their right legs in the attacks.

“He helped us every step of the way. What a guy.”

The Stoneham mom said Menino came to the hospital to help her cope with the heartache and he was only a phone call away in the difficult weeks to come.

“I have the utmost respect for that man. He looked to be in pain himself,” Norden said.

“He vowed to me in that hospital room, ‘We’ll get them.’ He gave me a sense of hope. A lot of people said they’d do things, but he was the only one who did.”

Menino helped create The One Fund Boston along with Gov. Deval Patrick. The fund has given out nearly \$61 million to bombing victims.

Menino was at press conferences and briefings following the attack after checking himself out of Brigham and Women’s Hospital just hours after the bombings as he recovered from an operation for a broken leg.

Menino later appeared with President Obama, arriving at an interfaith service at the Cathedral of the Holy Cross in a wheelchair with his right fibula broken. In an iconic

moment, he made the painful and bold decision to stand to address the crowd of 2,000, saying, “Nothing can defeat the heart of this city, nothing.”

Carlos Arredondo, who said he first met Menino in 1994 through his activist work, said he wasn’t surprised to see the mayor put his concern for the city and its residents before his own health.

“When he stood that day in front of everybody — at the time, that was showing all of us the power of unity. It gave us honor and pride,” said Arredondo, who was famously captured on film in a cowboy hat rushing to help Jeff Bauman, who lost both of his legs at the finish line.

“He was embracing everyone he could that day, and grieving. Even in his condition, he was really showing us leadership and strength. It really impacted so many people in so many ways. He touched a lot of people.”

Adrienne Haslet-Davis, who became a symbol of Boston Strong when she made good on her vow to dance again in a front-page Herald story after losing part of her lower left leg in the bombings, said yesterday it was difficult to talk about Menino so soon after his death. He meant that much to her, she added.

“I have so many memories. I’m so thankful he was as brave as he was,” Haslet-Davis said.

“He was an amazing guy.”

MBTA officer Richard “Dic” Donohue, who nearly bled to death after being shot in a fire April 19 that killed Tamerlan **Tsarnaev** — and led to the arrest of accused bomber brother Dzhokhar **Tsarnaev** — said his injuries left him with memory loss, but he’ll never forget how Menino was there to the end for the Hub.

“If you attacked the city of Boston, it was like an attack on his family,” Donohue told the Herald. “The whole city of Boston was his family.”

— joed@bostonherald.com

Caption:

COURAGE: Carlos Arredondo, far left, believes Mayor Thomas M. Menino, bottom left at a memorial service after the bombings, gave the city pride when he stood at the service. Liz Norden, above, says the mayor helped her and her family through the aftermath.

STAFF PHOTO BY STUART CAHILL; HERALD PHOTO, LEFT, BY JIM MICHAUD; STAFF FILE PHOTO, BELOW LEFT, BY MARK GARFINKEL

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Topics:

Index Terms:

Local

Champion for city: Biz leaders say Menino's legacy is varied, assured

Author: *CHRIS CASSIDY*

Article Text:

Late Mayor Thomas M. Menino left a deep and wide-ranging legacy that includes creating **The One Fund Boston**, developing the Seaport, reducing gun violence and championing gay rights, Hub business leaders told the Herald.

“With all my experience in designing and administering other funds — including 9/11 — I’ve never seen anything like what the mayor did in terms of the amount or getting the money out to people in record time,” said One Fund administrator Kenneth Feinberg, who has overseen relief funds for victims of the Sept. 11 terror attacks, the BP Gulf oil spill and the Aurora, Colo., movie theater shootings. “He made it happen. ... It was like the culmination of a lifetime of a commitment to the city.”

Feinberg said it was Menino who insisted on a unique stand-alone fund under a central control where donors could contribute money to the victims of the **marathon blasts**. He also personally lobbied executives across the country to donate, and promoted concerts and other events, Feinberg said.

