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**Boston Herald** – “HUD Lauds Fair-Housing Stings; Suffolk Law School behind anti-discrimination effort”

**Eagle-Tribune** – “Methuen boy gives Suffolk team lesson in courage”

In partnership with One Company, Suffolk University staged a production of “Shockheaded Peter” at the Modern Theater covered in the following stories:

- **Boston Sunday Globe** – “The Ticket”
- **Boston Globe** – “*Shockheaded Peter* delivers bloodthirsty humor”
- **Boston Globe** – “In twisted musical, cautionary tales of horror, humor”
Suffolk University hosted a public forum to address the 2024 Olympics.

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HUD LAUDS FAIR-HOUSING STINGS

Suffolk Law School behind anti-discrimination effort

By JORDAN GRAHAM

Suffolk Law School's use of sting operations to crack down on housing discrimination in the Boston area was hailed by a top HUD official yesterday.

"They are very critical in the work they do to protect fair housing rights, help HUD advance our goals for fair and inclusive housing in the Boston area," HUD assistant secretary Gustavo Velasquez said, after speaking at Suffolk's Fair Housing Conference.

Using a HUD grant, Suffolk's Housing Discrimination Testing Program conducts undercover operations to expose housing discrimination. Posing as potential renters, one person will say they have children and another will not. If there are any differences in treatment, the case is referred to HUD.

"Nowadays it's very hard to prove discrimination in housing," Velasquez said. "Most of the discrimination happens in subtle ways, not the in-your-face discrimination we used to encounter."

Attorney General Maura Healey's office announced a $17,500 settlement with Coldwell Banker last month after a real-estate agent directed families with children away from landlords who did not want to pay to remove lead in their walls.

"Testing by Suffolk led to the judgment."

"The Housing Discrimination Testing Program has become an invaluable partner to the work of the Civil Rights Division in a relatively short period of time," Healey said at the conference.

In fiscal year 2014, HUD and HUD-funded agencies reported handling 200 new cases of housing discrimination in Massachusetts, and closed another 297 cases. Nearly half of the new cases were disability-related, while close to a quarter were racial discrimination.

Velasquez said his office also focuses on unintentional discrimination, including a recent town ordinance in Berlin, N.H., that gave landlords the right to evict anyone who had police come to their residence three times. The rule discriminated against domestic abuse victims, HUD said.

"This ordinance, neutral on its face, had a discriminatory effect," said Daniel Weaver, fair housing enforcement chief for HUD's Region 1, which includes Boston and New Hampshire. "A woman could have her home invaded by her previous boyfriend and decide she just can't call police."

The ordinance was changed to include an exception for domestic violence victims.

— jordan.graham@bostonherald.com

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METHUEN — Eight-year-old Luke Giuffrida may be the smallest member of the Suffolk University men's basketball team, but after listening to the rest of the team talk about him, it's clear he's the most popular.

"(Luke's) awesome," junior co-captain Adam Chick said. "It's great to have him at all the games, and he brings such a positive attitude, win or lose. It's been a lot of fun."

Since January, Luke, who suffers from cystic fibrosis, has become a staple at Suffolk home games and practices, participating in shoot-around prior to games and cheering on his teammates from the bench.

On Saturday, the Rams players decided to honor Luke's commitment to their sport by trying their hands at his, karate. Eleven players, along with head coach Adam Nelson, traveled to the Giordano Family Karate Association and participated in a 40-minutes class alongside Luke.

As she watched her son play and teach his tall friends the proper karate techniques, Sherry Giuffrida couldn't help but smile.

"It's so exciting to have them here," she said. "Luke fights CF everyday. Now, he has a team fighting with him."

Diagnosed three years ago, Luke has been a frequent guest at Boston Children's Hospital where receives treatment to help keep his illness in check. During a checkup last year, his family learned about a nonprofit called Team IMPACT, which pairs collegiate athletic teams with children suffering from chronic illness to help lift the spirits of a child going through a difficult time.

The Giuffrida's decided to register for Team IMPACT and found a connection with Suffolk, which had been looking to pair up with a child for some time, according to Nelson. Luke, who his mother said had never been a big basketball fan, quickly fell in love with the sport and the Rams.
On Feb. 19, Luke became an official member of the Suffolk men's basketball, signing a contract in the school's gymnasium with his family, the team and members of the school's athletic department. The signing day was the culmination of relationship which has not only benefited Luke, but the players as well.

"I think it's really cool for (the players)," Nelson said. "They email back and forth with Luke all the time, and I think it's nice for them to know someone looks up to them."

"When you come out of the game and you go down the line to high-five everyone, Luke's the last guy you see," Chick said. "It's a good feeling. You realize you're not just playing for Suffolk. You're playing for Luke."

Luke, who has been taking karate lessons for four years according to his mother, smiled Saturday as he watched his teammates punch and kick their way through the freestanding karate bags, learn self-defense techniques and cheer him on as well.

"There you go Luke," one player shouts as he punches the bag. "Great job!"

The team's willingness to welcome her son with open arms, as well as them taking time out of their weekend to travel to Methuen, has made the entire experience for Luke and the Giuffrida family one they'll never forget.

"These young guys have gone out of their way to make him feel like a part of the team," Giuffrida said. "This is about much more than sports. It's about 20-year-old men doing something out of the kindness of their hearts. We're so grateful."
The Ticket
OUR CRITICS’ PICKS FOR THE UPCOMING WEEK

CHRISTOPHER DUGGAN
**CLASSICAL**

*KATYA KABANOVA* This searing Janácek masterwork receives a keenly anticipated local staging courtesy of Boston Lyric Opera. With soprano Elaine Alvarez as the tragic heroine, Raymond Very as Boris, Elizabeth Byrne as Kabakichka, and Sandra Piques Eddy as Vava. David Angus conducts; Tim Albery directs. March 13-22, Shubert Theatre, 617-542-4912, www.blo.org

**THEATER**

**GROUNDED** Celeste Oliva brings a coiled, unpredictable intensity to her portrayal of a hard-edged fighter pilot who plunges into a psychological mire after she is reassigned to work as a military drone operator, dealing out remote-control death from thousands of miles away. Oliva's riveting performance in George Brant's solo drama adds a new dimension to her already stellar reputation. Through March 22. Nora Theatre Company, at Central Square Theater, Cambridge. 617-576-9278, www.centralsquaretheater.org


**DANCE**

**DORRANCE DANCE** For the Boston premiere of “The Blues Project;” Toshi Reagon and her band BIG-Lovely lay down original blues while firebrand hoofer Michelle Dorrance and her nine-member company (pictured) recall bygone eras of tap, with a zesty sprinkle of here and now. Presented by World
In twisted musical, cautionary tales of horror, humor

By Jeremy D. Goodwin
GLOBE CORRESPONDENT

When actor Jacob Athyal steps through a door of the drawing room arranged onstage, there's a round of spontaneous applause from the cast and crew scattered throughout the orchestra space of the Modern Theatre. The response is to the large mask he's wearing, apparently for the first time in rehearsal. It definitely has a grotesque effect, suggesting perhaps an elongated cow's skull with a stringy, orange beard.

The team needs to get this moment right. The script calls for the unnamed creature to look "truly horrific," and even that vague phrase is one of the most specific staging demands made by the authors. Athyal scoops up a prop that's standing in for the puppet of Conrad, a little boy who had his thumbs cut off because he wouldn't stop sucking them.

"This is the ominous, Conrad-being-pulled-away-music?" director Steven Bogart asks his team, as a burst of truly spooky music fills the air. It is. "It doesn't get more ominous than that," Bogart says with some bemused satisfaction.

None of the children in "Shockheaded Peter" is safe, and in this case, neither is the father; after the exit of the appropriately horrific creature, he's swallowed up in a very claustrophobic bit of business.

Death by horrific means is all around in this truly twisted musical, but death-by-thumb-snipping has never seemed so fun. The slender, 23-page script is based on "The Struwwelpeter," a Victorian-era collection of often-grotesque cautionary tales for children, written in verse by Heinrich Hoffmann. Aside from an establishing scene at the top of the show, the script is mainly made up of song lyrics, interstitial text spoken by an emcee, and some basic stage directions. It leaves most of the creative decisions in the hands of whatever group of artists is staging it.

So it seems a truly inspired move for Company One Theatre to team Walter Sickert & the Army of Broken Toys, a self-described "steamcrunk" band fond of musical oddity, with director Bogart. Bogart, onetime mentor of the theatrically minded chanteuse Amanda Palmer, was 56 when he made his professional debut in 2010, directing Palmer in an American Repertory Theater production of "Cabaret." He left his job as drama teacher at Lexington High School after that and has worked steadily ever since; right now he's fresh off a production of "Pinocchio" at Wheelock Family Theatre that was informed by traditional Japanese Kabuki theater. He once directed a student production of the seemingly merry "Seussical" in which the Whos were envisioned as survivors of Hurricane Katrina.

"It's about the idea of burying our inner child," Bogart says of this Company One production, "the way we treat children, the way we try to educate them, the way we try to tell them how to behave and how to think and how to imagine. And that we do things as adults unintentionally, sometimes intentionally, to suppress or oppress the child's imagination. So that speaks to me very strongly as an educator in public school for many years, in the arts. It was always about trying to encourage students' imagination rather than trying to control their imagination."
At the Modern, Bogart has stationed some of the band on the upper level of a two-story set, while others move around through the house.

Hoffman's lyric poems depict one child dying as a result of his misdeeds, with the others merely being punished severely. It's no spoiler to note that in "Shockheaded Peter," they all die. Well, crucially, one is locked away under the drawing room, and though his fingernails grow through the floorboards at one point, we have to wait to find out what happens to him.

In the series of vignettes, one child is slovenly, another is chubby, another is dangerously fond of playing with matches. Sickert and band have fleshed out the original arrangements to suit their seven-piece ensemble, and songs like "Conrad" and "Bully Boys" emerge, despite their grim subject matter, as demented sing-alongs with more than a tinge of carnival flavor. The violence in the story is pushed to some place on the spectrum between truly scary and almost farcical; Bogart says it's all about pushing the notion of punishment to an extreme.

This adaptation of Hoffmann's work was created by Julian Crouch and Phelim McDermott as a devised piece with their English troupe, with music and lyrics by the off-kilter trio the Tiger Lillies. It premiered in London in 1998 but had yet to enjoy a professional production in New England. This production begins performances on Friday and runs through April 4.

It seems entirely fitting that Sickert saw a production of "Shockheaded Peter" in New York when he was a teenager, and it proved a formative moment for him. Later, the Broken Toys' first-ever tour included an opening slot for none other than the Tiger Lillies. Sickert says he sucked up insight into the band's approach, and "Shockheaded Peter" specifically, over post-show drinks.

The play "reminds me of when you're a kid and you stay up past your bedtime so you can see a horror movie you're not supposed to be seeing," Sickert says. "You know you're being naughty, you know you're getting away with something, but you're really excited to get away with it. And then you definitely have some kind of a [explicative] nightmare after that."

As the narrator-emcee, Alexandria King is charged with leading the audience through this whole experience. She says it's been a process of figuring out how to balance the blend of light and dark.

"Humor always helps us tell the saddest stories, doesn't it?" King says. "Humor is used to tell this story, as tragic as it is, because it's needed. If we can't laugh our way through it, we may break from the reality of the darkness. And that's what I like about it."

Jeremy D. Goodwin can be reached at jeremy@jeremydgoodwin.com.

**SHOCKHEADED PETER**

Play created for the stage by Julian Crouch and Phelim McDermott

Original music and lyrics by the Tiger Lillies

Directed by Steven Bogart

Presented by Company One Theatre and Suffolk University

At: Modern Theatre, through April 4

Alexandria King with the "Shockheaded Peter" ensemble.

LIZA VOLL
‘Shockheaded Peter’ delivers bloodthirsty humor

From left: Alexandria King, Brooks Reeves, Lisa Dempsey, and Jake Athyal in “Shockheaded Peter.”

By Don Aucoin | Globe Staff  March 09, 2015

Scooch over there a bit, “Sweeney Todd.” You too, “The Threepenny Opera.”
Make some room for “Shockheaded Peter” in that strangely compelling theatrical space where the macabre, the mordant, and the merry coexist in . . . well, not harmony exactly, because harmoniousness is the last thing on the mind of this frenzied musical excursion into the realm of childhood nightmare.

Under the ingenious direction of Steven Bogart, the New England premiere of “Shockheaded Peter” – a coproduction of Company One Theatre and Suffolk University at the university’s Modern Theatre -- wants to jolt and disorient you. It does. It also wants to entertain you, and it does that too.

Led by the excellent Alexandria King as the emcee, a kind of tour guide from (and to) hell, Bogart’s cast proves equal to the unusual performance challenges presented by the material, a raucous depiction of the exceedingly grim fates met by misbehaving Victorian tykes.

To be sure, there is a wild disproportion between most of their childish “crimes” and the lethal consequences that ensue. A few song titles from the score by the Tiger Lillies may give you a sense of the production’s archly chilling flavor: “The Story of Cruel Frederick,” “The Dreadful Story About Harriet and the Matches,” “Snip Snip (Suck-a-Thumb”).

**SHOCKHEADED PETER**

Modern Theatre at Suffolk University, Boston, 866-811-4111.

**Writers:** Created for the stage by Julian Crouch and Phelim McDermott, Original music and lyrics by the Tiger Lillies, Adapted from Heinrich Hoffman’s “The Struwelpeter”

**Director:** Steven Bogart

**Other Credits:** Originally conceived and produced by Michael Morris for Cultural Industry,
Performing company: A coproduction of Company One Theatre and Suffolk University

Date closing: April 4

Ticket price: $25-$38

Company website: http://www.companyone.org

More coverage

In ‘Shockheaded Peter,’ no child is safe

A boy who won’t eat his soup meets a terrible end. So does a boy who ventures outside in a storm. The young lad who fidgets? Don’t ask. It’s a Dickens-meets-Grand Guignol world, ruled by arbitrary, clueless, or pitiless adults.

If seen literally, this subject matter is as grim and queasy-making as it gets, but the prevailing tone of Bogart’s production is one of gallows humor rather than shock-the-bourgeoisie stridency. It helps that the children are played either by puppets (masterfully designed by Eric Bornstein) or by adult actors behaving in puppet-like fashion, their herky-jerky movements suggesting they’re being pulled by invisible strings. Michael Anania’s set is both artful and flexible in the way it accommodates each bizarre vignette.

Making an indispensable contribution is vocalist Walter Sickert, who sits on the side of the stage growling and snarling tunes in his gargling-with-gravel voice while the action unfolds, accompanied by his band, the Army of Broken Toys.

Adapters Julian Crouch and Phelim McDermott drew on Heinrich Hoffman’s “The Struwwelpeter,” an 1845 children’s book of tales meant to terrorize and instruct in roughly equal measure. Tonally and thematically, their adaptation evokes not just Sondheim, Brecht, and Weill but also, to this audience member at least, Walt Disney at
his darkest (consider the harsh treatment of errant youngsters in 1940’s animated “Pinocchio”) and even good old Dr. Seuss. The title character, a puppet whom we first see as a ghastly baby with orange hair and impossibly long fingernails, brings to mind a Grinch gone not just grinchy but downright satanic.

When they get a gander at their little bundle of joy, delivered by a giant stork, the baby’s horrified parents, played by Brooks Reeves and Jade Guerra, lock the infant away under the floorboards of their drawing room. But the sounds of scratching and pounding are strangely persistent — sounds that prey on their consciences, and that eventually take a, um, physical toll on the guilt-stricken couple.

An ominous mood punctuated by humor is established from the beginning. As we sit in darkness, a deep chord sounds. Then we hear the sound of clomping footsteps. When the lights come up we behold King, attired in high black boots and a blood-red corset (the production’s vivid costumes are designed by Miranda Giurleo). Eyes wide, alternately crooning and cackling as she points a finger at the audience, she’s a cross between the emcee in “Cabaret” and an even more demented, but self-aware, version of Gloria Swanson’s Norma Desmond in “Sunset Boulevard.”

King’s emcee does most of the talking; the rest of the cast largely performs in energetic pantomime. At the end of each grisly scene, the actors solemnly pose for a daguerreotype portrait. It’s a nod to the 19th-century practice of post-mortem photography, but in the context of “Shockheaded Peter,” it also feels like a sly comment on the way we whitewash the past, because you’d never guess the unsettling stories behind those pictures.

*Don Aucoin can be reached at aucoin@globe.com.*
Suffolk University hosts Boston 2024: Going for Gold
March 17, 2015

Public forum to address the opportunities and challenges of improving Boston’s transportation and infrastructure for the Summer Olympics

Print/Online News

What does No Boston Olympics think about the Boston Foundation Olympics report? - Boston Business Journal
Boston Business Journal - Online | 03/28/2015 (2 days, 11 hours ago)
No Boston Olympics co-founder Chris Dempsey, second from left, at a Suffolk University Center for Real Estate panel discussion on the...

Is the Olympic opposition going to turn? - The Boston Globe
Boston Globe - Online | 03/28/2015 (2 days, 12 hours ago)
...logo, and presented it to No Boston Olympics co-chairman Chris Dempsey at a Suffolk University forum last week. So I asked Dempsey directly:...

What does No Boston Olympics think about the Boston Foundation Olympics report
Big News Network - (press release) | 03/27/2015 (3 days, 5 hours ago)
...2015 No Boston Olympics co-founder Chris Dempsey, second from left, at a Suffolk University Center for Real Estate panel discussion on the...

Boston 2024 sets date for binding Olympics referendum
Boston Herald Online | 03/24/2015 (5 days, 23 hours ago)
John Fish, Boston 2024 Olympic Games bid leader, speaks during a meeting at Suffolk University Law School on Thursday, February 05, 2015. Staff...

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**Boston 2024 to give Hub voters veto power over Olympic bid**

*Herald Bulldog First On The Street* | 03/24/2015 (6 days, 1 hour ago)

...John Fish, Boston 2024 Olympic Games bid leader, speaks during a meeting at Suffolk University Law School on Thursday, February 05, 2015. Staff...

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**Keller @ Large: Fear That Boston 2024 Olympics Is Big Dig 2**

*CBS Boston - Online* | 03/18/2015 (1 week, 5 days ago)

...debt. And that's why I was stunned to walk into a Boston Olympics forum at Suffolk University Tuesday and see, up on the panel as a guest expert,...

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**Would the Olympics Help the T or What?**

*Boston.com* | 03/18/2015 (1 week, 5 days ago)

...of Boston's public consciousness this winter, collided Tuesday morning at a Suffolk University panel discussion about the city's bid for the...

