

Defense admits Tsarnaev was the Boston bomber

By DENISE LAVOIE
AP Legal Affairs Writer

BOSTON — The question, for all practical purposes, is no longer whether Dzhokhar Tsarnaev took part in the Boston Marathon bombing. It's whether he deserves to die for it.

In a blunt opening statement at the nation's biggest terrorism trial in nearly 20 years, Tsarnaev's own lawyer flatly told a jury that the 21-year-old former college student committed the crime.

"It WAS him," said defense attorney Judy Clarke, one of the nation's foremost death-penalty specialists.

But in a strategy aimed at saving Tsarnaev from a death sentence, she argued that he had fallen under the malevolent influence of his now-dead older brother, Tamerlan.

"The evidence will not establish and we will not argue that Tamerlan put a gun to Dzhokhar's head or that he forced him to join in the plan," Clarke said, "but you will hear evidence about the kind of influence that this older brother had."

Three people were killed and more than 260 hurt when two shrapnel-packed pressure-cooker bombs exploded near the finish line on April 15, 2013. Tsarnaev, then 19, was accused of carrying out the attacks with 26-year-old Tamerlan, who was killed in a shootout and getaway attempt days later.

Authorities contend the brothers — ethnic Chechens who arrived from Russia more than a decade ago — were driven by anger over U.S. wars in Muslim lands.

Federal prosecutors used their opening statements, along with heartbreaking testimony and grisly video, to sketch a picture of torn-off limbs, ghoulish screams, pools of blood, and the smell of



Boston Marathon bombing survivor Marc Fucarile, center, and his wife Jennifer, left, walk past protester Jose Briceno, right, as they leave federal court Wednesday in Boston.

AP photo by Michael Dwyer

sulfur and burned hair in the streets of Boston. They painted Tsarnaev as a cold-blooded killer.

Tsarnaev planted a bomb designed to "tear people apart and create a bloody spectacle," then hung out with his college buddies as if he didn't have a care in the world, prosecutor William Weinreb said.

"He believed that he was a soldier in a holy war against Americans," Weinreb said. "He also believed that by winning that victory, he had taken a step toward reaching paradise."

Among the first witnesses for the prosecution were two women who lost legs in the attack, including Rebekah Gregory, who walked slowly to the stand on an artificial limb.

"I remember being thrown back, hoisted into the air," said Gregory, who had gone to watch the marathon with

her 5-year-old son, Noah. "My first instinct as a mother was, where in the world was my baby, where was my son?"

She said she looked down at her leg: "My bones were literally laying next to me on the sidewalk and blood was everywhere." She saw other peoples' body parts all around her, and "at that point, I thought that was the day I would die."

"I could hear Noah, I don't know how, but I could hear my little boy. He was saying, 'Mommy, Mommy, Mommy,' over and over again," she recalled. "I said a prayer. I said, 'God, if this is it, take me, but let me know that Noah is OK.'"

She said someone finally picked up her son and put him down beside her. Breaking down in tears, she testified that as she looked for the boy, she saw a woman dead on the pavement.

A shaggy-haired, goateed Tsarnaev slouched in his seat and showed little reaction as the case unfolded. Apart from a question or two, the defense did not cross-examine the first few prosecution witnesses.

About two dozen victims who came to watch the case took up one entire side of the courtroom, listening somberly to details of the carnage. Several hung their heads and appeared to fight back tears.

Prosecutors also showed the jury a gruesome video of people lying in pools of blood. The footage was punctuated by screams, moans and the crying of a boy. The ground was strewn with ball bearings and chunks of metal, and smoke wafted over the victims.

Members of the jury watched somberly. Several grimaced, especially at the sight of a gaping hole in a woman's leg.

BRIEFLY

Can the Affordable Care Act survive new challenge over tax subsidies?

WASHINGTON (AP) — Sharply divided along familiar lines, the Supreme Court took up a politically charged new challenge to President Barack Obama's health overhaul Wednesday in a dispute over the tax subsidies that make insurance affordable for millions of Americans.