Ed Kane, the owner of Empire — among the first restaurants in the now-hopping Seaport — said Menino’s strong vision and dedication for developing the once-vast, industrial no-man’s land helped convince him to take a chance on the area.

“He gave us the sense the city was going to be behind the Seaport,” Kane said. “In my business, you can feel like you’re lost among the developers. I never felt that way when I dealt with the city on the Empire project. It was like we were equally as important as the Vertex building.”

Developer John Rosenthal — the founder of Stop Handgun Violence, whose eye-catching anti-gun signs have hung near Fenway Park for years — credited Menino with founding Mayors Against Illegal Guns in a bipartisan effort with former New York City Mayor Michael Bloomberg in 2006.

He didn't just speak out against gun violence, he provided police with the funding to reduce it, Rosenthal said.

“Mayor Menino and Gov. Patrick supported law enforcement and gave them the resources — even in the poorest communities — to put police on the street in the face of federal cutbacks,” Rosenthal said. “As a result, Boston is one of the safest cities in the country, and as a result of that, Massachusetts is the safest state when it comes to gun violence.”

Eastern Bank awarded Menino its Social Justice Award last year, and CEO Richard Holbrook remembered seeing Menino watching the Pride Parade in June as he and a team from the bank marched by.

“He was always a spokesperson for someone who needed a spokesperson,” Holbrook said. “It boils down to someone who had genuine respect for the dignity of all folks. ... He knew each of them had a story and respected and listened to that story better than most people will ever do.”

— chris.cassidy@bostonherald.com

Caption:

ACCOMPLISHMENTS: Thomas M. Menino will be remembered for many things, including the way he reshaped the Seaport District, top, and for his devotion to causes such as The One Fund Boston and gay rights.

STAFF PHOTO, TOP, BY STUART CAHILL; STAFF FILE PHOTO, ABOVE, BY ANGELA ROWLINGS

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Page: 4,5

Volume 32, Issue 306

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Index Terms:

Columnists

Son cherishes moments of humor, compassion

Author: *JOE FITZGERALD*

Article Text:

The speakers will be regaling the congregation with colorful tales of Tom Menino's 20-year run as mayor when they bid him goodbye at his funeral tomorrow at Most Precious Blood Church in Hyde Park, high above Cleary Square.

But in a front pew, the man who bears his name, Tom Menino Jr., a Boston police detective, will be cherishing moments far removed from City Hall.

"One of the biggest things I'm going to miss are his calls," he said. "My phone would ring on a morning when I could have stayed in bed until 9. He'd tell me, 'Tommy, you've got to take better care of yourself; you've got to get more sleep!'

"I'd say, 'Dad, I'm OK. By the way, what time is it?' And I'd find he had called me at 7 to say I needed to sleep more."

It made him laugh. The world saw his old man as a political legend, but Tom Jr. just saw Dad.

"Everyone in Hyde Park worked at the old Westinghouse plant," he said. "Even my father, for a short while. My grandfather was a foreman there and, so I've been told, he was the one who finally let my father go because he was terrible at fixing things.

"We'd show him something around the house that was broken and he'd say, 'It's not my job to fix it. I don't want anyone taking my job, so I'm not taking their job.' That was him."

But sitting in the catbird seat of municipal leadership, the senior Menino batted a thousand, fully in command of the controls, as he was the day of the **marathon bombings**, though holed up in a hospital with a broken leg.

“He was on my phone right after it happened,” young Tom recalled. “He wanted to know where I was. I said, ‘I’m in the middle of Boylston Street and it isn’t good.’ He asked, ‘What do you mean?’ I told him, ‘Dad, I’m seeing things no one should ever see. I’ve got to go.’ And I hung up on him.”

The man who failed to cut the mustard at Westinghouse immediately got out of his bed, to his doctors’ horror, and stoically made his way to the first news conference; three days later he rose from a wheelchair to address a prayer service at the Cathedral of the Holy Cross in the South End.

“No adversity, no challenge, nothing can tear down the resilience in the heart of this city,” he declared.