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**2024 Olympic Bid Race Heating Up -- Media Watch**

*Around The Rings - Online* | 03/18/2015 (1 week, 5 days ago)

...former secretary of transportation in Massachusetts, attended the forum at Suffolk University in downtown Boston. Massachusetts Governor...

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**Forum Addresses Boston's Olympic Bid**

*Targeted News Service* | 03/18/2015 (1 week, 5 days ago)

Suffolk University issued the following news release: As Boston...

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**Olympics MBTA at Center of Tuesday Panel**

*Big News Network - (press release)* | 03/17/2015 (1 week, 5 days ago)

...of Boston's public consciousness this winter, collided Tuesday morning at a Suffolk University panel discussion about the city's bid for the...

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**MBTA Is Top Concern At Boston Olympics Forum**

*CBS Boston - Online* | 03/17/2015 (1 week, 5 days ago)

...Aliosi, the former Secretary of Transportation in Massachusetts, said at the Suffolk University forum. “If you had a family of four from Ohio...
Olympics, MBTA at Center of Tuesday Panel
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...of Boston’s public consciousness this winter, collided Tuesday morning at a Suffolk University panel discussion about the city’s bid for the...

Five Things to Know Today NIH declines Raytheon cyber Olympics impact UMass tuition Mentoring Monday
Big News Network - (press release) | 03/17/2015 (1 week, 6 days ago)
...months. Can Olympics bid help Mass. infrastructure? A forum hosted by Suffolk University will address how Boston can leverage its Olympics...

Tuesday's business agenda
Boston Globe - Online | 03/17/2015 (1 week, 6 days ago)
...through 8 p.m. Thursday, $945 to $2,445. Event How to: the Olympics Suffolk University’s Sawyer Business School and...

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Five Things to Know Today: NIH declines; Raytheon cyber; Olympics impact; UMass tuition; Mentoring Monday
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...months. Can Olympics bid help Mass. infrastructure? A forum hosted by Suffolk University will address how Boston can leverage its Olympics proposal...
Suffolk University hosts Boston 2024: Going for Gold

Public forum to address the opportunities and challenges of improving Boston’s transportation and infrastructure for the Summer Olympics.

*Suffolk University on WBZ-AM (Radio) - Boston, MA*
03/17/2015 05:03:43

... an airing yet again this morning a public forum will be held at Suffolk University people on both sides will be here double the disease carrier Toomey joined us us we do this all over again it will be a figure they will ...

*Suffolk University on WCVB-BOS (ABC) - Boston, MA*
03/17/2015 05:09:33

Newscenter 5 Eyeopener (News)

... when convicted of murdering his wife cheryl in 1990. emily: suffolk university is looking at how boston’s olympic bid could help or hurt the region. it’ll host a public forum this ...

*Suffolk University on WHDH-BOS (NBC) - Boston, MA*
03/17/2015 05:10:57

7News Today in New England (News)

... will have another chance to voice their opinions. >> christa: suffolk university is hosting the public forum addressing how the city will address things like housing and infrastructure, transportation ...

*Suffolk University on WBZ-BOS (CBS) - Boston, MA*
03/17/2015 05:34:18

WBZ This Morning (News)

... boston’s olympic bid will take the stage at suffolk university. this is state leaders thinking about an outside consultant. house speaker deleo wants to make sure taxpayers aren’t ...

*Suffolk University on WBZ-AM (Radio) - Boston, MA*
03/17/2015 06:03:38

... for the 2024 Olympics will be the subject of a public forum it happens at Suffolk University double the disease carrier to me this year there are people on both sides of the debate will be the recordings of ball faces ...
... when convicted of murdering his wife Cheryl in 1990. Emily: Suffolk University is looking at how Boston's Olympic bid could help or hurt the region. It'll host a public forum this ...

... will have a chance to voice their opinions tonight at Suffolk University. This is a public forum and will address how the city will address housing, infrastructure and transportation issues. ...

... Boston will have another chance to voice their opinions. Suffolk University is hosting a public forum tonight. The event will address how the city will work to address things like housing, infrastructure and ...

... opponents of Boston's Olympic bid will take the stage at Suffolk University. State leaders think about bringing in an outside consultant to help. Robert DeLeo said lawmakers ...
Faculty & Administrators

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  - WBUR – “After Medical Examiner’s Grisly Testimony, Prosecution Rests in Tsarnaev Trial”
  - NPR – “Tsarnaev Defense Team Tries To Make Its Point Before Sentencing”
  - Christian Science Monitor – “Tsarnaev jurors asked about everything from siblings to social media”
  - Boston.com – “Law Schooled: Aaron Hernandez and the Double-Edged Sword of Laughter in Court”
  - Christian Science Monitor – “How Tsarnaev’s overlooked Twitter account might hurt him”
  - Christian Science Monitor – “Boston Marathon bombing defense attorney: It was him”
Christian Science Monitor – “Boston Marathon bombing trial: Should Tsarnaev testify in his own defense?”

Kate Nace Day

The Falmouth Enterprise – “Local International Women’s Day Events An Example Of Community Activism”

Chris Dearborn

Massachusetts Lawyers Weekly – “‘Burnt marijuana’ case to be argued before SJC”


Boston.com – “Turning Verdicts a Specialty for Aaron Hernandez Defense Team”

Capital Bay – “Lawyers May Have Saved Dzhokhar Tsarnaev’s Life By Saying He Committed Boston Bombing”

USA TODAY – “Boston bombing jury chosen; trial to start Wednesday”

WBUR – “Analysis: Tsarnaev Defense Strategy Not Unusual For Death Penalty Case”
• **Christian Science Monitor** – “Defense rests in Boston Marathon Bombing trial. Were they successful?”

• Nina Huntemann
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• Chak Fu Lam
  - **Time** – “Yes, You Can Be Too Happy”

• Russell Murphy
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  - Jeff Pokorak
    - **Boston.com** – “Why the Almost All-White Jury in Dzhokhar Tsarnaev’s Trial Is ‘Troubling’”

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HISTORY CAMP

Stories come alive

By Chris Bergeron
Daily News Staff

Sharing her “obsession,” Chandra Lothian will present her research Saturday at the second History Camp in Boston into a 19th century artist’s paintings of 124 of Marlborough’s grand homesteads and their fates 140 years later.

A mother, manager and trustee of the Marlborough Historical Society, Lothian is one of more than a dozen area historians who will appear at the “unconference for all things history” organized by Lee Wright, a Midwestern transplant who wants to keep the past alive.

For the second year, Wright has organized History Camp on March 28 at the Harriet Tubman House at 566 Columbus Ave., Boston, which will feature more than 20 presentations on subjects ranging from the Salem Witch Trials to the history of postage stamps, from Roman Legionaries to “Making your history museum a magnet for groups.”

Local participants include Natick gadfly Peter Golden; Travis Roland, of the Museum of World War II; Henry Lukas, of the Spellman Museum of Stamps & Postal History; Annie Murphy, director of the Framingham History Center; and more.

Running from 9 a.m. to 6 p.m., this year’s expanded event will showcase videos, including one about the Battle of Saratoga, panel discussions on subjects like getting published or finding history-related jobs and plenty of networking.

Adapting the format of the “Bar Camp,” open workshops in which participants provide the content, to his goals, Wright organized History Camp as an incredibly democratizing way to share our interests and passions.

He recalled that buying a house in Marlborough built in 1780 spurred an interest in history that prompted him to join the MHS and become a trustee. He later co-organized tours of historic homes and founded the History List, a web-based platform to publicize events, sites and exhibits across the region.

“My overarching goal is to get everybody interested in history and encourage others to learn about history,” he said. “The most important thing I hope people take away from History Camp is that learning provides a lifelong way to find answers and learn more.”

A self-described history and photography buff, Lothian has devoted two years to documenting connections between all the late 19th century paintings of Marlborough’s grandest homes by local artist Ellen Carpenter, of which 109 of the original 124 are displayed in the town library. About 14 paintings were lost in a 1967 fire at the library.

Over the last several years, she has identified and photographed 52 surviving homesteads and all the other sites where houses were demolished over the years.

With palpable regret, she recalled the home of socialite Ella Bigelow, who wrote about Carpenter and Marlborough’s early history, and was torn down in the 1960s. A Shell gas station now stands on the site.

“One of the reasons I started putting my research on paper and online is that people drive by these old houses and have no idea of their historical value,” said Lothian. “If they looked under an old siding or in the basement, they might discover things that would add to Marlborough’s history.”

Professor Robert J. Allison, who chairs the History Department at Suffolk University, described History Camp as a “terrific way to get the public talking about history.”

“With some exceptions, we don’t do a great job teaching history in academia. At the high school level, there have been cutbacks about how much is taught. The best thing a teacher can do is to get their students excited about history,” he said.

Annie Murphy, director of the Framingham History Center, credited Wright for “being entrepreneurial about history” in ways likely to generate broad interest.

“How often are those two words—‘entrepreneurial’ and ‘history’—found in the same sentence? Lee’s taking a fun approach that could attract the younger set,” she said. “As historians, we have to be more entrepreneurial and connect people’s lives to history in fun ways.”

Golden will discuss “This Side of Paradise: The tragedy and triumph of a small town in MetroWest” in which he’ll explore the evolution of Natick, where he lives from a Native American fishing camp to the present day oasis.
of consumer consumption.

A self-described “hobby historian” and founder of The Golden Group, he hopes to “reintroduce the notion of heritage value that flows from an understanding of a community’s cultural and natural landscape.”

He credits Wright for “finding a way to integrate the study of American history to the grass roots and creating a highly refined working model (in History Camp) that can be used anywhere in the world.”

Golden believes an ignorance of history leaves citizens powerless to direct their own destinies.

“We need to invigorate the whole basis of history so people can understand not just how the machine of community works but how to get their hands on the levers,” he said. “… The first step to creating a democratic society is a profound understanding of our history, environment and culture.”

An assistant curator at the Museum of World War II in Natick, Roland developed a fascination with military history while hearing his grandfather, Ernest McFarland, describe campaigning across Europe during World War II.

After studying political science in college, Roland joined the U.S. Navy, attained the rank of petty officer and served several years as a naval intelligence analyst.

A sales manager with IBM during the week and curator at the museum on weekends, the 43-year-old Lincoln resident will discuss “Saving the Reality,” an idea popularized by founder Kenneth Rendell that military artifacts convey harsh combat realities expe-rienced by ordinary soldiers that are often overlooked in television shows and movies about the war.

“By showing weapons and equipment no other institutions have, this museum lets visitors understand what everyday soldiers – not the leaders or politicians – experienced in the world’s most destructive conflict,” he said.

“This museum’s impact resonates with people who walk through its doors. It’s hands on. You can touch things actual soldiers carried. It brings home history in a very moving way.”

The complete list of sessions and panels, along with details on transportation and registration is at historycamp2015.eventbrite.com.

http://www.eventbrite.com/e/history-camp-2015-tickets-16131019313

—Chris Bergeron is a Daily News staff writer. Contact him at cbergeron@wickedlocal.com or 508-626-4448. Follow us on Twitter @WickedLocalArts and on Facebook.
BOSTON — When Judy Clarke, the lead defense lawyer for Dzhokhar Tsarnaev, announced at the outset of his trial last week that her client was responsible for the Boston Marathon bombings, she was following a strategy laid out by Clarence Darrow almost a century ago.

Darrow, one of the most renowned criminal defense lawyers in American history, was representing two infamous child-killers in Chicago named Leopold and Loeb. He started with a guilty plea. That left him free to focus on his goal: saving them from the gallows.

He delivered an extraordinary 12-hour closing argument against the death penalty that left the judge in tears, after which he sentenced the pair to life in prison.

Ms. Clarke, a death penalty opponent, is similarly single-minded in seeking to save Mr. Tsarnaev. Every move she makes is aimed at trying to spare him from execution, including her blunt opening admission of who planted bombs at the 2013 marathon: “It was him.”

Although the analogy with Leopold and Loeb is not exact — Mr. Tsarnaev, 21, has not pleaded guilty, and he faces a jury, whereas Darrow argued to a judge — the strategy for saving him is striking and familiar. Defense lawyers in the most challenging death penalty cases often start by admitting a certain degree of guilt, then arguing that someone else deserves more of the blame.

That calibration of culpability shaped the legal strategy for Lee Malvo, the 17-year-old Beltway sniper, who along with an older accomplice killed 10
people in the Washington, D.C., area in 2002.

“We are not suggesting to you that they got the wrong man,” Mr. Malvo’s lawyer told the jury. Rather, the lawyer said, his client was heavily indoctrinated by a charismatic father figure who schooled him in the ways of murder — an approach, sometimes called the Svengali defense, that Ms. Clarke is employing as she casts Mr. Tsarnaev’s older brother as the mastermind in the marathon bombings.

The strategy worked for Mr. Malvo: He was sentenced to life in prison. And the odds suggest that could be Mr. Tsarnaev’s fate, too. Since 1988, of the cases in which juries in federal death penalty trials reached the point of choosing between life and death, they have opted for life 66 percent of the time, according to the Federal Death Penalty Resource Counsel Project.

Legal experts say it is easier for jurors to show mercy — what Darrow called “the highest attribute of man” — if they first see the defense accept responsibility.

“Admitting guilt is not being invented for the first time in this trial,” Eric M. Freedman, a death penalty specialist and law professor at Hofstra University, said of the Tsarnaev case. “In a capital case, a competent lawyer keeps his or her eye on the big picture, even if that means engaging in some well-planned strategic retreats.”

In her dramatic opening statement, Ms. Clarke told the jury that she was not contesting the who, what, where and when of the government’s case, only the why. The government had portrayed Mr. Tsarnaev as a radical jihadist bent on murder as retribution for the deaths of so many Muslims in American-led wars in Iraq and Afghanistan. By contrast, Ms. Clarke cast her client as a lost teenager who fell under the malevolent sway of his radicalized older brother, Tamerlan, who was killed during a manhunt after the bombing.

She did not change his plea to guilty, but in a bit of courtroom jujitsu, she said he would not sidestep responsibility for his crimes. He faces a 30-count indictment, which includes the marathon bombings, which killed three people, maimed 17 and injured 250 others, as well as the killing of an M.I.T. police officer, a carjacking and a shootout with the police.
Admitting to the crimes gave her the chance to build credibility with the jury. The evidence against Mr. Tsarnaev is so overwhelming, legal experts say, that she could appear disingenuous if she tried to deny it, and jurors would probably feel insulted and annoyed.

But admitting culpability in an opening statement is very different from formally pleading guilty.

Ms. Clarke has offered the government a guilty plea in exchange for a sentence of life in prison. But the government has spurned the offer. Prosecutors are insisting on pursuing the death penalty, and as long as that is the case, Mr. Tsarnaev has no incentive to change his plea.

Also, pleading guilty would close off his avenues of appeal.

And he has another subtler but equally compelling reason not to plead guilty: Doing so would abbreviate the jury’s role. Some legal experts believe that if a jury is given the chance to find a defendant guilty, it can do so, feel it has done its job, and then be more likely to exercise leniency when it comes to sentencing.

“It is not very satisfying for the jury if you hand them a guilty plea and then ask for life,” said Rosanna Cavallaro, a law professor at Suffolk University. “It leaves the jury feeling like, ‘The only thing I’ve done as a juror is give you a break.’”

The government still has to prove its case beyond a reasonable doubt. And it seems to be trying to do so as zealously as if Ms. Clarke had never made her admission. Government witnesses have not scrimped on the details of the carnage at the marathon finish line, accounts that have moved many in the courtroom to tears.

In continuing its full case, the prosecution intends not only to prove guilt, but to justify why it is seeking the death penalty.

“In a run-of-the-mill criminal case, judges will often rush the government along, saying, ‘Do you really need this witness?’” said Jeremy M. Sternberg, a former federal prosecutor in Boston and now a partner in the Boston office of the law firm Holland & Knight. “But that won’t happen here. There’s too much at stake.”
Ms. Clarke is trying to use this phase of the trial to her advantage, planting seeds now that she hopes will bloom in the second phase, when she can explain her narrative more fully as the jury contemplates the sentence.

On Monday, for example, defense lawyers pressed one official to establish that Mr. Tsarnaev’s brother was a few steps ahead of him as they walked down Boylston Street. This line of questioning might have suggested what little evidence the defense has to make its case, but at the same time, it helped reinforce the defense’s theme that Tamerlan Tsarnaev was the leader.

On Tuesday, after the government suggested that posts from Dzhokhar Tsarnaev’s Twitter account revealed him to be a jihadist, the defense showed that some of them were in fact lyrics from rap songs and from a show on Comedy Central — more reflective of Mr. Tsarnaev’s college stoner culture than of a holy war.

Perhaps most significant, on Thursday, Dun Meng, the man who was carjacked, told jurors that Tamerlan Tsarnaev had bragged about committing the bombing and killing the M.I.T. police officer, and that, wielding a gun, Tamerlan had taken the lead in the carjacking. Under questioning by the defense, Mr. Meng said that he had never seen Dzhokhar Tsarnaev with a gun and that the first thing he had asked was whether he could play music on the car’s sound system.

“What you want to be doing in the first phase is be consistent with the second phase so that by the time you get to the second phase, the jury is nodding in agreement and recognition,” Mr. Freedman of Hofstra said.

Mr. Sternberg, the former prosecutor, said Ms. Clarke was “playing two chess games at once.”

“The first is the guilt phase, but the long game is the penalty phase,” he said. “The more she gets to talk in the guilt phase about his being brainwashed, or being a cipher, or not doing anything independently, she’s got it on the jury’s mind for the penalty phase. It’s a chance to ring the Tamerlan bell twice.”

A version of this article appears in print on March 14, 2015, on page A1 of the New York edition with the headline: Defense in Marathon Bombing Has Echo of Clarence Darrow.
2 Cambridge Students In White House Science Fair

Mohammed Sayed and Kate Reed sought to reinvent the wheelchair.

After Medical Examiner’s Grisly Testimony, Prosecution Rests In Tsarnaev Trial

March 30, 2015
In the courtroom, it’s the job of a prosecutor to demonstrate not only guilt — but also the full impact of the crime. That’s what happened Monday in federal court in the trial of the admitted Boston Marathon bomber, Dzhokhar Tsarnaev.

Prosecutors rested their case, but not before a medical examiner testified in graphic detail about the injuries that killed 8-year-old Martin Richard almost two years ago. One of the bomb blasts caused massive injuries to his abdomen and nearly tore off his left arm. As jury members viewed autopsy photos, one of them covered her face and several wept.

