

DZHOKHAR TSARNAEV FACES THE DEATH PENALTY

Attorney General Holder has decided to seek the death penalty for Dzhokhar Tsarnaev. The Prosecutors cite Dzhokhar's "betrayal of the US," his encouragement to others, the depraved manner in which he conducted his attack, and his targeting of the Boston Marathon among the reasons for their decision.

But, as Matt Apuzzo suggests in his story on the decision, DOJ's pursuit of the death penalty – along with their earlier accession to letting death penalty specialist Judy Clarke represent him – actually makes a plea deal more likely. Clarke specializes in negotiating plea deals for clients in similar situations. Thus, one way to look at this decision is as a decision to aim for a plea deal rather than a trial.

There are multiple reasons DOJ may want to do that, starting with the contrast such a tidy resolution would offer with the 9/11 defendants, who are still engaged in the Kangaroo Court in Gitmo 13 years after their attack. A quick plea deal will ensure that Dzhokhar will be sent to Florence SuperMax within 20 months of his attack, yet again proving that civilian resolution to terrorism actually works better than the Kangaroo Court. Obama would get to look tough on terrorism and prove yet again that civilian trials work better than what Republicans prefer.

There's also the way that a plea deal would serve to reinforce DOJ's narrative of the crime, of two brothers radicalized by reading Anwar al-Awlaki's Inspire (though if they were, why wasn't NSA tracking them?) who acted on their own. The decision may also serve to close any questions about Ibragim Todashev's death at the hands of the FBI and other unnamed law enforcement (or intelligence?) personnel; if I

know this DOJ, they might even require Tsarnaev to throw in incriminating statements about the 2011 Watertown murders. It also would serve to side-step any evidence about the Tsarnaev's family (including their spooked up uncle).

So I'm betting this leads not to the death penalty, but to a plea deal that closes the case.