And no one ever personified it better than he did that day.

Yet the trappings of power never trumped what he saw as the higher calling of being his family’s patriarch.

“Kids’ birthdays, holiday gatherings, he made sure he never missed them,” Tom Jr. marveled. “I think the only day he ever planned to leave early was Halloween because he wanted to be sitting on his front steps when all the kids came by for candy. He loved talking with them.

“Last Thursday morning as we were gathered around his bed, someone said, ‘This might be the day he’ll go because he wouldn’t want to wreck Halloween.’

“He died just after 9 that morning.”

Barbra Streisand called them “misty, water-colored memories,” and they’ll be flowing through the front pews tomorrow.

“I’m 45 and still not ready to lose my dad,” Tom Jr., said. “But on what will be the saddest day of my life, I’m going to keep remembering what a lucky guy I’ve been.”

Caption:

STRENGTH: Thomas M. Menino attends an interfaith service in a wheelchair following the marathon bombings last year, above, one of the proud memories that son Thomas Jr., left, a police officer, has of his father.

STAFF FILE PHOTOS, ABOVE, BY NANCY LANE; LEFT, BY ARTHUR POLLOCK

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TRIBUTE: Candles and flowers honor the late Mayor Thomas M. Menino at a memorial in Downtown Crossing Saturday. Diane Buckley of Braintree, top, tries to hold back tears. Workers, right, protect memorial flowers from the rain.

HERALD PHOTO, ABOVE, BY JIM MICHAUD; STAFF PHOTOS, BELOW LEFT AND RIGHT, BY PATRICK WHITTEMORE

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Topics:

Index Terms:

Local

Mass includes prayers for mayor

Author: *ANTONIO PLANAS*

Article Text:

Cardinal Sean P. O'Malley led a Mass at Cathedral of the Holy Cross in the South End yesterday where he offered prayers for the late Mayor Thomas M. Menino, saying the city's longest-serving executive chief cared deeply for all its residents.

"He was a man devoted to his family and to his extended family — the people of Boston," O'Malley told churchgoers at the service that was also attended by Mayor Martin J. Walsh and Police Commissioner William B. Evans.

O'Malley said the Mass on All Souls Day was meant for the "dearly departed," including Menino, whose devotion to public service was the reason Boston is mourning today.

"He cared deeply about people, especially the poor and disenfranchised. He was very close to the people, especially in times of trouble or tragedy like the **marathon bombings**," O'Malley said.

"Mayor Menino cared deeply about Boston and its very diverse population, and worked tirelessly to make this city the very best. ... He was especially committed to the young people of our community and gave so much on their behalf. We are all grateful for the many good things that he accomplished."

Many in attendance said they came to the Mass to give something back to a man who gave the city everything he had.

"I came because I just wanted to pay my respects to someone who had done so much for this city," said Cam Naimi, 45, of the South End.

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“He worked so hard to make people’s lives better. I think that’s what a mayor’s job is, and he really exemplified that.”

After the service, O’Malley told the Herald he was moved by the genuine concern he saw in Menino at a holiday event for the homeless.

“At the homeless shelter one Thanksgiving, just to see the kindness and the real concern he expressed for people.

“I was very moved by it because it wasn’t a politician going through some kind of a ritual,” O’Malley said.

“It was someone who recognized the homeless, brother and a sister, and was truly concerned. ... He had that humanity — the touch.”

O’Malley added that Menino’s energy was legendary.

“He was omnipresent,” O’Malley said.

“It’s quite a challenge. ... I think he would be at three or four churches every Sunday. So, he did so much good for the city.”

Caption:

‘WE ARE ALL GRATEFUL’: Cardinal Sean P. O’Malley offers prayers for the late Mayor Thomas M. Menino yesterday at the Cathedral of the Holy Cross. Mayor Martin J. Walsh, below, also attended the All Souls Day Mass for the ‘dearly departed.’