Earlier, another medical examiner described the fatal injuries of Boston University student Lingzi Lu, who bled to death on the street. She was one of three people killed by the bombs.

**Guests**

**Jack Lepiarz**, WBUR reporter. He tweets [@Lepiarz](https://twitter.com/Lepiarz).

**Rosanna Cavallaro**, professor of law at Suffolk University Law School and a member
Three weeks into the Boston Marathon bombing trial, defense attorneys will soon get their turn. Before sentencing, they'll be limited in what they can say to defend admitted bomber Dzhokhar Tsarnaev.

DAVID GREENE, HOST:

Prosecutors are very close to wrapping up their case against admitted Boston Marathon bomber Dzhokhar Tsarnaev. They're focusing on how Tsarnaev allegedly used online jihadist literature to become radicalized. Soon, the defense will take its turn. And NPR's Tovia Smith explains why defense attorneys will be very limited in what they can say.

TOVIA SMITH, BYLINE: The first thing defense attorneys told jurors when this trial started was that what Dzhokhar Tsarnaev did was inexcusable. Their strategy has nothing to do with getting him acquitted and everything to do with getting jurors to consider that he just might not deserve the death penalty.

QUIN DENVIR: Nobody is only the worst thing they've ever done.

SMITH: Former federal prosecutor Quin Denvir has worked with Tsarnaev's attorney, Judy Clarke, who's successfully convinced jurors to spare the lives of other notorious defendants by presenting them as more troubled than evil, which Denvir says the Tsarnaev team will do here.

DENVIR: They want to focus on the fact that this is a young man with a full history. And you want to concede the crime and say that there's more to it than that. There's also a person here.

SMITH: The judge has said that kind of argument has to wait till sentencing since it's not relevant to whether Tsarnaev's guilty. But defense attorneys say they can't afford to wait that long, and they've been trying to hint at the idea from day one, like when they got a former friend of Tsarnaev's to admit he was a nice, popular kid and never before violent, and when they made the case that most Tsarnaev's tweets were not about violent extremism but rather normal teenage stuff like cars and girls, suggesting, all the while, that it was Tsarnaev's older brother who was the driving force and real terrorist behind the attacks. Tsarnaev's lawyers will try to advance that story that he
was a vulnerable kid as much as a villain.

ALICE LOCICERO: This is a young man who was genuinely a good kid and well-loved and justifiably so. He had good relationships with his teachers, his coaches and his peers.

SMITH: Psychologist Alice LoCicero has just written a book about Tsarnaev and why, quote, “good kids like him turn to terrorism.” It's exactly the story defense attorneys want to tell - that Tsarnaev had a troubled family history. And with his father sick, his parents divorcing and leaving the country and finances tight right as he left home for college, Tsarnaev was especially susceptible to the influence of someone like his domineering brother. LoCicero says it’s the prototypical way that youngsters become radicalized.

LOCICERO: Mentors that they have convince them that the way to have a meaningful life and a meaningful death is to engage in a violent action, which they understand to be something that will be good for their people, protect their families, level an uneven playing field and so on.

SMITH: Making that case now before sentencing will keep prosecutors bouncing up with objections, but former federal prosecutor Gerry Leone says the defense will keep trying anyway.

GERRY LEONE: It won't surprise me to see them get very creative about calling certain witnesses. And it really doesn’t matter whether the court says yes or no and admits it. And it doesn’t matter whether the objection is sustained. You've made your point and, in essence, argued your point.

SMITH: Experts say Tsarnaev himself is unlikely to take the stand at least in this phase of the trial. It's hard to know what he's thinking and whether he would express remorse in a way that would help his own case. In court, he appears mostly detached and unemotional, except for when his attorneys elicit a smile as they engage in conversation or offer a gentle hand on his shoulder. That, says Suffolk University law professor Rosanna Cavallaro, is as important as anything a defense witness might say.

ROSANNA CAVALLARO: All that subtle nuance of - look, jurors. We feel comfortable around him. We relate to him like a young man like other young men that we know. He's not a scary monster.

SMITH: Ultimately, not even defense attorneys believe that'll help him avoid a guilty verdict now, but letting jurors convict Tsarnaev is also part of the strategy aimed at sentencing later. Jurors are typically more willing to show mercy when it comes to punishment after they've also already had the chance to be tough on a defendant and declare him guilty. Tovia Smith, NPR News, at the federal court in Boston.
Tsarnaev jurors asked about everything from siblings to social media

The US District Court released the 28-page questionnaire handed out to more than 1,300 potential jurors in the trial of accused Boston Marathon bomber Dzhokhar Tsarnaev, with questions on the US war on terror and potential jurors’ social media habits.

By Henry Gass, Staff writer | MARCH 18, 2015

Almost three months since jury selection began in the trial of accused Boston Marathon bomber Dzhokhar Tsarnaev, the questionnaires handed out to more than 1,300 potential jurors have been released by the US District Court.

And while the jury selection process finished several weeks ago — the trial is now in its third week — the unfilled questionnaires provide some interesting insight into how the prosecution and defense teams in the trial have been trying to establish and support their arguments. The questionnaires also offer a glimpse into how unusual the Tsarnaev trial is, with questions about everything from sibling relations to social media.

“These questions clearly relate to what at least the court (with likely input from the parties) believed would be the defense strategy,” says Daniel Medwed, a law professor at Northeastern University, in an e-mail to the Monitor. “[The questions are] rather wide-ranging and seem to show foresight into the strategy.”

Tsarnaev is accused of killing three people and injuring more than 260 with a pair of homemade pressure-cooker bombs during the Boston Marathon on April 15, 2013. If convicted, he could face the death penalty.

The full questionnaire is 28 pages long and includes 100 questions. These are, thematically, some of the most interesting questions potential jurors had to answer:

1) Questions on sibling connections and dynamics

Several questions asked jurors to identify if older siblings in general could easily influence younger siblings, and they were also asked if they were personally influenced by their siblings, and if anyone had ever tried to influence their important life decisions.
These questions appear to align with the ongoing defense strategy to distinguish the roles of Mr. Tsarnaev and his older brother, Tamerlan, in the 2013 bombings. Tamerlan Tsarnaev was killed during a stand-off with police in Watertown on April 19, 2013. The defense hope that if they can persuade the jury that Dzokhar Tsarnaev was pressured into carrying out the bombings by his older, radicalized brother — in particular through peer pressure and intimidation — then the jury may spare him the death penalty.

17. “Have any of your siblings tried to influence your direction in life or your major life decisions?”

18. “Have you tried to influence any of your siblings’ direction in life or major life decisions?”

19. “Do you feel that any of your siblings has had a major positive or negative influence on you?”

20. “Do you believe most teenagers are easily influenced by older siblings?”

But these questions are unusual for a typical juror questionnaire, according to Rosanna Cavallaro, a law professor at Suffolk University in Boston.

“[It’s] sort of strange when you consider that people’s relationships with their siblings really run the gamut. It’s hard to imagine that you’d acknowledge on a questionnaire details about close family dynamics, some of which are subtle and complex and some of which we are ourselves not even aware of,” says Professor Cavallaro in an e-mail to the Monitor.

“I suppose the defense would be pleased that those kinds of questions were included, but I would be surprised if they revealed very much,” she adds. “Presumably those questions are there because the defense theory is that that the defendant’s family dynamics were so intense that they compelled the defendant to commit the crime he is charged with. But it is hard to imagine that a potential juror would be very forthcoming about tension with siblings or his or her own perception that a sibling had influenced or bullied them.”

2) Questions about Islam and US foreign policy

Several questions asked potential jurors about their personal knowledge and connections to Islam and Muslims, as well as their opinions on US foreign policy in the Middle East and the war on terror.

Some questions asked potential jurors if they have “interactions” with Muslims and if they have “strongly held thoughts or opinions about Muslims or about Islam.”

Other questions also focused on US policy in the Middle East and the war on terror, as well as US immigration policy and how it relates to Islam:

60. “Do you believe the United States government acts unfairly towards Muslims in this country or in other parts of the world?”
61. “Do you believe the ‘war on terror’ unfairly targets Muslims?”

62. “Do you believe the ‘war on terror’ is overblown or exaggerated?”

64. “Do you believe that our government allows too many Muslims, or too many people from Muslim countries, to immigrate legally to the United States?”

Cavallaro said she found the questions on the war on terror “somewhat surprising.”

“I would expect a questionnaire to probe juror attitudes about the religion and ethnicity of the defendant in this case, but it is unusual to also probe attitudes about American foreign policy,” she adds. “Even the term ‘war on terror’ is a loaded one and might provoke responses depending on individual juror attitudes and political opinions.”

3) Questions about exposure to social media and media coverage

Several questions near the end of the questionnaire also focused on the potential juror’s use of social media, as well as how much media coverage of the Marathon bombings and the Tsarnaev trial they had been following. One question asked potential jurors to list all the social media they use and how frequently they use each one. Another question asked them what their primary source of news is, and another question asked them to describe the amount of media coverage they have seen about the case.

One of the final questions — and one of the questions most often revisited throughout the jury selection process — then asked potential jurors if they’d already formed an opinion on Tsarnaev’s guilt.

77. “As a result of what you have seen or read in the news media, or what you have learned or already know about the case from any source, have you formed an opinion:

1. That Dzhokhar Tsarnaev is guilty?
2. That Dzhokhar Tsarnaev is not guilty?
3. That Dzhokhar Tsarnaev should receive the death penalty?
4. That Dzhokhar Tsarnaev should not receive the death penalty?)

If you answered ‘yes’ to any of these questions, would you be able or unable to set aside your opinion and base your decision about guilt and punishment solely on the evidence that will be presented to you in court?”

Cavallaro says she found the questions on how jurors engage in social media “interesting and somewhat novel.”

“[It reflects] the fact that social media might eclipse traditional media in terms of their potential impact on juror attitudes,” she adds. “The concern is that jurors might be influenced by these sources, both traditional media and social media, and the purpose of the questionnaire is to identify those potential biases before trial.”
Law Schooled: Aaron Hernandez and the Double-Edged Sword of Laughter in Court

His light-hearted chuckles and close engagement in the trial is all part of a strategy to humanize him, legal experts said.

By Eric Levenson @ejleven
Boston.com Staff | 03.16.15 | 9:02 AM

Throughout the murder trial of former Patriots tight end Aaron Hernandez, Boston.com will offer insight into the proceedings from local legal experts in a series called “Law Schooled.”

Aaron Hernandez has laughed at a joke from a nervous witness. He has calmly chatted with, fist-bumped, and hugged his lawyers, particularly after the Patriots won the Super Bowl. He has chuckled at his lawyer’s mannerisms. He has looked back at his fiancée when she appeared in court and mouthed “I love you.” He has swaggered.

RELATED LINKS
• Why the Aaron Hernandez Trial Is So Obsessed With Shoes
• The Latest in the Aaron Hernandez Trial

The former Patriots tight end has done all that and more while standing trial
for the June 2013 murder of his friend Odin Lloyd.

That confidence and sense of humor likely hasn’t been accidental, legal experts said. It’s all part of a defense strategy to make the physically imposing Hernandez appear more human and less like the person who would have, as prosecutors say, shot and killed Lloyd in an empty industrial park.

“It’s an attempt to create a persona that the jury would have a reasonable doubt that he did this murder,” said Philip Tracy, a Boston-area defense lawyer who has followed the case. “No question about it that there’s a strategy involved.”

Hernandez’s light-hearted banter with his lawyers, combined with a well-groomed haircut and sharp dress, is all part of an attempt to appeal to the jury.

“With Hernandez, you’ve seen more of a three-dimensional person,” said Rosanna Cavallaro, a Suffolk University Law School professor. “[His defense] wants to make sure he’s behaving like a person you can trust, that his lawyers feel comfortable shooting the breeze with.”

“Lawyers will say that ‘jurors spend as much time watching as they do hearing,’” - Martin Weinberg, a Boston-based criminal defense lawyer

Hernandez’s demeanor is particularly important given that much of the evidence being presented by prosecutors is circumstantial. The alleged murder weapon has not been found, and the prosecution so far has relied on analysis of shoe prints, tire tracks, and grainy surveillance video.

Hernandez is unlikely to take the stand himself, as his defense relies less on
an alibi and more on picking holes in the prosecution’s arguments. That means jurors will be closely examining Hernandez’s demeanor to get more clues into the type of person he is, Cavallaro said.

“Where [jurors] don’t have that opportunity to get a sense of him from his own testimony, you’re gonna have to put more weight on other opportunities to judge him as a person,” she said.

“Lawyers will say that ‘jurors spend as much time watching as they do hearing,’” said Martin Weinberg, a Boston-based criminal defense lawyer. “[Appearance is] pivotal in a jury’s assessment of his humanity.”

During the trial, showing a personable side hasn’t seemed to be difficult for Hernandez. But for other defendants that are less at ease in a social context, defense lawyers might go so far as to fake camaraderie with a defendant to make them seem more approachable.

“I imagine that where that rapport isn’t already there naturally, a lawyer
might perform it,” Cavallaro said.

This can take the form of a whisper in the defendant’s ear or a friendly hand on their shoulder. She even said defense teams may put a female attorney next to a physically imposing defendant as an attempt to soften their appearance.

The strategy to humanize Hernandez could backfire, though, Weinberg said. It all depends on the jury.

“Some jurors would be appalled at a defendant on trial for his life appearing as if it is not the most profound and grave experience imaginable,” Weinberg said.

Consider the high-profile case of Louise Woodward, an English nanny who was accused of murder in 1997 for allegedly shaking a baby to death in Newton. Woodward displayed an unnerving laugh and a half-smile that rubbed TV viewers, and possibly the jury, the wrong way. She was convicted of second-degree murder. (It was later reduced on appeal to involuntary manslaughter.)

Cavallaro acknowledged that these judgments from visual cues can often be “unfair.”

“To put so much emphasis on these tics people might have is really foolish,” she said. “And yet, we do.”
How Tsarnaev’s overlooked Twitter account might hurt him (+video)

Dzhokhar Tsarnaev’s posts on a second, rarely used Twitter account might damage his defense team’s claims that he was bullied into participating in the Boston Marathon bombing by his brother.

By Henry Gass, Staff writer | MARCH 10, 2015

The trial of accused Boston Marathon bomber Dzhokhar Tsarnaev took a confrontational and, at times, surreal turn Tuesday morning as defense lawyers launched a rare and piercing cross-examination regarding two Twitter accounts linked to their client.

The two accounts on the social media site appear to portray Mr. Tsarnaev in noticeably different states of mind. As both legal teams work to convince the jury just how involved he was in the planning and execution of the April 2013 bombings, the two accounts could provide pivotal insights into his frame of mind prior to the attacks.

Tsarnaev’s primary account, @J-tsar, has been written about widely since the bombings, but the second account – not widely known to the public until now – may be more important to the trial. While Tsarnaev appears to have barely used the second account, @Al_firdausiA – sending only seven tweets over the course of three days – it is noticeably more preoccupied with Islam than his personal account.

All seven tweets – posted about a month prior to the April 15, 2013, bombings – reference Islam. The account is following nine others on Twitter, many also related to Islam.

The defense team’s interest in the two Twitter accounts illustrates its continuing efforts to try to manage how the prosecution draws connections between their client and radical Islam.

On Monday, prosecution witness Steven Kimball, a Federal Bureau of Investigations agent, testified that the tweets point to Tsarnaev’s mind-set in the weeks leading up to the bombing. On Tuesday, Tsarnaev’s defense team made efforts to characterize Tsarnaev’s second Twitter account as casual and non-threatening over the course of a rigorous, hour-long cross-examination on Tuesday morning, that at times took detours into the bizarre.

Lead defense attorney Miriam Conrad pressed Mr. Kimball on a number of tweets he didn’t discuss the previous afternoon. She pointed out that Tsarnaev often tweeted American and Russian rap lyrics, including one tweet about wanting to die young.
She also tried to show that many of the tweets were light-hearted or sarcastic. At one point, Conrad asked Kimball if he knew the meaning of the term "LOL," and pointed out that Kimball had mischaracterized a picture on the second account as the Muslim holy city of Mecca, when it is actually a picture of Grozny, the capital of Chechnya.

"Is it fair to say that in addition to the 45 tweets that the government chose for you to introduce, there are a lot of tweets about things like girls, cars, food, sleep, homework, complaining about studying," she asked, according to Metro.

"Yes," Kimball responded.

Conrad added that one of Tsarnaev's more controversial tweets, referencing a "party" on the anniversary of the 9/11 terrorist attacks, was actually a quote from a Comedy Central show. Another tweet, posted the day of the 2012 Boston Marathon and allegedly quoting Al Qaeda leader Anwar al-Awlaki, is actually a quote from the Quran, she said.

"they will spend their money and they will regret it and then they will be defeated"

— Jahar (@J_tsar) April 16, 2012

Ultimately, however, the second Twitter account could still be damaging to Tsarnaev's defense, which is trying to portray Tsarnaev as an impressionable teenager bullied by his brother into participating in the bombings.

"It's surprising that there is this second account, and I think it makes it easier for the government to show what they need to show, that is [Tsarnaev] himself was politically engaged and independent of his brother," says Rosanna Cavallaro, a law professor at Suffolk University in Boston.

"The fact that [the second account] is separated from his ordinary day-to-day tweets, and that his college friends didn't know he had this other account suggests quite literally a double life," she adds.

Ghuraba, means strangers. Out here in the west, we should stand out among the nonbelievers as one body

#islam

— Ghuraba (@Al_firdausiA) March 11, 2013

The second Twitter account can help the prosecution establish Tsarnaev's personal motive and state of mind before the bombings, says Daniel Medwed, a law professor at Boston's Northeastern University.

"At least so far we haven't heard much evidence about his thoughts before the incident so it's important to establish motive and state of mind," says Professor Medwed. "These tweets help suggest that he had a sort of independent culpable state of mind and wasn't just influenced by his brother's view."
Testimony from later in the day Tuesday could also be damaging to Tsarnaev's defense, experts said.

Tsarnaev left a handwritten note in the boat in which he was captured in Watertown, Mass., on April 19 after a nearly 24-hour manhunt. He wrote that the United States government "is killing our innocent civilians," and "As a Muslim I can’t stand to see such evil go unpunished," said Todd Brown, a Boston Police Department bomb technician who helped sweep the boat. Another message in the boat said "jealous of my brother," referencing his older brother, Tamerlan, who had been killed when Dzhokhar ran him over during a confrontation with police the night before.