The outcome in what Justice Elena Kagan called "this never-ending saga" of Republican-led efforts to kill the Affordable Care Act appears to hinge on the votes of Chief Justice John Roberts, whose vote saved the law three years ago, and Justice Anthony Kennedy.

Roberts said almost nothing in Wednesday's 85 minutes of lively back-and-forth, and Kennedy, who voted to strike down the health law in 2012, asked questions of both sides that made it hard to tell where he might come out this time.

Otherwise, the same liberal-conservative divide that characterized the earlier case was evident in the packed courtroom with the same lawyers facing off as in 2012.

Millions of people could be affected by the court's decision. The justices are trying to determine whether the law makes people in all 50 states eligible for federal tax subsidies to cut the cost of insurance premiums. Opponents say that only residents of states that set up their own insurance markets can get federal subsidies to help pay the premiums.

No federal charges in Ferguson shooting, but police force criticized

WASHINGTON (AP) — The Justice Department cleared a white former Ferguson, Missouri, police officer in the fatal shooting of an unarmed black 18-year-old on Wednesday, but also issued a scathing report calling for sweeping changes in city law enforcement practices it called discriminatory and unconstitutional.

The dual reports marked the culmination of months-long federal investigations into a shooting that sparked weeks of protests and a national dialogue on race and law enforcement as the tenure of Attorney General Eric Holder, the first black person to hold that office, draws to a close.

In pairing the announcements, the Obama administration sought to offset community disappointment over the conclusion that the shooting of Michael Brown was legally justified with a message of hope for Ferguson's majority-black citizens. Officials announced 26 recommendations, including training officers in how to de-escalate confrontations and banning the use of ticketing and arrest quotas.

Holder called the federal report a "searing" portrait of a police department that he said functions as a collection agency for the city, with officers prioritizing revenue from fines over public safety and trouncing the constitutional rights of minorities.

"It is not difficult to imagine how a single tragic incident set off the city of Ferguson like a powder keg," Holder said.

Children in Southern California breathing easier, study says

LOS ANGELES (AP) — Smog-covered mountains, gritty sidewalks, smelly fumes from traffic-choked freeways. The Los Angeles area was a tough place to breathe several decades ago. Now a study shows how much that has changed, especially for the region's youngest residents.

Children in recent years breathed cleaner air and had stronger lungs compared to those who were studied two decades earlier, researchers found. The improved health coincided with drastic reductions in pollution in the Los Angeles basin and surrounding areas as air quality regulators cracked down on emissions from tailpipes and smokestacks.

While the research focused on Southern California, the results suggest that other cities with dirty air may see a health boost with a cleanup effort.

Since pollutants such as particulate matter and nitrogen dioxide tend to be higher in cities, reducing "those pollutants should lead to improved health for children living in any urban environment," said lead researcher Jim Gauderman, a professor of preventive medicine at the University of Southern California's Keck School of Medicine.

Australia offers Indonesia a prisoner swap deal at 11th hour

CANBERRA, Australia (AP) — Australia has offered Indonesia a prisoner swap deal in an 11th hour bid to save the lives of two Australian drug smugglers who have been transferred to an island prison where they are to be killed by firing squad within days.

Foreign Minister Julie Bishop said on Thursday she made the proposal to her Indonesian counterpart Retno Marsudi who had agreed to convey it to President Joko "Jokowi" Widodo. Bishop said she had yet to hear back.

An Australian newspaper reported Bishop had offered to repatriate three convicted Indonesian drug criminals in return for the lives of the Australians, Andrew Chan and Myuran Sukumaran.

The Australians are among nine foreigners who are to be executed soon.

Emails subpoenaed in Benghazi probe

Associated Press

WASHINGTON — A congressional committee investigating the terror attacks on a U.S. mission in Libya is expected to subpoena the emails of Hillary Rodham Clinton, who used a private account exclusively for official business when she was secretary of state — and used a computer email server now traced back to her family's New York home.

The Republican-led House Select Committee on Benghazi planned the subpoenas to demand additional material from Clinton, congressional aides told The Associated Press. The aides spoke on condition of anonymity because they were not authorized to publicly discuss the committee's actions.