HERALD PHOTOS BY CHRIS CHRISTO

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Topics:

Index Terms:

Local

City's people pay respects

Article Text:

Faviola Cardenas, 60, of Brookline, who met Mayor Thomas Menino at a One Fund Boston event for **Boston Marathon** bombing victims: "He's the mayor of the people — he was always for us. We really lost a good man," Cardenas said. "He was telling us, 'Thank you for what you've done for the victims.' You could see he's a very good person, a very good soul."

* * *

Former Boston TV reporter Linda Ergas, with her daughter Lucy Spear, 4, and son Jack Spear, 2: "I covered things like this before. You weren't allowed to really be emotional, even though you had personal relationships with these people. You were just working your deadline, working your deadline. It is bittersweet. He was so good to me. When it was Sunday night and you had no story, I could call the mayor, go up to his house, say 'Give me a sound bite,' and he'd make my story."

* * *

Inga Jancewicz of East Boston, with her son Erik, 8, a student at the Eliot School of Fine and Applied Arts in Jamaica Plain, of which Menino was a big supporter: "He asked me to come here, so I had to come."

* * *

John Healey, 67, South Boston: "He was a personal friend of mine ... If you were his friend, you were his friend for life. I have nothing but admiration for him."

* * *

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Fred Maloney, 70 of Brighton: “I always liked the mayor. He really transformed the city. People feel much better about the city after four terms of prosperity and growth. He really did wonders for the city.”

* * *

Michael Hager, 75, of Winchester, a lawyer who works in the city: “I wish he had more time to enjoy his retirement. He’s a real gentleman, amiable. I can’t think of one negative word said against him. He had a good record, a very good record. May God rest his soul.”

— LAUREL J. SWEET and ANTONIO PLANAS

Caption:

EMOTIONAL DAY: Former Mayor Thomas M. Menino’s granddaughter, Giulia Fenton, above right, is embraced during his wake at Faneuil Hall yesterday. At left, state Sen. Anthony Petrucci sits under a portrait of Menino while serving as an honor guard.

STAFF PHOTOS BY ANGELA ROWLINGS

‘The line was very long. It’s a great tribute. The fact they stood out there in this weather, in the snow, just shows how much they thought about him.’

— POLICE COMMISSIONER WILLIAM B. EVANS

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Topics:

Index Terms:

Local

Tsarnaev sis pleads guilty: Faces no jail time in counterfeit cash case

Author: *LAUREL J. SWEET*

Article Text:

Marathon bombing suspect Dzhokhar **Tsarnaev**'s older sister will serve no jail time and pay no fines after she agreed to plead guilty yesterday to misleading police in a counterfeit money investigation in Dorchester four years ago.

Ailina Tsarnaeva, 24, of New Jersey faced up to 21/2 years in jail.

Instead, Judge Michael Bolden will keep her guilty plea to witness intimidation on file for 30 days, during which she must stay out of trouble to avoid the threat of jail and fines.

"Her admission of guilt ensures that a conviction will appear on her criminal record and eliminates any appellate challenges to the charge," said Jake Wark, spokesman for Suffolk District Attorney Daniel F. Conley.

Tsarnaeva appeared in South Boston Municipal Court carrying an infant. She left, refusing to answer questions about her infamous brother, and climbed into the back of a sedan with Virginia plates with two older women, one of whom said to reporters, "Don't you have anything better to do?"

Police said that on April 16, 2010, while Tsarnaeva was living in Cambridge, counterfeit money was used to pay a restaurant tab and her car was used by the suspects in the case. Tsarnaeva told police she was out with friends but didn't know their names.

Defense attorney George Gormley said the trouble started when Tsarnaeva went to the mall to meet a girlfriend for dinner and they were joined by a man.

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“Unknown to her, something had occurred inside the restaurant. One of the people who was having dinner with (Tsarnaeva and her friend) was suspected of passing a counterfeit bill. When the police found out about this, they had the plates of Miss Tsarnaeva’s car,” Gormley told Bolden.