But Tuesday did provide the defense with rare opportunities to cross-examine witnesses. So far, the defense has not cross-examined victims of the bombing because there would be "nothing to gain and a lot to lose," Medwed says. But as the prosecution calls law enforcement and expert witnesses, who will evoke less emotion, the defense can be more aggressive without putting off the jury.

"I think what’s great about this defense strategy is they’re being very selective about who they’re cross-examining and what they’re cross-examining about, and that says to the jury, 'Look, this is important. We’re not doing this very often so this is important,' " Medwed adds.

The defense’s cross-examinations of officials are calculated to have a cumulative effect, says Thomas Nolan, a criminologist at Merrimack College in North Andover, Mass.

"If they can have one small chink in the armor from each of them and build them up over many, many witnesses who are about to testify, I think their strategy is to at least create sufficient concern [among the jury] over the involvement of defendant to not impose death penalty."
Boston Marathon bombing defense attorney: It was him (+video)

The attorney representing Dzhokhar Tsarnaev in the federal death penalty trial told jurors that her client had participated in the bombing attacks on the Boston Marathon under his older brother’s ‘special kind of influence.’

By Michael Holtz, Staff writer  |  MARCH 4, 2015

Boston

Judy Clarke, the lead defense attorney for suspected Boston Marathon bomber Dzhokhar Tsarnaev, didn’t mince words during her opening statement in his trial on Wednesday.

“It was him,” she told the jury in a packed federal courtroom in Boston, bringing a swift end to any lingering suspicion that Mr. Tsarnaev would attempt to maintain his innocence throughout the guilt phase of his trial.

“We do not and will not at any point in this case sidestep or attempt to sidestep Dzhokhar’s responsibility for his actions,” Ms. Clarke said, adding that the acts he committed were “inexcusable.”

But despite her admission, Clarke was quick to point out that Tsarnaev did not act alone. He carried out the bombing in “partnership” with his older brother, as lead prosecutor William Weinreb argued – or, as Clarke framed it, under his older brother’s “special kind of influence.” It’s an important distinction that could determine whether Tsarnaev lives or dies.

Rosanna Cavallaro, a law professor at Suffolk University in Boston and former state assistant attorney general, says that for Tsarnaev’s lawyers to dissuade the jury from seeking the death penalty, “it’s all about trying to create a relationship with them.”

“That’s all they have,” says Professor Cavallaro, adding that she, “can’t remember a case in my lifetime where the evidence has been so overwhelming.”

Because a verdict of not guilty is highly unlikely, Cavallaro warns that challenging the prosecution’s evidence could backfire by “poisoning the jury’s potential sympathy” for him. Instead, the defense team has portrayed him as following a “path laid by his brother,” as Clarke said Wednesday.

“It was Tamerlan Tsarnaev who self-radicalized,” Clarke said. “It was Dzhokhar who followed him.”
She argued that Tamerlan’s age, his “sheer force of personality,” and their shared culture pushed his younger brother into helping him.

For the prosecution’s part, Mr. Weinreb argued in his opening statement that Tsarnaev was an Islamic extremist and a ruthless killer of his own making.

He “believed he was a soldier in a holy war against Americans,” Weinreb said, as he detailed the events that occurred the week of the Boston Marathon bombing in April 2013. Three people were killed and more than 260 were injured in the attack near the finish line.

Tamerlan Tsarnaev died days after the bombing when his younger brother inadvertently ran him over during a shootout with police. Since he is unable to stand trial, it will be up to the defense team and prosecution to reconstruct the relationship between the two brothers.

However, Tsarnaev's lawyers may have a harder time of doing so in the first phase of the trial than they initially hoped. Prior to opening statements on Wednesday, Judge George O'Toole ruled that in the guilt phase he would limit discussions on whether Tsarnaev was “more or less culpable” than his older brother. The judge said such arguments were generally not relevant before sentencing.

As Clarke wrapped up her opening statement, she pleaded with jurors to keep an open mind as they consider the evidence and, more importantly, later determine Tsarnaev's fate.

“It’s going to be a lot to keep your hearts and minds open, but that’s what we ask,” she said.

Monitor staff writer Henry Gass contributed to this report.
Boston Marathon bombing trial: Should Tsarnaev testify in his own defense? (+video)

The defense team for Dzhokhar Tsarnaev, the accused Boston Marathon bomber, will have to weigh the risks and rewards of putting their enigmatic client on the stand.

By Henry Gass, Staff writer  |  MARCH 16, 2015

BOSTON — In the trial of accused Boston Marathon bomber Dzhokhar Tsarnaev, more than 50 witnesses have been called to the US District Court in South Boston to give vivid and dramatic testimony recounting four fateful days in April 2013. Victims and experts have appeared in chronological order to piece together the chain of events, helping the jury become all too familiar with phrases like "military-grade explosives," "shrapnel," and "carotid artery."
But all this witness testimony has orbited around one central character who has so far remained inscrutable to outside observers and, presumably, the jury. Amid the often agonizing detail of the bombings recounted daily in the courtroom, the thoughts and feelings of Mr. Tsarnaev himself have remained stubbornly elusive.

Lawyers on both sides have attempted to drop hints about Tsarnaev throughout the trial, trying to assert his personal level of culpability in a crime that the defense acknowledges he carried out with his older brother, Tamerlan Tsarnaev (/csmlists/topic/Tamerlan+Tsarnaev), now deceased. Testimony from FBI investigators and cellphone experts has fixated on how the brothers were physically positioned at the marathon finish line: Was Dzhokhar standing next to Tamerlan? Or behind him? Also, Dzhokhar Tsarnaev had two Twitter accounts (http://www.csmonitor.com/USA/USA-Update/2015/0310/How-Tsarnaev-s-overlooked-Twitter-account-might-hurt-him-video) – one of which seemed much more preoccupied with Islam than the other – but was this evidence of a religious radicalism, or was it harmless quotes of rap lyrics and TV shows?


These piecemeal insights into Tsarnaev’s behavior raise the question of whether he will take the stand himself – and if so, what he might say.

The question of whether Tsarnaev will testify in his own defense is a complicated one. His lawyers, having already acknowledged his role...
in the bombings, albeit without changing his not-guilty plea, appear to be focusing their defense on sparing him the death penalty. And they’ve been trying to shift the bulk of the blame for the bombings onto Tamerlan Tsarnaev.

David Hoose, a defense attorney in Northampton, Mass., who specializes in death penalty cases, says he’d be "very surprised" if Dzhokhar Tsarnaev ends up taking the stand. But there’s "really never been a case quite like this one, so anything is possible."

US District Judge George O’Toole has asked that most arguments relating to Tsarnaev’s culpability and his relationship with his brother take place only in the event of a sentencing phase in the trial. Should that phase occur, the jury would listen to more witness testimony and arguments over whether Tsarnaev should receive either the death penalty or life in prison without possibility of release.

It is during this stage that Tsarnaev would be most likely to take the witness stand himself. After weeks of testimony about his actions from other people, it could be his only opportunity to present his side of the story to the jury.

Still, according to outside experts, it would be very unusual for Tsarnaev to take the stand. Mr. Hoose says he isn’t aware of any federal capital case where the defendant testified.
"Criminal defense lawyers fall into two categories: ones who think you should put your client on the stand unless there's a reason not to, and then there are those – I think majority – who feel you don't put your client on the stand unless you have to," he says.

There are several reasons for this prevailing opinion, Hoose says. A defendant taking the stand allows the individual to tell his or her side of the story, perhaps building sympathy with the jury. But it also exposes the defendant to cross-examination from the prosecution, which could wipe out the positives of any testimony he or she gives.

Prosecutors would be "smacking their lips" at the opportunity to cross-examine Tsarnaev, Hoose says. They'd probably want to lay out "in excruciating detail all the opportunities and all the moments along the way where he could have changed his mind, where he could have decided to not do what he did."

Indeed, sometimes it can be too risky to try to include the defendant’s perspective. When a defendant takes the stand, Hoose says, the jury’s whole attention is on him or her, potentially at the expense of other factors that the defense wants the jury to consider during sentencing.

"Once you put your client on the stand, I think the focus comes completely onto him as opposed to all of the other mitigating circumstances that you’re amassing and gathering and urging the jury to take into consideration," Hoose says.

In the view of Tom Nolan, a criminologist at Merrimack College in North Andover, Mass., Tsarnaev has "nothing to lose" by testifying.

"His life literally hangs in the balance, and that would be the only occasion where this defendant is going to be ... able to plead for his life," he adds. "Having him remain mute I think increases the possibility of him getting the death penalty, and [the defense's] job right now is to keep him alive."

It is also possible that the jury wants to hear from Tsarnaev, according to some outside experts. He has been noticeably wooden and sullen in the trial so far. Besides occasionally smiling to his lawyers or glancing up at witnesses, he rarely shows any emotion or reaction to what's happening. Beyond the different colors of shirts under his blazer every day, journalists have had little to report about his movements, beyond the occasional scratching of his nose or fiddling with his hands.
"I’d say the jury is dying of curiosity," says Rosanna Cavallaro, a law professor at Suffolk University in Boston. "They want to hear from that person, they’ve heard a lot of evidence about that person, and they are waiting to get that other piece of puzzle."

Nevertheless, the common option in federal death penalty cases is for the defendant's voice to be heard through friends and family members.

Hoose was a member of the team that defended Kristen Gilbert, a nurse at a Veterans Affairs medical center who was convicted of fatally poisoning seven of her patients. However, the jury spared Ms. Gilbert the death penalty, and she is serving life in prison.

Hoose and his team were able to call Gilbert's father, two grandmothers, and former husband to the stand to speak to the impact her execution would have on them and their families. Her grandmothers recalled "cookie baking and quiltmaking (http://www.deathpenaltyinfo.org/node/527)," and her former husband – who had been a government witness earlier in the trial – submitted a statement for the defense expressing his deep concern about the injury his sons would sustain if their mother were executed.

Defense lawyers in federal death penalty cases often look for "someone [who] was treated kindly by this person and cares about this person," Hoose says.

"If this person’s death would mean something to someone who’s a good person, then maybe his life is worth saving after all," he adds.

But the cast of people that Tsarnaev's team could call on to provide such testimony appears limited. His parents are not in the country, having moved back to the Dagestan region of Russia. His father was quoted in January as saying (http://www.nydailynews.com/news/national/jury-selection-underway-boston-marathon-bombings-article-1.2066045), "Americans are going to harm my second son the same way they did to my oldest son."

Tsarnaev has two sisters living in New Jersey, but it is unclear if they will be witnesses in the trial. Katherine Russell, Tamerlan Tsarnaev's widow, has not been identified as a witness for prosecutors, her lawyer said (http://www.boston.com/news/local/massachusetts/2014/10/14/guide-dzhokhar-tsarnaev-friends-facing-charges-phillipos-silva-tazhayakov-and-kadyrbayev/0FvjciYJk3bHAN8FHF4nL/story.html) when the trial began.
Three of Tsarnaev’s college friends from the University of Massachusetts at Dartmouth have their own legal cases (http://www.boston.com/news/local/massachusetts/2014/10/14/guidedzhokhar-tsarnaev-friends-facing-charges-phillipos-silva-tazhayakov-and-kadyrbayev/oFvjciYJ13bHANiSFH4nL/story.html) to deal with, related to getting rid of evidence related to the bombings and lying to investigators. It's not clear if they will testify for either the prosecution or the defense in the Tsarnaev trial.

Still, Hoose says it’s "likely" the defense will call a family member to testify and discuss Tsarnaev’s childhood and relationship with his brother. And Professor Cavallaro says it’s possible the defense could call on high school friends and acquaintances to help present Tsarnaev’s human side to the jury.

"There are people who can testify truthfully because they were on his wrestling team [in high school], they went out with him to house parties, and kids who would take the stand with no skeletons in their closet,” Cavallaro says. "They could do a lot there without having to call [Tsarnaev]. They could shore up that image of him as a kid who went off the rails because of this very bizarre relationship with this very disturbed brother."

Perhaps the only certainty about Tsarnaev testimony is that, if it does happen, it will be because Tsarnaev himself wants to take the stand. Defendants are encouraged to follow their lawyers’ instructions, but a criminal defendant is also guaranteed certain trial rights via the Fifth and Sixth Amendments, including the “ultimate authority” to determine whether to plead guilty, waive a jury trial, testify on his or her own behalf, or take an appeal.

Also, the effectiveness of any Tsarnaev testimony would hinge on whether it fits into his defense team’s larger strategy.

Amid days of dense and emotional testimony, his lawyers have taken what few opportunities arise to try to portray Tsarnaev as a naïve teenager caught up in the schemes of his radicalized, bullying older brother. If testimony by Tsarnaev were to not reinforce this narrative, it could ruin months of delicate defense work. And it’s unclear how Tsarnaev feels about his actions now, two years later.
"If he’s able to present himself in his own voice and create a sense of his humanity and his weakness, that he’s sympathetic, then that’s something I think his lawyers would want to do," Cavallaro says. "But I don’t know where he is psychologically right now."

Ultimately, the risks of the defendant taking the stand often outweigh the potential benefits, Hoose says, especially when it comes to federal death penalty cases.

"I think that’s always the case," he says. "[But] there’s never been a case quite like this. Unusual cases make for unusual decisions and unusual rulings."

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What'd we miss? Tell us what angles to cover next.
Local Women’s Day Events An Example Of Community Activism

ANDREA F. CARTER | Posted: Tuesday, March 3, 2015 1:44 pm

Local organizations, such as the Woods Hole Public Library and The Fishmonger Café, are teaming up with the Boston-based Film and Law Productions to sponsor two events on Sunday, March 8, to mark International Women’s Day in Woods Hole as well as SWAN day (Support Women Artists Now Day).

“It’s a reminder of how rich the community is here and a lesson in activism at a grassroots level,” Kate Nace Day, who is also a professor of law at Suffolk University, said.

The events are to highlight two visual media projects exploring the law in the context of sex trafficking and its victims. The production company’s projects serve as teaching tools to make more concrete the technicalities and theory of law as it applies to real people with real stories.

The events came about after Film and Law Productions co-founder Ms. Day, who grew up in Woods Hole and lives there part time at her family home on Bowditch Road, talked with friends who wanted to see her film, “A Civil Remedy,” and learn about her next project.

Various groups in the community have helped her with the event and to spread the word, such as members of the Woods Hole Woman’s Club and the League of Women Voters of Falmouth.

“The community is stepping up for a good reason,” Margaret E. McCormick, Woods Hole Public Library director, said. “It’s an important topic.”

At 5 PM on Sunday there is to be a screening of the short documentary, “A Civil Remedy,” at the Woods Hole Public Library followed by a reception at 7 PM at The Fishmonger Café introducing a new project, “Without Consent.”

“We have a tradition of showing local people’s work,” Ms. McCormick said. “It seemed to fit right in.”

After the screening Ms. Day and her husband, Russell G. Murphy, co-founder of Film and Law and also a professor at Suffolk University, and filmmaker Kat Rohrer, who served as cinematographer on the film, are to lead a discussion.
The film, directed by Ms. Day, tells the story of a sex trafficking victim, Danielle, who was lured into the sex trade at age 17 by a man who first acted as her boyfriend then later became her pimp, forcing her to engage in sex for money.

It also explores how a civil remedy would give these women a voice in the courts of law, where they have traditionally been criminalized as prostitutes, by providing an avenue for them to sue pimps and johns for financial damages or a violation of rights.

Last year the film was an official selection in the United National Association Film Festival and won the 2014 Exceptional Merit in Media Award from the National Women’s Political Caucus.

Ms. Day and Mr. Russell plan to update the audience on how the law and the social movement to support these victims has progressed.

In the time it took to make “A Civil Remedy” Massachusetts passed an anti-trafficking law with a civil remedy provision.

Ropes and Gray LLP in Boston is now involved with the first civil remedy case in Massachusetts, Ms. Day said. The firm is representing minors sold for sex on online sites. The pro bono case is being brought against companies that host websites where this type of trafficking occurs.

These sites have been shielded by federal law that states they are not responsible if they only rent a space to sites that engage in this type of activity. Ms. Day said that this litigation is trying to penetrate that immunity.

“This is not a static story,” she said.

In the same way, her effort to address the social issue with a visual medium continues to have momentum. Her next project, “Without Consent,” will examine more stories like Danielle’s.

She is teaming up with local photographer Taylor C. Michaud of Walker Street to develop a photo essay following the stories of six girls arrested in Denver over a span of several years whose only record is a series of mug shots.

She and Ms. Michaud are raising funds for this investigative project, for which they will travel to Denver to see if they can find the girls or their family members and hear their stories.

“We will go to Denver to trace the steps to try to find the human beings whose lives were recorded in that way,” Ms. Day said.

Just as the film examined the idea of a civil remedy, this project will look at the idea of consent in the context of these girls’ lives.

“It’s an exploration of what are the inequalities hidden behind the legal concept of consent; a question of vulnerability rather than choice,” Ms. Day said.
Although at this point they do not know the particulars of what they may find, Ms. Michaud has an
idea of what she wants her photographs to communicate.

“Through these images I want people to instantly know how these people feel and better understand
what they have gone through, their strife and struggles,” she said.

Both events are free but at the reception guests will have an opportunity to donate to the “Without
Consent” project.

Refreshments will be provided at the screening as well as at the reception, which will also have live
music and a cash bar.
'Burnt marijuana' case to be argued before SJC

Does odor justify police stop of car?

By Pat Murphy

The Supreme Judicial Court will hear arguments March 5 on whether the odor of burnt marijuana provides justification for police to stop a vehicle, even though Massachusetts has largely decriminalized possession of the drug.

In November 2008, voters approved a ballot question decriminalizing the possession of small amounts of marijuana. Codified at G.L.c. 94C, §32L, the possession of an ounce or less of marijuana is now considered only a civil offense subject to a $100 fine.

While defense attorneys appear confident that the SJC will continue its recent trend of limiting the authority of police to intrude on the privacy of drivers and their passengers based solely on evidence of marijuana use, some experts see merit to the state's argument that, because possession of marijuana remains a civil infraction under state law, the odor of burnt marijuana does provide a lawful basis for a traffic stop.

The defendant in the case currently before the court, Elivette Rodriguez, is represented by John L. Calcagni III of Providence, Rhode Island. Calcagni maintains that his client is entitled to the suppression of drug evidence under the SJC’s seminal decision in Commonwealth v. Cruz.