The development on Capitol Hill came the same day AP reported the existence of a personal email server traced back to the Chappaqua, New York, home of Clinton. The unusual practice of a Cabinet-level official running her own email server would



In this Sept. 12, 2012 file photo, then-Secretary of State Hillary Rodham Clinton speaks at the State Department in Washington.

AP Photo/Alex Brandon, File

have given Clinton — who is expected to run for president in the 2016 campaign — significant control over limiting access to her message archives.

The practice also would complicate the State Department's legal responsibilities in finding and turning over official emails in response to any investigations, lawsuits or public records requests. The department would be in the position of accepting Clinton's assurances she was

surrendering everything required that was in her control.

Congress said it learned last summer about Clinton's use of a private email account to conduct official State Department business during its investigation of the Benghazi attacks.

"It doesn't matter if the server was in Foggy Bottom, Chappaqua, or Bora Bora," House Speaker John Boehner said. "The Benghazi Select Committee needs to see all of these emails, because

the American people deserve all of the facts."

A lawmaker on the committee, Rep. Martha Roby, R-Ala., described Clinton's email practices as "a carefully calculated system to avoid using public, government-archived email."

The questions about Clinton's email left the Obama administration in an awkward position. At one point, the State Department directed reporters to contact Clinton, who has not publicly commented about her emails. The White House said it was her responsibility to make sure any emails about official business weren't deleted from her private server.

Meanwhile, the AP said it was considering legal action under the Freedom of Information Act against the State Department for failing to turn over some emails covering Clinton's tenure as the nation's top diplomat after waiting more than one year. The department has never suggested that it doesn't possess all Clinton's emails.

Defiant Alabama regains ground against same-sex marriage

BIRMINGHAM, Ala. (AP) — Alabama's stand against same-sex marriage regained ground Wednesday after the state's highest court ruled that its ban remains legal, despite federal court pressure to begin issuing licenses to gays and lesbians. But advocates said they're not giving up either — and that the justices in Montgomery will find themselves on history's losing side.

The Alabama Supreme Court ordered county probate judges to uphold the state ban pending a final ruling by the U.S. Supreme Court, which hears arguments in April on whether gay couples nationwide have a fundamental right to marry and whether states can ban such unions.

Stuck between the state's highest court and a series of federal rulings, many probate

judges were at a loss early Wednesday. Mobile County, one of the state's largest, initially announced that they wouldn't issue licenses to anyone, straight or gay.

But by mid-day, gay rights advocates couldn't find a single county still granting licenses to same-sex couples.

Montgomery County Probate Judge Steven Reed, a Democrat and one of the first to comply with U.S. District Judge Callie Granade, said he was duty-bound to turn gays and lesbians away again, for now. But he also suggested that he would join a new round of appeals.

"I feel pretty safe in saying we will be filing something with the court," Reed told The Associated Press. "I don't think we'll be at the end of it regardless of what we do, until the (U.S.) Su-

preme Court rules."

The all-Republican court ruled 7-1 that Alabama's 68 probate judges must stop issuing marriage licenses to gay and lesbian couples, despite a ruling by U.S. District Judge Callie Granade in Mobile that the ban is unconstitutional.

They gave probate judges five days to respond if they believe otherwise, but speaking out could be politically risky in the deeply conservative state, where Alabama's justices and probate judges must run for office after each term.

Before Tuesday's ruling, 48 of the state's 67 counties were acknowledging that Alabama had become the 37th U.S. state where gays can legally wed, according to the Human Rights Campaign, which advocates for gay marriage nationwide.

Fabulous Friday

FISH

March 6 from 5 to 6:30 p.m.

@ the St. Anthony Hospital Blue Mountain Cafe

Fish Tacos - \$7.75/Adults - \$6.50/Seniors - \$5.00/Children

All you can eat fish tacos served with rice, beans, and cole slaw.

Clam Chowder - \$4.25

Heaping portion of house made clam chowder served in a bread bowl.

Baked Potato Bar - \$4.00/with toppings - \$3.00/with butter only

An extra-large baked potato filled with choice of toppings.

CHI St. Anthony Hospital

2801 St. Anthony Way, Pendleton, OR 97801