Gormley said his client “did mislead police officers. Her motivation had nothing to do with the individual who was suspected of passing the counterfeit bill. Her motivation was protecting the privacy of her female friend.”

Gormley said he has since given to police the name of the man who bought dinner with counterfeit money.

Tsarnaeva was arrested in New York City in August on separate charges of aggravated harassment for allegedly telling her husband’s ex-girlfriend over the phone she’d “put a bomb on” her. She pleaded not guilty in September and is free on \$5,000 cash bail.

Her brother, Dzhokhar **Tsarnaev**, 21, could face the federal death penalty when he goes on trial in January for the April 15, 2013, twin bombings on Boylston Street that killed three marathon spectators, including an 8-year-old boy, and injured more than 260 others.

— laurel.sweet@bostonherald.com

Caption:

MORE CHARGES PENDING: Accused **Boston Marathon** bomber Dzhokhar **Tsarnaev**’s sister, Ailina Tsarnaeva, smiles while holding an infant after appearing in South Boston Municipal Court. Tsarnaeva pleaded guilty to misleading police investigating a counterfeit money case, but faces harassment charges in a separate case in New York City.

STAFF PHOTO BY FAITH NINIVAGGI

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November 6, 2014

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Topics:

Index Terms:

Local

Tsarnaev lawyers seek evidence about Tamerlan

Author: *LAUREL J. SWEET*

Article Text:

Lawyers for accused **Boston Marathon** bomber Dzhokhar **Tsarnaev** are arguing it's "critical" prosecutors be ordered to disclose what they know about his late brother Tamerlan's alleged involvement in an unsolved triple homicide in Waltham.

"The government is simply mistaken to think that actual participation of Tamerlan in the Waltham homicides is not relevant," the public defenders said in a court filing Tuesday. "Evidence of Tamerlan's past participation in an unusually brutal triple homicide, in contrast to Dzhokhar's nonviolent reputation and lack of a prior record of violence, is mitigating with respect to Dzhokhar's relative role."

The two sides are scheduled to appear before U.S. District Court Judge George A. O'Toole Jr. next Wednesday for a status conference. Dzhokhar **Tsarnaev**, 21, is set to go on trial Jan. 5 and faces the death penalty if convicted of last year's terrorist attack in Copley Square that killed three and injured more than 260 others.

Federal prosecutors have told Dzhokhar **Tsarnaev**'s attorneys they have "no evidence" of his brother's involvement in the gruesome deaths of Raphael Teken, 37, and Erik Weissman, 31, both of Cambridge, and Brendan Mess, 25, of Waltham. The men's bodies were found in Mess's apartment Sept. 12, 2011.

Tamerlan **Tsarnaev** was allegedly implicated in the murders by a friend one month after prosecutors say he and his younger brother carried out the deadly bombings — and Tamerlan was killed in Watertown during a firefight with police. The friend, Ibragim Todashev, was himself shot to death in Florida by an FBI agent in May 2013.

— laurel.sweet@bostonherald.com

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Volume 32, Issue 313

Topics:

Index Terms:

Television-Television News

Sorkin's scold news: 'Newsroom' rehashes marathon bombings

Author: *JENNA SCHERER*

Article Text:

The first thing you should know about the **Boston Marathon**-bombings-centric season premiere of "The Newsroom" is that everyone keeps pronouncing Watertown "Waterton." And that's not the only thing that's not quite right about this episode, which tonight kicks off the truncated final season of Aaron Sorkin's critically divisive drama with an indignant little huff.

It goes without saying that the events of April 2013 were inherently dramatic, from the bombings themselves to the areawide lockdown and manhunt — and, of course, the media's breathless, botched coverage of the situation. Sorkin is only really interested in the last thing. "Boston" doesn't so much tell a story as deliver a series of finger-wagging scoldings that amount to a boring, airless hour of television.