The court in the 2011 case held that the odor of burnt marijuana alone does not provide reasonable suspicion of criminal activity to justify police ordering a driver or passenger to exit a stopped vehicle. “The SJC [in Cruz] spoke very clearly and very boldly by drawing a line in the sand and saying that the Legislature and people of Massachusetts have spoken by opting to decriminalize marijuana,” Calcagni said.

New Bedford traffic stop

New Bedford police arrested Rodriguez on drug charges as the result of a traffic stop on the evening of April 26, 2012.

According court records, undercover officers conducting surveillance for illegal drug activity began following a vehicle known to belong to a woman who had been arrested for heroin possession several months earlier. After the car made a brief stop at a “home of interest,” a decision was made to stop the vehicle.

A detective claimed that he could smell the odor of burnt marijuana through his open window. Suspecting the vehicle’s occupants were using marijuana, the detective initiated the stop and found the driver holding a marijuana cigar.

Rodriguez was sitting in the back seat with another passenger. According to the detective, he observed a bag containing a suspicious white substance in plain view on the seat beside Rodriguez. Officers retrieved the bag, which allegedly contained 60 pills of the painkiller Percocet.

Police arrested Rodriguez based on the discovery of the alleged drugs.

Rodriguez moved to suppress, arguing that, in the wake of decriminalization, the odor of burnt marijuana does not provide justification for a traffic stop.

New Bedford District Court Judge Joseph I. Macy denied the motion, concluding that the stop was justified based on the burnt-marijuana odor and the suspicious activity that other undercover officers had observed.

Continued on page 20
while tracking the vehicle's movements.

Chief Justice Ralph D. Gants granted Rodriguez's motion for a direct appeal to the SJC.

Civil infractions?

The state is represented on appeal by Assistant District Attorney Corey T. Martin of the Bristol County DA's Office.

Martin was unavailable for comment, but the office's director of communications, Gregg M. Millot, said the commonwealth's position is that the odor of burnt marijuana provides justification for police to stop vehicles to issue civil citations for possession of an ounce or less of marijuana.

"Police in the commonwealth are currently able to stop vehicles for civil citations such as speeding, marked lane violations and broken taillights, and then make observations that may lead to potential criminal charges," Millot said. "This case could clear things up as to whether police officers can stop vehicles [based on the odor of burnt marijuana] and then make observations like they would in any other civil citation stop."

But criminal defense attorney Joseph J. Goldberg-Giuliano of Somerville said the state's comparison of traffic citations to civil marijuana infractions does not hold water because state law expressly authorizes traffic stops for observed traffic offenses.

"It doesn't seem like there's any similar power under the [marijuana] decriminalization law," he observed.

Professor D. Christopher Dearborn of Suffolk University Law School said that it appears to be a logical extension of existing law for police officers to be able to pull somebody over for a marijuana violation for the purpose of issuing a civil citation.

However, Dearborn said he could see the SJC concluding that, from a public policy perspective, it is up to the Legislature to specifically include language in the decriminalization statute authorizing traffic stops.

"There are two competing narratives here that both have merit," said Dearborn, who runs the law school's criminal law defense clinic.

Dearborn cautioned that allowing police to conduct stops based on the detection of the marijuana smoke raises the concern of a "slippery slope."

"When is it justified to pull someone over for a civil infraction? Do you need smoke coming out of the window?" Dearborn asked. "What happens with these situations is that they escalate into something else fairly quickly. You've got to assume that law enforcement will be looking to take the stop further because they are suspicious of something else going on."

Apart from the absence of statutory authorization to conduct traffic stops to issue marijuana citations, Calcagni said that there are basic practical problems to allowing police to conduct traffic stops based on the odor of marijuana in the same fashion that they do for traffic violations.

"If you go through a stop sign, and the police see it, it's black and white. There's no question about it," Calcagni said. "But, as in my client's situation, the cops claimed to be behind a motor vehicle where they smell an odor of marijuana, do we really know where that smell came from? Smoke's going to travel. Do we really know it's not from a passerby?"

Goldberg-Giuliano pointed out that, absent evidence of impaired driving, there just are not the same immediate public safety concerns for stopping a vehicle based on the odor of marijuana that exist for stopping a vehicle based on an observed moving violation.

"The fact that a passenger may be in possession of marijuana doesn't strike me as having anything to do with road safety," he said.

Guiding precedent

In twin decisions last July, Commonwealth v. Craan and Commonwealth v. Overmyer, the SJC built on its reasoning in Cruz to hold that detection of the odor of unburnt marijuana does not provide police probable cause to search a vehicle.

Calcagni sees his case as an opportunity for the court to logically extend the Cruz line of cases.

"The last step in the Fourth Amendment analysis is whether the odor of marijuana is enough for reasonable suspicion to conduct a motor vehicle stop," he said. "It will be interesting to see how the SJC rules here. Will they extend Commonwealth v. Cruz? Or will they carve some sort of exception for civil infractions like the commonwealth argues?"

Michael D. Cutler filed amicus briefs in both Cruz and Craan on behalf of the National Organization for the Reform of
Marijuana Laws. The Northampton criminal defense lawyer thinks the court’s decisions in Cruz and Craan answer the question raised in Rodriguez.

"The SJC expressed a perspective in the Cruz case and the Craan case that says that the people’s will in enacting decriminalization by an overwhelming majority will be enforced," Cutler said. "The people have said clearly that marijuana is not an appropriate subject for police. They should turn their attention to serious crime."

In particular, Cutler believes that the state’s civil infraction argument was essentially rejected in both Cruz in Craan.

"Police can’t rely on this civil matter for exit orders or other types of interventions with a person’s ability to be at liberty," Cutler said.

Yet Cutler refused to predict that the SJC would reverse the lower court’s denial of Rodriguez’s motion to suppress.

"I would never express confidence in any court doing anything," he said.

On the other hand, Goldberg-Giuliano said he anticipates the court in Rodriguez issuing a ruling in line with its decision in Cruz.

"The only time Cruz is going to be distinguished is when you have a strong OUI drug case and burnt marijuana in a car with a single driver," Goldberg-Giuliano said. "In that case, I suspect the SJC will say that, when combined with the other factors, there’s a reasonable suspicion of operating under the influence."

If the court does rule in favor of the commonwealth, Goldberg-Giuliano said, his biggest concern is that minorities are going to be disproportionately targeted for marijuana citation stops.

"There’s lots of evidence that minorities are much more likely to be arrested for marijuana and much, much more likely to be incarcerated for marijuana," he said. 

"When is it justified to pull someone over for a civil infraction? Do you need smoke coming out of the window? What happens with these situations is that they escalate into something else fairly quickly. You’ve got to assume that law enforcement will be looking to take the stop further because they are suspicious of something else going on."

—Professor D. Christopher Dearborn
Jurors in the Boston Marathon bombing trial saw photos of severed limbs and video showing Dzhokhar Tsarnaev standing behind children near the site of an explosion at the race. During almost four weeks of prosecution testimony, the jury also heard from a bicyclist who said he saw Tsarnaev leaning into the patrol car of a slain Massachusetts Institute of Technology campus cop.

Those were among prosecutors’ strongest moments before resting their case on Monday. Now, it’s up to Tsarnaev’s defense to conjure a different image of the 21-year-old facing the death penalty for the 2013 attack that killed three people and wounded 264.
Tsarnaev has pleaded not guilty to the 30-count indictment (http://www.deathpenaltyinfo.org/documents/Tsarnaev_Indictment.pdf), which includes charges of conspiracy to use a weapon of mass destruction and bombing of a public place. Seventeen of the charges are capital crimes that can result in the death penalty.

With Tsarnaev's lead attorney, Judy Clarke, blaming her client (http://abcnews.go.com/US/boston-marathon-bombing-inside-dzhokhar-tsarnaevs-defense-strategy/story?id=29405323) in opening statements for much of the mayhem that gripped greater Boston over four chaotic days, many wonder who his lawyers will summon as witnesses for the defense.

If Tsarnaev is convicted of the most serious crimes, the same jury will hear more witnesses from the prosecution and defense in a sentencing phase to determine if he receives the death penalty.

"It's always been a significant uphill battle for the defense," said Suffolk University law professor Chris Dearhorn. "Their work is about sparing the kid's life rather than getting an acquittal."

Footage shown by the prosecution during Tsarnaev's trial shows one of the explosions during the 2013 marathon in Boston.

Tsarnaev, along with his older brother Tamerlan Tsarnaev, 26, is accused of fatally shooting MIT police officer Sean Collier days after striking spectators at the race.

Options appear limited for the defense. Clarke said in her opening statement that Tsarnaev participated in the bombing because he was under the sway of his radicalized and violent older brother, who was killed during a shootout with Watertown police. U.S. District Judge George O'Toole, however, ruled that he'd limit testimony along those lines until the trial's penalty phase.

With that restriction in place, legal observers said they expected Tsarnaev's team to hint at the argument that Tamerlan coerced Dzhokhar, calling psychologists or health experts to testify that the younger brother had personality deficiencies or even mental illness.

"What else are they going to do? They got nothing," said George Vien, a former assistant U.S. attorney in Boston who's now in private practice. "They’re really not challenging the defendant’s guilt. They’ll get in evidence of what kind of bad guy the older brother was so that [Dzhokhar] had reason to fear him."

It's unclear whether Tsarnaev will testify in his own defense.

"It's very dangerous to put any defendant on the stand," said Boston University law professor Karen Pita Loor. "There would be an amazing opportunity for prosecutors to cross-examine him, but ultimately it's his decision. That's one of his decisions that the lawyers can advise him about, but ultimately it is going to be his decision. He has an absolute right to testify."
Jurors saw this image on March 30, 2015 showing Dzhokhar Tsarnaev in a white hat standing near Martin Richard, the 8-year-old killed by a bomb at the 2013 Boston Marathon, and the boy's family.

Seated at the defense table, Tsarnaev's body language has been tough to read. He frequently has slouched and stroked his goatee. He often avoided eye contact with witnesses. He looked intently, however, at his former best friend Stephen Silva, who testified about giving a Ruger pistol to Tsarnaev that prosecutors said was used to kill Collier, the police officer.

The prosecution called 92 witnesses[^1] for its case. Tsarnaev's attorneys have not responded to HuffPost's inquiries, and their list of potential witnesses is sealed. It's likely they'll put far fewer people on the stand.

Originally, some predicted the trial could stretch into June. But it's progressed rapidly, with the defense declining to cross-examine many witnesses, such as those maimed by the bombing.

Calling witnesses now to challenge Tsarnaev's guilt may backfire for the defense, according to Vien, who said Tsarnaev's lawyers instead should focus on creating a sympathetic portrait of their client for the sentencing portion.

"It would enhance the defense team's credibility to acknowledge the obvious -- that he's guilty," Vien said. "It would avoid the chance of a juror feeling resentful that his or her time is being wasted. They have lives. They have families. I suspect that at least a couple of them are thinking, 'Why are we doing this if there's no question of guilt?'"

[^1]: [www.reuters.com/article/2015/03/30/us-boston-bombings-trial-idUSKBN0MQ11U20150330](http://www.reuters.com/article/2015/03/30/us-boston-bombings-trial-idUSKBN0MQ11U20150330)
Turning Verdicts a Specialty for Aaron Hernandez

Defense Team

The defense team for Aaron Hernandez has made the prosecution’s road to a guilty verdict long and bumpy.

By Nik DeCosta-Klipa

If defense lawyers were like health care plans, the Rankin & Sultan law firm includes both Grade-A preventative care and catastrophic coverage. And when on trial for murder, it’s a necessity to get the best insurance money can buy.

After nearly 29 years together in practice, James Sultan and Charles Rankin — Jamie and Charlie to colleagues — are representing Aaron Hernandez in the former New England Patriots tight end’s trial for allegedly murdering Odin Lloyd.

Nationally and regionally acclaimed, Rankin and Sultan might be more well-known for their work outside of trial than actually in it.

“When you try a case, you’re trying it on two levels: You’re trying it to the jury, and you’re also trying it to the appellate court,” said Suffolk University law professor Chris Dearborn.

The second level — trying it to the appellate court — is where Rankin and Sultan have been particularly successful. Appellate courts, or the Court of Appeals, will cancel decisions upon finding a mistrial. Guilty (and not-guilty) verdicts may be retried if lawyers prove that evidence was improperly admitted, an individual commits misconduct in court, or that the original court did not have jurisdiction.
“And they do a phenomenal job at that,” said Dearborn.

According to Dearborn, who worked at Rankin & Sultan for a couple years before leaving to teach, their work and advocacy has made the Hernandez case much more difficult for both the prosecution and Judge E. Susan Garsh.

The pair complement each other with different courtroom personae. While Rankin is more methodical and patient, and poised in developing his arguments, Sultan is more direct and emotional (which has led to a few confrontational moments with witnesses on the stand).

“It’s their job, along with attorney Michael Fee, to not only create enough reasonable doubt that Hernandez did not shoot his friend, but also that he was not even involved. Under Massachusetts state law, defendants need only to be present during the crime with the “intent” necessary to kill in order to be convicted of homicide.

However, when they aren’t prodding and critiquing the investigation as “sloppy and unprofessional,” Rankin and Sultan have fought to exclude as much of the prosecution’s evidence as possible from the trial. From Lloyd’s text messages sent to his sister hours before his death to photos of Hernandez holding the same model gun said to have been used in the murder, the two defense lawyers convinced Judge Garsh to dismiss critical elements of the prosecution’s case.

“The more recent stuff where she refused to let them get into the Alexander Bradley (testimony), that was a no-brainer,” said Dearborn. “The text stuff and gun references were closer calls. They were very well-litigated by the defense, and it’s their advocacy that tipped the scales a bit.”
While Garsh has made a career of being a smart and very principled judge, said Dearborn, the presence of Rankin and Sultan has been influential in the case. As past judges know, dealing with these two is like walking a judiciary tightrope.

In 2012, Sultan successfully appealed the murder conviction of Mattapan resident Linrose Woodbine to the Massachusetts Supreme Court. Sultan argued that testimony from a police officer regarding Woodbine’s unrecorded confession had been improperly influenced by evidence that was barred from the trial. The Court agreed and overturned the conviction. Woodbine later plead guilty to lesser manslaughter and weapons charges.

In 2011, Sultan also successfully appealed the conviction of New York banking executive Thomas Toolan III for stabbing his girlfriend to death in Nantucket. Sultan argued, and the court agreed, that many of the jurors — all of whom lived on the 11,000-person island — had direct or indirect connections to the victim and had not been properly vetted. Toolan was then retried for the same crime in a larger county and convicted in 2013. Sultan was not involved in either of Toolan’s murder trials, only the appeal for a new trial, according to court documents.

The firm also defended the famous Fells Acre Day Care Center abuse trials, in which convictions of the three defendants were repeatedly overturned and reinstated by appellate courts, after an interviewer supposedly swayed children into saying they were molested.

The list goes on of overturned post-trial convictions by the Sultan and Rankin team. Literally, the list goes on.

“They’re great trial lawyers too, but they’re just off-the-charts unbelievable as post-conviction lawyers,” said Dearborn.

Dearborn remembers working a case with Rankin and recounted how good “Charlie” was at “preserving the record,” which is to say he kept tabs on side arguments and objections that the judge overruled during trial. These are the things that can lead to an appeal—even a retrial.

The Hernandez defense team has made the prosecution team’s road to a guilty verdict long and bumpy. And even if prosecutors can reach that goal, as the track record for Jamie and Charlie proves, the journey might just be getting started.
Lawyers May Have Saved Dzhokhar Tsarnaev's Life By Saying He Committed Boston Bombing

ERIN B
03/05/2015 07:54:00

BOSTON – Dzhokhar Tsarnaev's trial is just beginning, and already his lawyers are admitting he's a guilty man. Experts say that just might save his life.

By faulting the 21-year-old for the 2013 Boston Marathon bombing, defense lawyer Judy Clarke may have made it easier to soften her client's image, pin the majority of the blame on Tsarnaev's radicalized, overbearing big brother, and save her client from death row, experts told The Huffington Post.

“It makes sense that the defense came clean and said, ‘Yes, it was him,’” said Northeastern University law professor Daniel Medwed. “I bet they scored some credibility points. Credibility with the jury is paramount.”

In Clarke's opening statement, she essentially conceded that no one in the federal courtroom thought Tsarnaev was completely innocent of the charges in the 30-count indictment.
Harrison Ford survives with a broken ankle and pelvis after engine fails on his WW2 plane and he crash lands on golf course to avoid homes.

True to the heroes he plays on the big screen, a calm and collected Harrison Ford glided his airplane into a crash landing on a

Amber Rose brings the attention back to her with racy selfie after rival Kim Kardashian's attention-grabbing platinum blonde moment.

Two Mummified Babies Found In Funeral Home Ceiling

Ferguson: Michael Brown's Family Announces Plans To Pursue Wrongful Death Lawsuit

Assistant U.S. Attorney William Weinreb, in his opening statement, described witnesses and exhibits that would show Tsarnaev planned the April 15, 2013, attack, carried one of the bombs to the race and days later took part in the violent spree that included the fatal shooting of MIT Police Officer Sean Collier. His brother, Tamerlan Tsarnaev, was also accused of the bombing, but died in a gunfight before police captured Dzhokhar.

After accepting some blame for her client, Clarke also tried heaping greater responsibility onto Tamerlan.

Tsarnaev was led astray by his older brother, who'd become obsessed with a violent strand of Islam, according to Clarke. "It was Tamerlan Tsarnaev who self-radicalized [and] it was Dzhokhar who followed," she said according to USA Today.

It was a shrewd decision by Clarke, according to Suffolk University associate professor of law Chris Dearborn.

"Why fight over things they shouldn't be fighting over," Dearborn said. "By getting that out front, it was an appropriate tactical choice by a very experienced and excellent defense team."

U.S. District Court Judge George O'Toole had issued a ruling that may hinder any benefits gained by the defense from its gambit. O'Toole said he would restrict the amount of testimony about Tamerlan's allegedly manipulative influence over Tsarnaev. If the jury reaches a guilty verdict, such testimony would be permitted during the sentencing phase.

The prosecution cast a starkly contrasting portrayal of Tsarnaev's personality and of his relationship with Tamerlan. Tsarnaev "believed that he was a soldier in a holy war against Americans," whose goal "was to maim and kill as many people as possible." He stood near children for several minutes at the marathon and deliberately placed one of the bombs near them, Weinreb said.

In Weinreb's words, the brothers were "partners" in planning and carrying out the attack.

Because Tsarnaev's not guilty plea still stands, the prosecution will invest weeks demonstrating that he allegedly committed crimes like using a weapon of mass destruction, conspiracy to bomb a place of public use resulting in death, and possession and use of a firearm during a crime resulting in death. Seventeen of the charges carry the death penalty.
Almost two years after the Boston Marathon bombing, the trial of Dzhokhar Tsarnaev is set to begin with opening statements Wednesday.

After two months of jury selection, a panel of 12 jurors and six alternates was seated Tuesday.

Tsarnaev, 21, faces 30 charges in connection with twin bombings at the finish line of the marathon April 15, 2013. Three people were killed and more than 260 were injured. He is also charged in the killing of a Massachusetts Institute of Technology police officer days after the bombings.

If the jury convicts Tsarnaev, the trial will move on to a second phase to determine his punishment. The only two options available for the jury are life in prison or the death penalty.

Tsarnaev's defense lawyers tried four times to have the trial moved out of Boston, arguing that the scale of the attack was so vast that every potential juror could already know the case on a personal level. It was the largest act of terrorism in Boston's history, and its effects rippled across the region.

The death penalty has been outlawed since 1984 in Massachusetts, but Tsarnaev could be sentenced to death because he's being tried in federal, not state, court. A 2013 Boston Globe poll found just 33% of Bostonians believe Tsarnaev should get the death penalty if he's convicted. Polls from the University of Massachusetts-Amherst found more support statewide: In 2013 and again in 2014, 59% of respondents said Tsarnaev should get the death penalty if he is found guilty.

If a jury can't reach consensus on any counts in the guilt phase, the result is a mistrial and the case is tried again. In the penalty phase, a hung jury would mean life in prison with no chance of parole if Tsarnaev has been convicted on the most serious charges.

If any case can get a Massachusetts jury behind a death sentence, this might be it. According to the 30-count indictment, Tsarnaev conspired with his older brother, Tamerlan, who was killed as they tried to escape police, to detonate two inexpensive pressure-cooker bombs that wrought havoc near the Marathon finish line. Seventeen of the counts carry the death penalty.

The trial is sure to conjure memories of horrific carnage in Boston's upscale Back Bay neighborhood. When the bombs exploded, a barrage of shrapnel tore into spectators' legs and feet, knocking people to the ground and causing chaos. Scores of victims were taken to area hospitals, where they had surgery and were treated for burns and ruptured eardrums. Two women in their 20s were killed, as was a child, 8-year-old Martin Richards. At least 16 people had limbs amputated.

When bombing victim Karen Brassard of Nashua, N.H., ponders the toll of that day, she thinks about the lower-body injuries that still afflict her, her husband and her daughter. And because others have it even worse, she sees a death sentence as a necessity for justice.

Tsarnaev "gets to visit with his family and have joy in his life, but Martin Richards' family no longer gets to do that," Brassard said. "That's not just." Some people are not convinced that Tsarnaev, an ethnic Chechen who came to the United States as a child refugee and became a naturalized U.S. citizen, was involved in the bombings. Skeptics say he is being scapegoated by a government that needs someone to blame and is pinning culpability on a pair of Russian-speaking Muslim brothers in the crowd.

"Don't just think that government is holy government and always says the truth," Elena Teyer of Savannah, Ga., said outside the Boston courthouse in December. "Who needed to start war? Who needed to make Muslims look bad? Not Dzhokhar. Why would he do this?"

Teyer's son-in-law, Ibragim Todashev, was a friend of Tamerlan Tsarnaev. Todashev was killed by an FBI agent during questioning after he allegedly tried to attack the agent.

Observers say prosecutors are well-positioned to prevail after they present evidence including items gathered from a 15-square-block crime scene and a cavalcade of witnesses.

"They have a very strong case," said Christopher Dearborn, a criminal defense attorney and a professor at Suffolk University Law School. "They have a ton of direct evidence, factual evidence. ... They have videotapes of people dropping things off, they have very powerful witness testimony, and they have forensics."
Defense attorneys are likely to paint Tamerlan Dzhokhar as the true Islamic radical, a violent man with coercive power over his intimidated younger brother, said Michael Coyne, dean of the Massachusetts School of Law in Andover, Mass. A jury might want to spare the young man's life if he appears to have been overpowered and shows remorse, he said.

But seeking mercy on the grounds of having been a manipulated co-conspirator could be a hard case to make after arguing "not guilty" for weeks.

In that scenario, "the lawyers have to say he's innocent in the first trial, then acknowledge he's guilty and beg for mercy in the second trial" when penalty options are debated, Dearborn said. "Part of the risk is that his advocates will lose any credibility with the jury."

The trial could give Americans a window into a growing type of threat: attackers who act independently rather than as operatives of a terrorist organization, said Zachary Goldman, executive director of The Center on Law and Security at New York University School of Law.

Such threats are increasing, Goldman said, because hundreds or thousands of people who have gone abroad to fight for the Islamic State could at some point start returning to the United States or Western Europe in large numbers.

"The trial might shed light on these issues and make people more aware of what's at stake," Goldman said. "That will be the strategic significance of the trial."

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Analysis: Tsarnaev Defense Strategy Not Unusual For Death Penalty Case

By DEBORAH BECKER and LYNN JOLICOEUR

BOSTON The defense in the Boston Marathon bombing trial did not cross examine any witnesses Thursday, one day after conceding Dzhokhar Tsarnaev’s involvement in the bombing.

Suffolk Law professor Chris Dearborn says that’s not unusual in a death penalty case.

Dzhokhar Tsarnaev Trial

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- Who’s Who In The Trial
- A Look At The Dzhokhar Tsarnaev Jury
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Complete Coverage

“There’s no points to be scored by the defense for asking those people any questions,” Dearborn told WBUR’s All Things Considered. “Revisiting some of those wounds on cross-examination would accomplish nothing.”
Dearborn says the defense will likely focus its efforts on trying to spare Tsarnaev’s life by portraying him as under the influence of his older brother.
Defense rests in Boston Marathon Bombing trial. Were they successful? (+video)

If Dzhokhar Tsarnaev is found guilty, as expected, defense lawyers are expected to try to spare him the death penalty by shifting much of the blame for the bombings to his older brother, Tamerlan.

By Henry Gass, Staff writer | MARCH 31, 2015

Boston

The defense rested its case in the trial of accused Boston Marathon bomber Dzhokhar Tsarnaev today after calling only four witnesses over the course of two days.

The brief defense was not surprising considering Mr. Tsarnaev’s lawyers already admitted their client’s guilt in opening statements. But the abrupt conclusion, after examining only a few witnesses, brought to a sudden end the first phase of the trial that had featured 92 witnesses for the prosecution over 14 days.

The 18-person jury will now confer and determine if Tsarnaev is guilty or innocent of the 30 charges he faces. If he is found guilty, the trial will move to a second phase, where the same jury will hear arguments over whether he should receive the death sentence or life in prison.

After finishing the examination of their final witness – FBI fingerprint analyst Elaina Graff – defense attorney Tim Watkins announced that they would be calling no more witnesses. Judge George O'Toole called for a short recess and the jury filed out the room. Tsarnaev huddled with his lawyers for a few moments while the room emptied, his lead attorney Judy Clarke patting him on the back, and was then escorted from the room.

After several hours of breaks and formal sidebars, the jury finally returned to receive their instructions. The court will be in recess until next Monday, when the jury will hear closing statements from both sides and final instructions from Judge O’Toole, then begin their deliberations.

“"It is imperative you speak nothing of this case to anyone, including yourself in the mirror," O'Toole told the jury this afternoon. "People want to know things. You can't tell them."

Testimony in the Tsarnaev trial has fluctuated from raw and emotional to cold and analytical. The prosecution rested its case yesterday morning after bringing several jurors to tears with wrenching medical testimony on the injuries to the three victims of the bombings, including an eight-year-old boy. More than 260 people were also injured during the April 2013 attack.
The defense witnesses were, by contrast, much more technical. The four witnesses included two digital forensics experts and two FBI investigators previously examined by the prosecution. Defense questioning focused on two of the greater unknowns in the case: the extremist content found on several computers belonging to the Tsarnaev family and the issue of who constructed the pressure-cooker bombs and where.

The jury is expected to find Tsarnaev guilty, at which point his defense team will be able to focus in greater detail on their main goal: sparing him the death penalty by shifting the bulk of the blame for the bombings onto his older brother, Tamerlan Tsarnaev, who was killed in a shootout with police three days after the April 15, 2013, bombing.

The defense tried at various moments during the trial to lay a foundation for sentencing phase arguments, but O'Toole ruled early in the trial that he would limit references to Tamerlan until the sentencing phase.

That limitation of evidence is one of the likely reasons the defense called so few witnesses in the first phase, says Christopher Dearborn, a law professor at Suffolk University in Boston. The defense may have liked to call witnesses relating to arguments for the sentencing phase – those who could testify to the Tsarnaev brothers’ relationship, or experts who could discuss Chechen culture or Islam – but those avenues of questioning were limited, he adds.

“Had they been allowed to go little further with that [line of questioning] there would have been more witnesses,” says Mr. Dearborn.

But given the limitations put on that kind of testimony in the first phase of the trial, Dearborn says the first phase was actually able to end quicker than many expected.

“I’m sure they wanted to call all their witnesses twice,” says Rosanna Cavallaro, a law professor at Suffolk University and former state assistant attorney general. “But the judge is not going to allow them to do that.”

“This isn’t the time to put on friends or teachers or coaches to say [Tsarnaev’s] a good kid, because that’s not related to guilt,” she adds. “I think they’ll make that point more vividly in the second phase, but if they were able to plant that seed – ‘Yes, there were two of them, but one mastermind’ – then I think the defense has been pretty successful in that.”

The defense also helped itself in this regard by selectively cross-examining – mostly declining to question victims, Dearborn adds.

“I think they made some very sound tactical decisions,” says Dearborn. “It’s all about not wasting people’s time and trying to gain some credibility and trying to focus the jury on what really matters to [the defense], which is convincing at least someone on jury to vote not to take this kid’s life.”
The video game conference PAX East (http://east.paxsite.com/) is coming to Boston this weekend, but one local gaming company will be conspicuously absent. Giant Spacekat (http://www.revolution60.com/), which is staffed by women, says it's skipping Pax East after receiving dozens of death threats. It's the latest twist in the bizarre scandal known as "Gamergate."

It all started when people went online and criticized a female game designer name Zoe Quinn both personally and professionally after her game “Depression Quest” came out. And the harassment quickly escalated. Quinn was threatened with violence, her personal information was posted online, and when others defended her, they were harassed as well.

Among those defenders was Brianna Wu, the co-founder of video game company Giant Spacekat. As a result, she, too says she was harassed. Ultimately, her company decided to skip its planned appearance at this weekend’s convention.

Amanda Warner (http://www.amanda-warner.com/aboutme.html), the other co-founder of Giant Spacekat Productions, and Nina Huntemann (http://suffolk.academia.edu/NinaHuntemann), a professor of media studies at Suffolk University and the co-founder of Women in Games Boston, discussed the struggles many women face in the gaming industry.
Yes, You Can Be Too Happy

Martha C. White | 9:43 AM ET

The surprising downside of cheerfulness

Every workplace has one: That super-cheerful, bubbly co-worker who — if we’re going to be really honest here — probably drives you up the wall a little bit.

Don’t feel bad. As it turns out, you’re probably a better worker than they are. A new study finds that happiness makes people productive in the workplace, but only up to a point. After a certain threshold, being too happy contributes to a lack of motivation — probably not exactly what the boss wants.

Researchers surveyed hundreds of workers about how happy they were as well as how often they perceived themselves practicing “proactive behaviors” like speaking up about issues and problem-solving.

“Positive affect can reach a level such that employees perceive that they are doing well and it is not necessary for them to take initiatives, thereby reducing their proactive behaviors,” lead author Chak Fu Lam of Suffolk University writes. In other words, if you already think everything is terrific, you won’t be motivated to make improvements, which is something every workplace — no matter how good an environment or how successful a company — still needs.

As surprising as this might sound, this isn’t the first data point that suggests the perennially perky might also be lackadaisical when it comes to, well, actually getting stuff done. A 2013 survey conducted by consulting firm Leadership IQ found that at more than 40% of companies, low performers said they were the happiest and most engaged at work. (Of course, this might be because they treat their workplace like a place to hang out for eight hours and socialize over free coffee rather than a place to do their jobs.)
“Low performers often end up with the easiest jobs because managers don’t ask much of them,” Leadership IQ CEO Mark Murphy told the Wall Street Journal. What’s more, this survey showed that these workers were utterly clueless about how bad they were at their jobs. They were more likely to tell surveyors that all employees lived up to the same standards.

But this doesn’t mean you’re resigned to scowling and picking up their slack. Instead of focusing on at-work happiness, it’s more useful to set a goal of thriving at work, says Gretchen Spreitzer, professor of management and organizations at the University of Michigan and another one of the study’s authors. “When one is thriving they have the joint experience of feeling energized and alive at work at the same time that they are growing, getting better at their work, and learning,” she says.

Thriving also gives you better focus than happiness, Spreitzer points out, which has a positive effect on performance. “High-focus work probably needs less activated positive energy,” she says. “If we are all hyped up, it may be harder to focus and get difficult or tedious work done.” Rather than being complacent, people who thrive at work are motivated, she says. “It is a more engaged positive emotional state than happiness and, I think, is more appropriate to think about in a workplace context.”
The trial of the Boston Marathon bomber started with an eye-opening twist on March 4, 2015. Dzhokhar Tsarnaev's lawyer melodramatically announced in open court that “it WAS him” who planted one of the bombs that killed three, maimed dozens and terrified an entire city.

This admission of guilt is, however, not the equivalent of the entry of a plea of guilty, as might come about through a plea bargain with the government. (In which case the defendant pleads guilty in exchange for a sentence of life).

The case is thus no longer directly about guilt or innocence, although the jury will still have to find beyond a reasonable doubt that each count has been proven.

Now, it's all about the sentence.

Does the Boston Marathon bomber Dzhokhar Tsarnaev deserve to die for his crimes? Or should he serve life in prison without possibility of parole? This is what the federal jury will decide.
The facts

The basic facts of this case are not in doubt. Dzhokhar and his older brother Tamerlan planted two pressure cooker bombs near the finish line of the 2013 Boston Marathon.

In the resulting explosions, three people were killed, including a young boy, and hundreds were seriously injured. This crime was committed to avenge alleged offenses by the United States against Muslims and “innocent civilians.” In June 2013, the United States obtained a 30-count indictment against Dzhokhar; 17 counts carried the death penalty.

As I pointed out in my book on the historic 2004-2005 Hearings into whether or not the death penalty should be re-instated in New York state, the United States Supreme Court has said that the death penalty primarily serves three purposes: retribution, deterrence, and incapacitation.

The criteria for the death penalty

Retribution concerns moral equivalency and society’s right to inflict the harshest punishment available in our criminal justice system - death - on behalf of victims and their families. In fact, the Supreme Court has refused to authorize capital punishment for crimes short of murder.

Under the Eighth Amendment “cruel and unusual punishments” clause, only the “worst of the worst” killers may be executed. The manner of the killing and the characteristics and culpability of the defendant must be carefully assessed. In 2005, for example, the Supreme Court abolished the death penalty for juvenile offenders.

With deterrence, we ask: would execution of this 21 year old deter other terrorists from committing similar crimes? Whether the death penalty actually deters continues to be hotly debated, but it will surely be argued in Tsarnaev’s case that dedicated jihadists will not only not be deterred but are prepared for death as a path to martyrdom.

The final question regarding incapacitation is a straightforward one to answer: an executed murderer can never kill again.

The judge and jury in Tsarnaev’s trial must agree that one or more of these justifications for the death penalty is present in the case.

The importance of federal involvement

It is critically important that the Tsarnaev prosecution is being brought by the United States and not the state of Massachusetts.

Massachusetts excludes the death penalty as a sentence in a murder case. Indeed, polls showed that Massachusetts citizens generally opposed charging Dzhokhar with capital murder (a crime eligible for the death penalty.)
But, none of that matters in a federal prosecution. Federal law – the anti-terrorism laws of the United States – provides multiple categories of death penalty-eligible crimes. These include such acts as using a weapon of mass destruction resulting in death and conspiracy to bomb a place of public use. These categories have been aggressively invoked by federal prosecutors in the *indictments* in this case.

Defense counsel strategy for the remainder of this trial is to make out Dzhokhar as a pawn of his older brother. Because of that, the argument will go, his culpability is insufficient to support a capital sentence.

Will the facts show that he was substantially under Tamerlan's influence or was he independently motivated to kill Americans?

Did his youth, apparent timidity, or simplistic views on American military actions remove him from the “worst of the worst” category of killers? Or, is he in the same category as terrorists like the assassin “Jihadi John,” or the leader of Al-Shabaab?

By starting off its case with victim testimony, the prosecution is painting the picture of a cruel, heartless and unremorseful killer, the “worst of the worst,” who caused the death of three innocent people, including a young boy.

The government is saying, in other words, that this is a case of simple justice in which the death penalty is the only fair sentence for one whose crimes have caused so much suffering.
A person should not have to choose between putting food on the table, buying needed medicines or paying the water bill, but many in our country do.
The rising cost of water will no doubt place significant strain on the thousands of Americans who struggle to pay for this vital resource. In Detroit, for example, where water rates have climbed nearly 120 percent over the past decade, some low-income households now spend more than 20 percent of their income on water and sewer services. In Boston, a local non-profit organization wrote a report on "The Color of Water," which examined data from the Boston Water and Sewer Commission and determined that "for every 2 percent increase in people of color by ward, there is a 3 percent increase in shutoff notices."

While we have national programs designed to make energy, food and housing affordable, we have no similar program for water. The rising cost of water will no doubt place significant strain on the thousands of Americans who struggle to pay for this vital resource. In Detroit, for example, where water rates have climbed nearly 120 percent over the past decade, some low-income households now spend more than 20 percent of their income on water and sewer services. In Boston, a local non-profit organization wrote a report on "The Color of Water," which examined data from the Boston Water and Sewer Commission and determined that "for every 2 percent increase in people of color by ward, there is a 3 percent increase in shutoff notices."

Although the EPA has voluntary guidelines suggesting that a household spend no more than 2.5 percent of its income on a water bill, no national program exists to help low-income households cover the costs of water and sewer service. Some states and municipalities assist poor families with their utility bills, while others have programs that prevent service termination if the household contains vulnerable populations, such as children or elderly or disabled individuals. In Massachusetts, we are relatively lucky, because we have state laws and utility policies that offer some protections. In fact, Mayor Marty Walsh recently announced that the Boston Water and Sewer Commission will boost the water discount for all senior and disabled homeowners to 30 percent. However, not all states and municipalities have similar programs, and even those that exist are far from sufficient to cover the magnitude of the problem.