"The Newsroom" has been criticized in the past for its self-righteous tendencies, and this episode finds Sorkin astride the highest of horses. When reports of an explosion at the marathon begin to circulate, newsman Will McAvoy (Jeff Daniels) and the rest of the Atlantis Cable News team are cautious with their coverage; cue lots of listless time-lapse sequences of Will behind the anchor desk, reporting news we already heard last year.

Maggie (Alison Pill) and Don (Thomas Sadoski) actually do head to Boston to do some on-the-ground reporting, but we never see any of it. Captions across black screens count down the days "24"-style, but there's nothing to feel tense about; the entire episode operates at a remove. Sorkin is telling a story about how ACN stood back and did everything right, while everyone else in the media got it all wrong.

You could make a drinking game out of how many times Will and the rest of the ACN team grumble or speechify about something another news outlet mishandled, or about

how the Internet and social media are ruining everything. “Crowdsourcing law enforcement — that went off without a hitch in Salem,” senior producer Jim (John Gallagher Jr.) remarks, when someone suggests that the Twitterverse could identify the perps.

Yes, it’s true that the New York Post and CNN screwed up their coverage, and that the wolves circling false suspects on Reddit was deeply shady business. But hearing a fictional news anchor bloviate about it a year down the line is neither useful nor interesting.

There’s B-plot here, too. Will and MacKenzie (Emily Mortimer) are making plans for their wedding, in which Diane Sawyer will be a bridesmaid. Economics reporter Sloan (Olivia Munn) is tracking a dull private-equity story that ends up having surprising repercussions. And tech whiz Neal (Dev Patel) is fielding communications from an Edward Snowden–esque mystery person feeding him classified documents, setting up an arc that will likely last the rest of the season.

Director Anthony Hemingway shuttles back and forth between these disconnected plotlines with little success. There’s nothing to tie all the goings-on together, other than that they’re all happening in the same building.

“We need to get the trust of the audience back,” Will declares early in the episode, and it may as well be Sorkin talking. With only five episodes left to go and mixed reaction to last season, he’s worried he’s losing us. And at this rate, he is.

Caption:

HUB THEME: Above, the season premiere of ‘The Newsroom’ centers on the **Boston Marathon** bombings. From left, John Gallagher Jr., Olivia Munn and Dev Patel.

Memo:

TELEVISION REVIEW

“The Newsroom”

Tonight at 9 p.m. on HBO

Grade: C

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Topics:

Index Terms:

Music

The Palmer method: Unpredictable musician/author does things her way

Author: *JED GOTTLIEB*

Article Text:

Amanda Palmer doesn't fear much. She'll use Twitter to find a stranger's couch on which to crash while touring or play naked on stage or write a poem about Dzhokhar **Tsarnaev**.

But how about penning a 300-page book in three months? How about knowing your husband, world-famous writer Neil Gaiman, had first crack at editing the book?

"I was the polar opposite of nervous," Palmer said from Bard College, where she was teaching a theater workshop. "I was blessed to live in a support system perfect for writing. I implicitly trust the guy. Even though I had to clench my teeth when he said, 'You need to cut this story and that story and this story.'"

Out tomorrow, Palmer's "The Art of Asking" grew out of her TED talk about crowdfunding her art, and her life, which may be the same thing. While her unique financial and emotional relationship with her fans is the starting point, the book goes many places: her days in the Dresden Dolls, her marriage, abortion, gigs done during a layover in Iceland.

What it doesn't do is tear down other artists or their approach to making money.

"People want me to ride in and lop off Taylor Swift's head with my crowdsourcing sword and I won't do it," she said. "Taylor Swift, U2, Radiohead, Trent Reznor, I will defend any of these people to choose their particular path. We got into this line of work because we wanted to be creative and experiment. That's what we're doing."

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While Palmer has become the poster girl of modern, wired DIY, her approach embraces mainstream and fringe methods of spreading her art. Case in point, publishing giant Hachette put out “The Art of Asking.”

“There’s a misunderstanding about what it means to be an indie artist,” she said. “It’s not possible to be truly independent. You’re dependent on your audience to look at, to engage with, your art. There’s always dependence.”