The time has come to invest in our water and sewer infrastructure and in our communities. We must pass national legislation that guarantees access to at least a minimum amount of water for drinking, hygiene, sanitation and other basic needs. While we have national programs designed to make energy, food and housing affordable, we have no similar program for water. In parallel, we must also increase funding for water and sewer infrastructure in order to help struggling utilities effectively provide access to this critical resource for everyone. Considering the fundamental role of water for life, health and maintaining family unity, how can we afford not to?

Related:
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The varying extents to which technology and social media are changing some election strategies are reflected by the vast difference between Ted Cruz’s and Rand Paul’s official presidential nomination kickoffs.

“The new media are the game changer for Paul and Cruz,” said Steve Michael, Missouri-based campaign consultant. “Both are seen as younger and utilize the new media — Facebook, Twitter and others — that some in our party struggle with, at least to their full ability.”

But social media — however good for spreading the candidate’s message and raising money — are not the holy grail for most campaigns, political pros warn.

“In party primaries, technology can amplify and codify that special candidate-voter personal connection, but for the successful candidate, it won’t replace it,” said David Paleologos, Suffolk University Political Research Center director.

Presidential historian Craig Shirley noted that “back in Reagan’s day, social media was six reporters drinking with a campaign’s press secretary at a hotel bar.” And, back then, candidates considered the national press indispensable to their campaigns from the moment of formal launch on to the happy or bitter end.

Mr. Cruz said Monday on the “Hannity” show that he will go over the heads of the press establishment and straight to the American people. At the same time, Mr. Cruz cast himself as the next-best thing to a President Reagan.

According to Mr. Shirley, in November 1979 Ronald Reagan unofficially announced his candidacy to millions of Americans in an interview with an unfriendly Tom Brokaw on NBC’s “Today” show in New York, and then made the official announcement at a ritzy Waldorf Astoria fundraising dinner that night, to which the press was invited.

The former California governor then immediately set out on an eight-day tour of the early primary and caucus states on a chartered plane large enough to carry the traveling press.

That expensive, big-plane, traveling-press, multistate announcement tradition has persisted for first-tier candidates and for candidates out to impress upon donors and the media that they are worthy of first-tier status. George H.W. Bush followed that example for the 1988 campaign, as did his son for 2000, Bob Dole for 1996, John McCain for 2008 and Mitt Romney in both 2008 and 2012.

By contrast, Mr. Cruz spent virtually nothing from his campaign war chest to formally initiate his candidacy, first by announcing on Twitter in the wee hours of Monday, before formally announcing later that morning on the campus of evangelical-oriented Liberty University in Virginia.

Fox News Channel televised his Liberty speech live and in full. It was at or near the top of the news cycle in most print and visual media on Monday and was all over Facebook, Twitter and other social network sites. Mr. Cruz then did an expense-free hour on Sean Hannity’s show Monday evening.

But in an inaugural campaign-tour sense, the Cruz launch began and ended at the university in Virginia, with no immediate follow-up trips to Iowa or New Hampshire.

“Cruz lost something in not getting the local media coverage from his launch,” said veteran campaign pollster and strategist John McLaughlin. “GOP caucus and primary voters tend to be older, to get their news from TV and newspapers. The majority are tied to Facebook, not Twitter, WMUR matters.”

WMUR is the ABC-TV news outlet for New Hampshire.

In total contrast, Mr. Paul will pay rental for a private jet when he begins his five-day, five-state campaign launch officially in his home state on April 7. He will then fly directly to New Hampshire, South Carolina, Iowa and end up in Ne-
vada on April 11.

He too may get live Fox News coverage of his whole campaign launch speech in Louisville, Kentucky. He will also get something else that many campaign strategists regard as just as important as national news coverage.

In each of the four early caucus and primary states he visits, voters in those states will see him pictured in diners, on campuses and at malls with which they are familiar. The voters will, according to campaign experts in both political parties, interpret the visit as an indication that he cares about their state, their problems, their aspirations and, most of all, their vote.

No one can know yet who made the wiser decision — Mr. Cruz, who did it on the cheap with a big one-day splash, or Mr. Paul, who plans to do it more expensively as a five-day, five-state tour, but in a more intimate manner with the voters who count.

Historically, it's likely that if someone wins both South Carolina and either New Hampshire or Iowa, he will go on to win the GOP nomination.

Mr. Paul will get the benefit of national coverage on his first day, less so on subsequent days perhaps, but he will get the vital local coverage from in-state press that campaign professionals say will presumably matter most on caucus or primary day come Feb. 2016.

Mr. Paul also has legions of loyalists from his father Ron's presidential runs, who will announce on social media dozens of fundraising events in cities and towns around the country during his inaugural campaign tour.

The one thing both Mr. Cruz and Mr. Paul seem likely to avoid, at least at this stage, is using their articulate, highly political fathers as surrogates on social media, with traditional media or at campaign venues.

Former U.S. Rep. Ron Paul won the Libertarian Party presidential nomination and then bid to be the GOP standard-bearer in 2008 and 2012, but was judged by some of his own supporters as conveying the image to voters of someone who is too ideologically rigid. In that sense, the younger Mr. Paul has set out to portray himself as equally committed to limited government but less of a finger-wagger than his dad, who has not so far appeared much with or campaigned for his son.

Mr. Cruz's father, Cuban-born evangelical pastor Raphael Cruz, similarly doesn't campaign with his senator son but is often cited by him to establish his Hispanic bona fides and his appreciation for immigrants.

But on Monday evening, in his appearance with Mr. Hannity, neither the senator nor the talk-show host made mention of Rafael Cruz's former association with Fidel Castro. As a young Cuban in the 1950s, Rafael first fought with the Castro forces against the dictatorship of Fulgencio Batista. Rafael had to flee Batista's Cuba and eventually turned against the Castro revolution as it became clear it was a communist regime in the making.

More than a year ago, the elder Mr. Cruz, a militant anti-communist, acknowledged to The Washington Times that he was wrong to have supported the Castro revolution.

The question of fathers as assets or liabilities aside, the best short-term measure for the effectiveness of the candidates' launches is how each will poll in weeks to follow.

"Keep in mind that primary voters expect personal attention and want to be asked for their vote and support personally," Mr. Paleologos said. "I'm not saying that it won't change eventually, but there are generations of likely voters conditioned to hometown courtship. [If] you don't show up, someone else captures their imagination and support. In fact, not showing up is seen as a snub."

Mr. Paleologos said that in the GOP primary, where more "supervoters are older, you don't ignore the select group of Iowa and New Hampshire voters who could help you launch your national aspirations."

Still, Mr. Cruz got the jump on what is expected to be a crowd of GOP presidential hopefuls looking for small and large donors and small and large news outlets to get out their message. And while the candidate who announced first hasn't won the nomination in recent memory, the Cruz team and other campaign ana-
Lyists say the times may be a-changing.

"Cruz is doing it the right way, but he'll really need to touch a lot of people in person, by hand, and look a lot of people in the eyes," said Chris Abraham, a social media marketing consultant.

In November 1979 Ronald Reagan unofficially announced his candidacy to millions of Americans in an interview with Tom Brokaw on NBC's "Today" show in New York before making the official announcement at a Waldorf Astoria dinner that night.

Sen. Ted Cruz, Texas Republican, formally initiated his candidacy, first by announcing on Twitter, and then going to evangelical Liberty University in Virginia to make a public televised speech. Mr. Cruz later did an hour on Sean Hannity's Fox News show.
Senator Ted Cruz is Signing up for Obamacare

By Elias Cepeda

WASHINGTON, DC - MARCH 10: U.S. Sen. Ted Cruz (R-TX) speaks during the 2015 Alfred K. Whitehead Legislative Conference and Presidential Forum March 10, 2015 in Washington, DC. Prospective 2016 presidential candidates from both political parties participated in the presidential forum during the conference which hosted by the International Association of Fire Fighters. (Photo by Alex Wong/Getty Images)

After making a name for himself by calling for the repeal of the so-called
Affordable Care Act (ACA), U.S. Sen. Ted Cruz of Texas is signing his family up for Obamacare.

During an interview with CNN’s Dana Bash, Tuesday, Cruz revealed that he plans to forego other private insurance options and shop for insurance on the Obama administration constructed health care exchange.

Previously, Cruz and his family had purchased insurance through his wife Heidi Cruz’s employer, Goldman Sachs. After Sen. Cruz announced that he is running for President of the United States in 2016, Mrs. Cruz took an unpaid leave of absence from Goldman Sachs’ Houston office, where she is a managing director, giving up her position’s healthcare benefits.

In 2013, Sen. Cruz led efforts to defund the ACA, which resulted in a federal government shutdown. The movement by the young Senator to defund the ACA failed, and now he himself will choose to use it, though he saw no irony in the development.

“I believe we should follow the text of every law, even laws I disagree with,” he
told CNN.

Cruz’s campaign later told CNN that the senator and presidential candidate will not accept a government contribution healthcare cost subsidy that lawmakers and their staff are eligible for, under the ACA.

With a straight face, Cruz went on to blast the ACA and promise to repeal it, even as he uses it. “What is problematic about Obamacare is that it is killing millions of jobs in the country and has killed millions of jobs,” he claimed.

“It has forced millions of people into part time work. It has caused millions of people to lose their insurance, to lose their doctors and to face skyrocketing insurance premiums. That is unacceptable.”

But, you know, in the meantime, Sen. Cruz is, like, totally going to use Obamacare.

Published at 11:02 AM CDT on Mar 25, 2015

Find this article at:
http://www.nbcchicago.com/blogs/ward-room/Senator-Ted-Cruz-is-Signing-up-for-Obamacare-297525401.html

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No more "billable hours" for area lawyer

By Philip Walzer
The Virginian-Pilot
© March 8, 2015

They’re two of the most dreaded words you’ll hear from a lawyer. No, not “you’re guilty,” but “billable hours.”

John Rabil stopped saying them in January. The 33-year-old Franklin attorney switched from a billable-hour system – the charge depends on how many hours the lawyer has worked on a case – to set fees.

The goal: “To simplify things for my clients and give them more information upfront” to erase any doubt, the business lawyer said last week. “No one was upset there wasn’t going to be billable hours anymore.”

Rabil charges $500 to form a limited liability company and $750 for a corporation, including filing charges.

The change saved him time documenting how long he worked on each case, and it’s been a financial plus, attracting new clients.

“The standard has been the billable hour for decades,” said Andrew Perlman, a professor at Suffolk University Law School in Boston who directs its Institute on Law Practice Technology and Innovation. But “there has been a slow but gradual movement” toward flat fees.

It’s “still not the majority approach when you look at the legal profession generally,” Perlman said. But it’s growing common in areas such as “simple divorces” and straightforward commercial deals.
Why the Almost All-White Jury in Dzhokhar Tsarnaev’s Trial Is ‘Troubling’

The almost all-white jury in Dzhokhar Tsarnaev’s trial could be the focus of a legal appeal down the road. 
AP/Jane Flavell Collins

By Eric Levenson @ejleven
Boston.com Staff | 03.09.15 | 8:29 AM

The 18 jurors who will decide the fate of accused Boston Marathon bomber Dzhokhar Tsarnaev are almost all white. For reasons of perception, racial equality, and legal practicality, the racial composition of this jury is “troubling,” said Suffolk University law professor Jeff Pokorak, an expert on the intersection of race and the death penalty.

“Not necessarily from an outcome standpoint but from an image of justice standpoint,” Pokorak said. “It’s not a good image.”

The seated jury has some diversity in one young student of Iranian descent, who said his mother fled Iran and converted from Islam to the Baha’i faith. Otherwise, the jury consists of middle-aged white men and women. While the social construction of race is somewhat malleable, CNN described the jury as “almost exclusively white.”
The lack of minorities on Tsarnaev’s jury is likely due to the practicality of choosing a death penalty-qualified jury, several legal experts told Boston.com. In order to sit on a death penalty trial, potential jurors have to be open to the idea of applying the death penalty if the defendant is found guilty.

However, minority groups are, on the whole, less in favor of the death penalty. Pokorak said this opposition is due to the fact that capital punishment in the United States has often been used against minority defendants in murder trials with white victims.

“They understand the death penalty, at least historically, has been used in a discriminatory fashion,” Pokorak said. “There’s a very sad, long history of all-white juries.”

That’s how a case in Suffolk County, which is 63 percent white, can end up with almost all white jurors. From an initial field of 1,373 prospective jurors, 64 people were deemed acceptable options to sit on Tsarnaev’s jury. Just one was black.
“The idea that one juror can really bring forward a different perspective just is not borne out,” Suffolk University law professor Jeff Pokorak said. Reuters/Jane Flavell Collins

“I doubt ... that intentional racial bias was going on [here],” said Richard Dieter, the executive director of the Death Penalty Information Center, “but it can happen inadvertently because of the death penalty qualification question.”

“It’s not racial prejudice per se, it’s the practicality of how all this plays out,” said Douglas Berman, a professor at Moritz College of Law and creator of the Sentencing Law and Policy blog.

In a thorough investigation of death penalty cases last fall titled “Bias in the Box,” author and justice reform activist Dax-Devlon Ross argued why it’s so important to have diverse juries in capital punishment cases.

“Alongside the right to vote, the right to serve on a jury is an enduring pillar of our democracy,” he wrote. “Nevertheless, there is perhaps no arena of public life where racial bias has been as broadly overlooked or casually tolerated as jury exclusion.”

RELATED LINKS

- The Charges Against Dzhokhar Tsarnaev Explained in Plain English
- The Guide to the Dzhokhar Tsarnaev Trial
This jury’s racial composition could have an impact down the road, too. Defense attorneys may use the jury’s racial composition in appeal processes if Tsarnaev is given the death penalty, Dieter said.

“If [a juror disqualification] looks like race, that can cause a retrial,” he said.

Death penalty trials have two sections: the guilt phase and the sentencing phase. Tsarnaev’s lawyers have all but conceded the first phase in perpetrating the bombings.

“It was him,” defense lawyer Judy Clarke said in her opening statement.

The defense strategy is to position Tsarnaev, who was 19 at the time of the bombings, as a pawn of his now-deceased older brother Tamerlan. The goal is to influence the sentencing phase as they attempt to get Dzhokhar Tsarnaev life in prison rather than lethal injection, according to legal experts.

Experts disagreed on whether the racial composition of the jury would change the ultimate sentence in the case.

Berman said having a minority person with “distinctive experiences” on the jury can change the decision-making dynamics. He compared this to the influence Thurgood Marshall had on the Supreme Court as its only black justice.

But Pokorak rejected that idea. Juries don’t act like the movie 12 Angry Men, in which one determined juror holds out and eventually changes the minds of everyone in the deliberation room.
“That is not how things happen in juries, according to jury science,” Pokorak said of the movie’s plot. “The idea that one juror can really bring forward a different perspective just is not borne out.”

“I don’t think there’s any reason to conclude that, were there black jurors, there would be any greater sympathy for the defense,” said Robert Blecker, New York Law School Professor and death penalty advocate. “I don’t think it makes much difference that it’s an all-white jury in this case.”

For Dieter, the uniqueness of Tsarnaev’s case makes comparisons and general statistics somewhat irrelevant.

“This defendant doesn’t necessarily fit into that, plus the crime is so unusual,” Dieter said. “If he had been pink or green or whatever color, it probably would be a similar case.”
Clinton’s reversal on openness may impact more than her presidential ambitions

AUTHOR
Alasdair S. Roberts
Professor of Law at Suffolk University

Does the Clinton email issue represent mere sound and fury or is it a real controversy about government transparency?

Let’s examine the facts, as reported by the New York Times and the Associated Press.

While Secretary of State, Hillary Clinton never used a governmental email account. Instead, she used a private email account maintained on a server located in her Chappaqua, New York home. Last year, she turned over a selection of her email records to the State Department, which has begun the slow process of determining which of those emails might be released to the public.

Is this really a problem?

The current Secretary of State, John Kerry, doesn’t seem to think this is an issue. But a closer look reveals a lack of respect by Clinton for the principle of democratic accountability.

Her email practice is inconsistent with the rhetoric on openness generated by the Obama administration during her tenure as Secretary of State, as well as by her husband’s
administration between 1993 and 2000. More importantly, Clinton’s action provides a license for the governments of more fragile democracies abroad to evade their own transparency rules.

Clearly, Secretary Clinton isn’t the first government official to use private email to circumvent laws intended to preserve government records and make them accessible to the public. But she may have set a new standard for evasion by relying exclusively on private email, and setting up a server dedicated to that purpose.

Clinton may have been attempting to preserve her own power to determine which of those emails would enter the public domain, either through congressional inquiries, Freedom of Information Act (FOIA) requests, or eventually through research in government archives. Clinton would no longer have to rely the judgment of government lawyers, FOIA officers, and archivists about the release of potentially damaging emails.

Now, suppose that this practice was adopted more broadly. Imagine that all those working for the federal government decided that they should have the right to do what Clinton has done. (That’s roughly 4.2 million people, by the way.) Or suppose that state and local officials (another 15 million people) also took the view that what is good enough for Mrs Clinton is good enough for them.

Think of the gap that would be created in the nation’s historical record. And think of the immense difficulties that would be created for legislators and citizens who are struggling to understand what their governments have done, or to hold them accountable for misbehavior.

Clinton’s practice versus promises of openness

Some commentators have emphasized that Mrs Clinton, a survivor of several intense political battles, has particularly strong reasons for wanting to control access to her emails. Perhaps so – but Clinton has also been associated with administrations that made powerful statements about the importance of promoting governmental openness.

In October 1993, for example, President Bill Clinton sent a memorandum to federal department heads emphasizing “the fundamental principle that an informed citizenry is essential to the democratic process and that the more people know about their government the better they will be governed.”

The Clinton administration also exported the rhetoric of openness. It was one of the main sponsors of the 2000 Warsaw Declaration, which upheld the principle that government institutions should be “transparent, participatory and fully accountable.” The administration encouraged new democracies to adopt laws like the US Freedom of Information Act.

The Obama administration, in which Mrs. Clinton served from 2009 to 2013, made an even more forceful commitment to the principle of transparency.

On his first day in office, President Obama sent a memorandum to Secretary Clinton and other heads of executive departments emphasizing that his administration “is committed to creating an unprecedented level of openness in Government.” Transparency, Obama said, strengthens democracy, promotes accountability, and builds public trust.
Obama reinforced this message with a second memorandum, sent on the same day, also addressed to Secretary Clinton and other heads of executive departments. It focused specifically on the implementation of the Freedom of Information Act.

FOIA, Obama reminded the department heads, "is the most prominent expression of a profound national commitment to ensuring an open Government." Clinton and her colleagues were warned that government agencies should "adopt a presumption in favor of disclosure" and that decisions to withhold information "should never be based on an effort to protect Government officials at the expense of those they are supposed to serve."

The Obama administration renewed its commitment to openness when it launched the Open Government Partnership in 2011.

The OGP is an international project that requires individual countries to report on their progress toward increased transparency.

The United States produced its first national action plan for the OGP in September 2011. Open government, the plan said, was a "high priority" for the Obama administration. The plan recognized that "the backbone of a transparent and accountable government is strong records management that documents the decisions and actions of the Federal Government."

Significantly, Hillary Clinton’s State Department played a key role in promoting the Open Government Partnership (OGP).

At the OGP’s launch in 2012, Clinton criticized "governments that hide from public view and dismiss the idea of openness." Her State Department emphasized the need for "political leadership" to promote transparent government. The department was represented on the working group responsible for developing the overall US action plan on openness, and also produced its own departmental Open Government Plan in 2011 that "reflects the personal commitment of the Secretary of State … to the principles and practices of Open Government."

The issue isn’t just whether Clinton complied with federal law. Over the years, Clinton subscribed to a higher standard on transparency. Her decision to privatize her email communications is not consistent with the strong statements on openness made by the Clinton and Obama administrations, and even her own State Department.

Her action will encourage government officials at home and abroad to walk away from their own promises on transparency. The revelations come at a particularly bad time for advocates of openness. As a recent Brookings Institution study observes, there is a rising tide of resistance to the principle of transparency in the United States. And, as I’ve noted elsewhere, there is a similar backlash internationally.

For years, Clinton talked a good game on transparency. But in management of her email, she has fallen far short of the ideal.
My headphones are my lifeline. I don’t go anywhere without them. Uncoiling their tangles is a welcome, if annoying, routine. They’re a friend I can conjure at a moment’s notice. The sounds that emerge from their white wires provide relief, comfort, confidence, serenity... maybe even a dance party.

But all good things must come in moderation. We millennials might be getting too attached to our headphones, and the World Health Organization (WHO) is worried.

"Among teenagers and young adults aged 12 to 35 years, nearly 50 percent..."
are exposed to unsafe levels of sound from the use of personal audio devices, and around 40 percent are exposed to potentially damaging levels of sound at entertainment venues,” the organization said in a release about research last month.

Loud noise can damage the hair cells (called stereocillia) in our inner ears. Such hearing loss is permanent, and humans have no way to restore these hair cells.

To avoid irrevocable harm to our ears, Lisa Shatz, an associate professor of engineering at Suffolk University, urges headphone users to listen to no more than 60 percent of the maximum volume on their devices, for no more than 60 minutes per day.

“It’s so prevalent for older adults to experience hearing loss, so you don’t want to put yourself at risk for that happening by listening for too long, too loudly, on your headphones,” she said.

Changing your headphones won’t help either, said Dr. Ackland Jones, a senior audiologist at Massachusetts Eye and Ear Infirmary.

“It’s not so much an issue of what headphones you are using, but really the factors are how loud you are listening to them and how long you are listening to them: Those two things combine to create the resulting exposure that you’re getting,” he said.

And it’s not just our music listening habits that will contribute to hearing loss, Dr. Jones said. You might encounter potentially damaging sounds in any given day, and for other noisy activities, he recommends using earplugs or ear muffs.

“The effects of loud noise can be compounded. Music is one source, but there are many more sources out there,” he said. “You listen to your iPod, then you go home and mow the lawn, and do other activities that are loud, or ride a motorcycle or something—all of those things can add up to what happens.”
The extent of the damage also depends on how you are listening. Background noise-canceling headphones are the best for listening, Shatz said, because we might not be so inclined to raise the volume in order to drown out other sounds. On the other hand, we might need to hear background noise while in public, for safety’s sake.

Dr. Jones and WHO recommend limiting noise exposure to 85 decibels on average over an eight-hour period. Those beats at the club or at that party last weekend are probably around 100 decibels, which you should be exposed to for no more than 15 minutes.

So, the next time you turn it up, consider what you could be turning it down for.
The appointment of Keith Hall as director of the Congressional Budget Office coincides with the adoption by Congress of a rule change that requires “dynamic scoring” of proposed tax law changes.

Hall is chief economist at the U.S. International Trade Commission, served as head of the President’s Council of Economic Advisers under George W. Bush and was Commissioner of the U.S. Bureau of Labor Statistics from 2008 to 2012. In April 2015, he will replace CBO Director Douglas Elmendorf, who has served since 2009.

The appointment of Hall appears to signify an intention, going forward, for the CBO to adhere to the spirit, as well as the letter, of the new congressional mandate. He should not be distracted from this effort by politically-driven griping from economists who should know better than to question the congressional intent behind that mandate.

The only question that Hall or any competent economist might ask in considering the question of dynamic scoring is, “Why would we do it any other way?” Dynamic scoring means measuring the impact on tax revenues of a change in tax law by taking into account how that change will affect the base on which the tax is imposed. Because changing a tax law will always change the economic activity on which the tax is imposed, it would be nonsensical to assume the tax base will remain fixed under a new law. Yet that is exactly what the proponents of “static scoring” want to assume. And it is static scoring that dynamic scoring is intended to replace.

Suppose that someone committed to the idea of static scoring thinks income taxes are too low. If the combined federal and state income tax applicable to the top federal tax bracket is 50 percent (as it is in some states), then, under the canons of static scoring, we might as well double the rate to double the amount of revenue collected from that tax bracket. Dynamic scoring would produce the obvious conclusion that the amount of revenue collected would go to zero, inasmuch as no one will bother to earn (or report) any income that is taxed at 100 percent.

Actual proposed tax changes are seldom so drastic (even though the top federal rate was 91 percent when Kennedy took office and 70 percent for Reagan). But the principle always holds: If the government increases the tax rate 10 percent, revenues will rise less than 10 percent because the base will shrink in response to the higher rate. Similarly, if the government cuts the tax rate 10 percent, revenues will fall less than 10 percent since the base will expand. Anyone who took Economics 101 had to understand that principle in order to get a passing grade.

Oddly, some of the nation’s top economists are raising concerns about that principle. For example, Alan Blinder complained in the Wall Street Journal that dynamic scoring of tax increases will fail to account for the benefits that might redound from the new spending a tax increase would finance. Blinder should realize that the only question here is whether the new spending is justified, given the inevitable shrinkage in economic activity the new taxes would bring about. Gregory Mankiw refers to dynamic scoring as “opening a can of worms,” raising the suspicion he would be more comfortable with static scoring — even though, by his own admission, static scoring makes no sense.
If we were to psychoanalyze economists willing to take issue with dynamic scoring, we might suggest their subconscious worry is that, in order to measure the effects of tax increases on tax revenues, it is necessary to understand how those increases exert disincentive effects on economic activity. Dynamic scoring has the collateral effect of revealing how every tax increase, no matter how well intended, shrinks the base on which it is imposed. If that base is income, then we get less income and less production. By exposing this negative effect, dynamic scoring forces lawmakers to weigh the bad against the good in considering new spending programs and the inevitable tax increases they require.

How will Keith Hall stand up against economists who would rather not recognize the bad effects of additional taxes? There is every reason to be hopeful. Hall worked in the administration of George W. Bush and at the Mercatus Center at George Mason University. Both the Bush administration and Mercatus understand the principle behind dynamic scoring. Hall’s own research has focused on concerns about declining labor-force participation and the disincentive effects of safety-net legislation, minimum wage laws and Obamacare. Like tax hikes, these policies have negative dynamic effects.

The Beacon Hill Institute and the National Center for Policy Analysis’ Tax Analysis Center are particularly interested in what Hall has to say about macroeconomic modeling. He provides some clues in a comment he submitted to the Environmental Protection Agency on “The Role of Economy-Wide Modeling in US EPA Analysis of Air Regulations.” There, for example, he says that “economywide modeling will need to be adapted to educate the EPA and the public on the likely number and types of workers displaced if costs increase due to regulation.” He also says that “the use of simulation models of any type . . . is more an exercise of applied economic theory than an evaluation of empirical evidence,” for which reason “transparency is extremely important.”

We agree completely. The best way to model the effects of changes in tax law or environmental rules is to construct a simulation model that takes as a given what the evidence has to say about how economic agents (buyers and sellers) respond to the incentives and disincentives created by those changes. We hope and expect that Director Hall will provide transparency in modeling tax law changes. He needs to keep firmly in mind the principle that any model worth considering recognizes tax increases exert negative effects, and tax decreases exert positive effects, on economic activity.

David G. Tuerck is a senior fellow with the National Center for Policy Analysis and executive director of the Beacon Hill Institute and professor of economics at Suffolk University in Boston.
Students & Alumni

Select Clip for Viewing

• Sofia Lesko
  o USA TODAY – “Gender equality movement ‘HeForShe’ gains momentum on campus”

• Sara Steele-Rogers
  o Boston.com – “Sara Steele-Rogers Gets to Explore Boston, Professionally”

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Emma Watson moved thousands of people with her speech about gender equality in September. Since that speech at United Nations (U.N.) headquarters in which she announced her HeForShe campaign’s creation, it has grown in popularity on college campuses.

New York University is the latest campus to create a chapter for the movement, which advocates bringing “together one half of humanity in support of the other half of humanity for the benefit of all.”

Gerardo Porteny, a 20-year-old political science sophomore, founded NYU’s chapter in response to the disparities he found when traveling the world and working for the U.N. He says he noticed men and women had distinct groups for gender equality advocacy, but they usually didn’t talk to each other.

“Everything in life has a gender aspect economically, politically, culturally and socially,” he says. “Both men and women benefit from gender equality regardless of our career. We need to stop segregating the gender equality movement because it’s a platform for everyone.”

At the U.N. conference on International Women’s Day, Michele Kelemen said that “no country has achieved gender equality, and violence against women remains ‘alarmingly high.’”

Porteny says he hopes to focus on advocating for equality on a smaller level with his work at NYU’s HeForShe.

Lillian Rozsa, a 19-year-old political science and women’s studies freshman, was surprised by the support she received after starting the University of Florida’s chapter at the beginning of the spring semester.

“There are a lot of men who come to the meetings, and we’ve inspired a lot of support from males and females alike,” she says. “I think HeForShe is specifically saying men can be feminists too. It just makes me excited for the future.”

VIEWPOINT: Emma Watson isn’t changing the game, she’s playing it
Zainnab Al-Kurdi, a 19-year-old business administration sophomore, created the HeForShe chapter at IE University in Spain.

Before attending the university, she went to an all-girls school where she says she was involved in feminist groups.

“There are many cultures around the world that still suffer from inequality and violence,” she says. “I thought we need to implement HeForShe at the University due to the fact that there are many people from international backgrounds.”

She says her club has already had a debate about human trafficking, but she says she hopes she can bring more awareness to campus.

Margot Baruch, the director of Global Engagement at Rutgers University says she sees the need for gender awareness and organizations like HeForShe on campus, whether students are creating a chapter or the school is participating in a campus tour.

“Last night, I had the opportunity to attend a screening of The Hunting Ground,” she says, “and it became even clearer to me the importance of engaging men and boys in these conversations to cultivate their understanding about the pervasiveness of gender-based violence both on campus and worldwide.”

Even if the response isn’t all positive, Porteny says the criticisms have been beneficial in shaping the future of HeForShe. He says he’s received feedback about the colors of the HeForShe symbol and about including the LGBT community.

Sofia Lesko, an 18-year-old entrepreneurship freshman, created Suffolk University’s chapter. She says she’s hopeful for the future of HeForShe on her campus and across the world.

“If you look up the definition of feminism, it doesn’t have anything to do with women,” she says. “I think the goal is global gender equality. It needs to happen on a smaller scale, but we’re starting to help them reach that goal.”
Sara Steele-Rogers Gets to Explore Boston, Professionally

Boston’s Eventbrite marketing manager finds the city’s hidden gems

“I know they have pupusas there, and I want to get one.”

Sara Steele-Rogers bounded across the street toward Topacio, a Salvadorian restaurant in East Boston with dark red awning. Inside, a few women were hand-rolling pupusas — a traditional Salvadorian pancake with cheese, pork, or refried beans filling — which they sold for $1.50.

Steele-Rogers reached into her pocket for a few bills and snapped several photos of the dish with her iPhone to post on social media later.

“After this, I want to see if we can get a margarita for cheap,” she said.
It was a Wednesday afternoon, and Steele-Rogers was on a food crawl, seeing how far $20 can get her in Eastie. She wasn’t playing hooky from work, because this is her job. Steele-Rogers, who is 30, is Eventbrite’s Boston marketing manager, and she gets paid to find hidden gems around Boston.

Her Eastie food findings will be published on Rally, a new blog Eventbrite is launching to rebrand itself. The San Francisco-based company wants to be seen as not just an events database, but also a destination for people to discover events and live new experiences in their cities. To that end, Steele-Rogers began creating monthly event “guides” showcasing restaurants, bars, and experiences to be had in greater Boston. She’s also responsible for making sure all of Eventbrite’s social media bases are covered.

Eventbrite has an international presence and employs a marketing manager in cities like New York, Los Angeles, Chicago, London, Dublin, and Sao Paulo.

For the most part, Steele-Rogers runs a one-woman show for Eventbrite in Boston, with help from a part-time intern. She operates Eventbrite Boston out of co-working space WeWork South Station and her Beacon Hill apartment.

Naturally, in the three and a half years she’s been on the job, she’s gotten to know her way around pretty well. On a good week, she attends two to three events to get her name and face out there, and she’s constantly updating @EventbriteBoston on Instagram and @BriteBoston on Twitter (which both have a photo of her and Keytar Bear as profile pictures) on food deals, speaker and networking events, or the best places in Boston for a cocktail.

Friends ask her for recommendations all the time, for group dinners, date ideas, or bachelorette party venues. “For better or for worse, people do call me Eventbrite Sara, or have it saved like that in their phones,” she said. “I like being associated with that. It’s fun, flattering. It’s a big responsibility to be a face of a brand, and it’s an honor to be that in Boston.”
Steele-Rogers is originally from Connecticut but has lived in Boston for the past 13 years. She received an undergraduate degree at Suffolk University in 2006 and a graduate degree in marketing at Emerson College in 2010.

She was a marketing intern at Yelp before, which helped her get to know Boston better, and was a social media and marketing manager at Boloco before that. She’s also taught social media at Simmons College and Suffolk University.

So it’s pretty fitting that she found the job opening for Eventbrite on Twitter in the first place. She saw the tweet from @BostonTweet in July 2011 and was intrigued, and after a long interview process, she got the job.

On a daily basis, she now manages up to 10 social media accounts, a mix between those for work, for personal, and her cat, @littlemissmooka. @EventbriteBoston on Instagram and Facebook is smattering of food shots, pictures of events, or landscape shots of Boston, and @BriteBoston on Twitter is a breathless stream of event listings and exclamation marks.

***

Steele-Rogers knows Eastie pretty well, but she was also just winging it: no Yelp, no Eventbrite, just strolling down Meridian Street and following her nose.

“I love going to any neighborhood and just seeing what’s there,” she said.

This bodes well for Steele-Rodger’s latest project — seeing what’s in Atlanta, a test market for Eventbrite. She’s been traveling back and forth to increase awareness of Eventbrite down South, but also to see whether the company should open up an office there, similar to the one in Boston.

There was only so much she could do from Boston, and she’s never been to Atlanta. “Some of it was just, ‘once I get there, I’ll figure it out.’”

In Atlanta, she ended up chatting with a lot of people on the street, networking with influencers, reaching out to co-working spaces, exploring
coffee shop and bars, and sang karaoke.

If all goes well in Atlanta, Steele-Rogers will remain based in Boston but will serve as a lead for opening different markets for Eventbrite across the country.

When it’s her job to explore a new city, Steele-Rogers acknowledges that there’s bound to be some blending of her personal and professional lives, and many of the events she attends in Boston interest her personally (like food and drink pairings or fitness classes).

But Steele-Rogers says it’s very important to separate the two.

“I’ve seen way too many people in similar positions as myself who aren’t able to sustain their positions, mainly because they work during the weekends, in the middle of the night, early in the morning, because it’s so ‘easy,’” she said.

So she turns to structure.

While she works about 45 to 55 hours a week, she can set her own schedule to create structure: Monday’s for social media, Friday’s for calls with the boss, and flexible projects like food crawls scheduled in between.

Steele-Rogers got pretty far with just $20 in Eastie — a chicken parm sandwich, a cheese-filled pupusa, chips and guacamole, a guava fruit turnover (think pop-tart), and a slice of flan cake — and began to head back to her apartment around 3 p.m.

Her job’s flexible hours are worth a lot to her.

“I’ll get up at 5:30 a.m., do a few hours of work, and hit the gym. I have the luxury to do that, or go to lunch with friends,” she said. “The value on having that flexibility is huge.”
New England Cable News (NECN): “Suffolk in the City” Students

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umass amherst and amazon are teaming up to help students afford those expensive textbooks. our suffolk in the city student reporter joe presti is live in boston with more. financing a college education is easily one of the biggest burdens for anybody who attends, but umass amherst has recently created a way to help their students make it a little more affordable. now umass amherst isn't the only school to have

what does a scholar, a crime prevention officer and the manager of an irish pub have in common? it may sound like a bad joke - but our suffolk in the city reporter siobhan (sha-vawn) sullivan joins us live from boston to explain.
good morning siobhan! good morning! you're right, it does sound like a bad joke... but there's no punchline to this one... the three individuals do have one thing in common and that is st. patrick's day...
of relaxing on white sandy beaches to participate in week-long volunteer programs around the country i had the chance to participate in the trip to puerto rico and it is an experience that all college students should get involved in. for suffolk in the city, i'm laura ruiz, necn in health news -- a massachusetts democrat is pushing legislation aimed at helping hospitals diagnose and treat newborns exposed to opiates. representative katernine clark says the rise of opiate abuse has led to more babies being born with "neonatal withdrawal". those babies can suffer from seizures and respiratory problems. the bill would direct federal health officials to lay out the best way for hospitals across the nation to treat and

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