A problem with innovative releases or funding strategies is they can get in the way of the art. People were so focused on U2’s iTunes giveaway, they mostly ignored the music.

Palmer has cycled through so much controversy about her approach (and personality and opinions), she actually misses the days when people picked apart her art.

“Funny enough, nobody seems to be down on my music anymore,” she said. “ ‘She can’t sing, she can’t play piano, what’s up with this band’s gay mime makeup?’ Those criticisms were problems I understood.”

So when will we get some new music the world can gush over or abjectly reject?

“I’m going to finish this book tour, go home and sleep, clean the (expletive) out of my apartment and start listening to old Depeche Mode,” she said. “When I listen to Depeche Mode I know it’s time to write new songs.”

Tonight at midnight, Palmer hosts a book signing at Porter Square Books in Cambridge. Tomorrow night she presents a book party extravaganza at Royale in Boston with guests Neil Gaiman, musician Jason Webley, writer Laurie Penny and Harvard researcher Amy Cuddy. Tickets: \$20; ticketmaster.com.

— jgottlieb@bostonherald.com

Caption:

A WORK OF ‘ART’: Musician Amanda Palmer decided to step into her well-known author husband Neil Gaiman’s arena and penned ‘The Art of Asking’ in just three months.

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Topics:

Index Terms:

Local

‘Inspiration to all of us’: For bombing survivor, amputation a ‘new beginning’

Author: *JOE DWINELL*

Article Text:

Marathon bombing survivor Rebekah DiMartino woke from her surgery to remove her lower left leg yesterday “courageous” and already talking about her recovery, her surgeon told the Herald last night.

“She’s awake already with a positive attitude,” Dr. William McGarvey said from Memorial Hermann Katy Hospital outside Houston.

“She’s talking of the next steps. She’s an inspiration to all of us,” he said.

DiMartino, 27, joined at least 16 others who have undergone amputations since the April 15, 2013, terrorist bombings on Boylston Street.

She endured 17 surgeries before yesterday’s removal of her left leg below the knee.

“She went through a courageous year and a half to maintain that leg and be whole. The individual surgeries were successful, but the end product wasn’t something she could live with,” said McGarvey, adding the “significant” pain in her leg never went away.

She needed pain medication, a cane, crutches and even a wheelchair to get around, he said. Now she has a chance at a better life.

DiMartino said goodbye to her left leg the day before on Facebook.

“We have seen a lot of places, done a lot of things, and you have helped me through some of the toughest steps thus far. ... And I’m not saying this isn’t hard for me. It is. But as tough as it may be, I feel like our time together has come to an end.”

Yesterday, before the surgery, she posted a thank you note to supporters.

“I want more than anything for people to know that while tears may fall, this is NOT a sad day,” she wrote. “This is my new beginning. So instead of concentrating all your prayers on me, save most of them for my family so that they may have peace. God and I made this deal a long time ago. So I’m good.”

DiMartino, her then-boyfriend and now husband, Peter DiMartino, and her son, Noah, now 7, were at the finish line when the pressure-cooker bombs went off. They were all hurt, but Rebekah suffered the worst injuries.

The survivor community has rallied around Rebekah and she has become a motivational speaker. She lives in Texas.

Her doctor said she could be fitted for a prosthesis in three to four months and be ready to move more freely.

“She’s a 27-year-old with a family and aspirations of being active,” McGarvey said. “She’s a symbol of overcoming not just adversity, but tragedy.”

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Caption:

PAINFUL JOURNEY: **Boston Marathon** bombing survivors Rebekah DiMartino and her husband, Peter DiMartino, at Fenway Park, top, and this year’s Tribute run, above, were both injured in the blasts. Yesterday, Rebekah DiMartino said she was looking forward to a ‘new beginning’ after having part of her leg amputated yesterday since enduring 17 surgeries.

AP FILE PHOTO, TOP; STAFF FILE PHOTO BY FAITH NINIVAGGI

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Tsarnaev prosecutors: He can't keep secrets

Author: *LAUREL J. SWEET*

Article Text:

Prosecutors are imploring a federal judge not to grant accused terrorist Dzhokhar **Tsarnaev** a “tactical advantage” in his looming blockbuster trial by letting him keep his witness list and exhibits secret.

“**Tsarnaev** does not deserve special treatment and the court should not rewrite the rules on his behalf,” assistant U.S. Attorney William D. Weinreb said in his eight-page legal memorandum to U.S. District Court Judge George A. O’Toole Jr.

The 21-year-old accused terrorist, whose trial begins Jan. 5 with the screening of thousands of jurors, has a status conference scheduled tomorrow but is not expected to attend. The imprisoned former University of Massachusetts Dartmouth student has not been seen publicly in well over a year.

Last month, **Tsarnaev**’s attorneys proposed O’Toole permit them to hide the names of defense witnesses from the feds until the day before they’re called to testify, and that they not have to disclose their exhibit list until a month after the trial starts. The prosecution’s case could last a month.

Prosecutors asked O’Toole yesterday to order both sides to produce preliminary witness and exhibit lists Dec. 15, and finalized lists Dec. 29 to keep the playing field level.

Tsarnaev, they said, seeks only to gain “a tactical advantage to which he is not entitled. **Tsarnaev** does not deserve special treatment.”

The April 15, 2013, twin pressure-cooker bomb blasts in Copley Square killed marathon spectators Martin Richard, 8, Krystle Campbell, 29, and Lingzi Lu, 23, and injured more

than 260 others. MIT Police Officer Sean Collier, 26, was later executed by **Tsarnaev** and his late brother Tamerlan, prosecutors allege.

Weinreb said if witness intimidation is what the defense is concerned about, there's no evidence any has occurred.

“Securing the voluntary cooperation of witnesses can be a challenge for both parties,” he said. “Many victims of the marathon bombings, for example, are afraid, if not unwilling, to testify against the man accused of dismembering or traumatizing them in a terrorist attack.”

Tsarnaev is accused of 30 federal counts in the bombing case, with 17 carrying the death penalty.

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Ex-cop: Bomber search violated Constitution

Author: *Kimberly Atkins*

Article Text:

WASHINGTON — A former Boston police lieutenant-turned-academic slammed the police response in the aftermath of the **Boston Marathon** bombings on Capitol Hill yesterday, saying civil liberties were ignored in the tense search for the suspects that brought the city to a halt — and the failure to hold anyone accountable helped lead to other over-militarized police responses such as the one seen this year in Ferguson, Mo.

Tom Nolan, now a criminology professor at Merrimack College, spoke during a panel on the militarization of police hosted by the American Constitution Society that I moderated.

“What we saw in that aftermath was the unilateral suspension of the United States Constitution, and particularly the Fourth Amendment,” Nolan said. He said the house-to-house searches and use of military equipment in the April 2013 manhunt for Dzhokhar and Tamerlan **Tsarnaev**, unprecedented in recent U.S. history, “was violative of the Constitution and we failed to object.” He noted that Dzhokhar **Tsarnaev** was ultimately apprehended not through door-to-door searches but when a resident spotted him in a boat and called 911.

“When you fail to object to what is going on now, we forfeit our right to do so in the future,” Nolan said. “Ferguson brought that into the glare of the public spotlight.”

Former Boston Police Commissioner Ed Davis called Nolan’s assertion “outrageous.”

“The comparison (to Ferguson) is actually insulting,” said Davis. “There have been no complaints filed, so the claim that there was some sort of constitutional violation is unsupported. It just isn’t logical.”

Davis noted police were seeking men suspected not only of killing three marathon spectators, but also executing an MIT police officer and engaging in a gunfight, with explosives, that critically injured an MBTA cop.

“They were throwing bombs at us,” Davis said. “The amount of force used by police had to be commensurate with the resistance that they are facing.”

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