

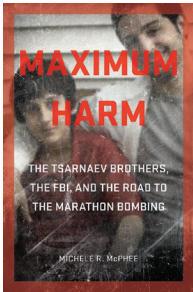


Maximum Harm: The Tsarnaev Brothers, the FBI, and the Road to the Marathon Bombing

by Michele R. McPhee
ForeEdge, 340 pages, \$29.95

Review by John D. Woodward, Jr.

Michele McPhee is an old-fashioned, hard-working, street-smart investigative journalist who is determined to get to the bottom of things. Those skills are evident in *Maximum Harm*, McPhee's riveting account of the troubled Tsarnaev family and how the brothers, Tamerlan and Dzhokhar, became terrorist mass murderers, setting off two bombs near the finish line of the Boston Marathon on 15 April 2013; and, in the aftermath, killing a police officer and causing mayhem.



Her impressive research included numerous interviews with local law enforcement officers who helped work the case. She also mined the public record, including the legal filings for Dzhokhar Tsarnaev's criminal case. Although many of these legal filings remain under court-ordered seal and thus inaccessible to the public, McPhee makes these potential limitations on her research clear.

McPhee was born and raised just north of Boston, graduated from the University of Massachusetts Boston, and covered the Boston Police Department as a journalist. She hosts a radio show on a Boston station and lives in East Boston. McPhee loves Boston. She bleeds Boston. So, it comes as no surprise that, like many other Bostonians, she regards the 2013 Boston Marathon Bombing as if it were a direct, personal attack on her or her family.

Understandably then, McPhee is not shy about offering her theories on the case. She concludes that the FBI or some US government agency recruited Tamerlan as an operative in late 2010. She believes that he likely provided one of these with information that helped take down a New England drug gang in Operation Run This Town. She also believes this connection helps explain why authorities did not vigorously investigate him as the likely suspect in the September 11, 2011 gruesome triple homicide in Waltham, Massachusetts. Subsequently, in her view, the FBI or other US government agency used Tamerlan as a "mosque crawler" to report on Muslim radicals in the Boston area. Finally, McPhee also strongly suspects

that the Tsarnaev brothers had help in manufacturing the bombs used in the Boston Marathon attacks, and she identifies Daniel Morley as the likely bomb maker. Coincidentally – or not – Morley had worked at the Massachusetts Institute of Technology (MIT) in a campus building close to the parking lot where Tamerlan murdered MIT Police Officer Sean Collier on 18 April, during the Tsarnaevs' attempted escape three days after the marathon bombing.

As for FBI involvement, McPhee isn't the first to advance the argument that Tamerlan was working in some clandestine capacity for the FBI. She points out that Dzhokhar's defense attorneys stated in court filings for his trial that the FBI attempted to recruit Tamerlan. Also, Russian-American journalist Masha Gessen, in her account of the Boston Marathon Bombings, *The Brothers*, wrote that Tamerlan and Dzhokhar's mother, Zubeidat, insisted that FBI agents tried to recruit Tamerlan.

US government officials have denied that Tamerlan was an FBI asset. When Senator Charles Grassley specifically asked this question after the bombing, FBI Director James Comey publicly denied that the Bureau had tried to recruit Tamerlan.



Photo provided by the Federal Public Defender Office and presented as evidence during the penalty phase in the trial of Dzhokhar Tsarnaev in Boston, showing his late brother, Tamerlan Tsarnaev, at an unknown location.

Counterterrorism officials have, at least implicitly, also denied that Tamerlan was an FBI asset. The March 2014 unclassified US House of Representatives Homeland Security Committee report "Road to Boston: Counterterrorism Challenges & Lessons From the Marathon Bombings" makes it clear that, as early as March 2011, the Russian Federal Security Service (FSB) contacted the FBI to express its concern that Tamerlan was becoming radicalized and that "he might return to Russia and join extremist groups there," which is exactly what Tamerlan ended up

doing. According to the House report, FBI-led Joint Terrorism Task Force (JTTF) investigators interviewed Tamerlan and his parents in Cambridge, but “the FBI did not find any evidence of terrorist activity.” Similarly, in its April 2014 public report, the Intelligence Community Inspectors General confirmed that the JTTF conducted an assessment of Tamerlan but closed it three months later “having found no link or nexus to terrorism.”

These very carefully worded statements – that the FBI had not “recruited” Tamerlan and that there was no “evidence” that Tamerlan was involved in “terrorist activity” – do not conclusively resolve the question whether Tamerlan was in fact cooperating with the FBI or another US government agency before the Boston bombings.

Despite these official denials, McPhee is not a conspiracy theorist wearing a tin-foil hat. Rather, her research has led her to conclude that these official denials do not withstand scrutiny. Many local Boston cops don’t believe the official FBI denials either, reflecting their deep-seated distrust of the Bureau, dating back to the 1980s when corrupt FBI officials in the Boston Field Office forged a criminal conspiracy with Whitey Bulger and his Winter Hill Gang. And, as McPhee makes clear from her sleuthing, there are good reasons to suspect that the FBI would have wanted to recruit Tamerlan in a clandestine capacity as, for example, a confidential informant to report on Islamic radicals. These reasons include the FBI’s counterterrorism modus operandi and facts peculiar to the Tsarnaev case.

As for the Bureau’s MO, the record shows that a preferred FBI approach for developing and making its terrorism cases is using informants. In a July 2014 report, Human Rights Watch analyzed post-September 11, 2001 counterterrorism cases in the US resulting in conviction. The conclusion: “[N]early 50 percent of the more than 500 federal counterterrorism convictions resulted from informant-based cases; almost 30 percent of those cases were sting operations in which the informant played an active role in the underlying plot.” So at a minimum, the FBI uses informants for its successful counterterrorism cases about half the time.

With this MO in mind, McPhee has the reader play the role of the FBI special agent assigned to the Boston Field Office counterterrorism unit. First, at a minimum, Tamerlan Tsarnaev came to this special agent’s attention courtesy of the Russian FSB’s early 2011 warning that he was becoming radicalized (although McPhee suspects it was much earlier). The FBI special agent would see a young immigrant who

spoke fluent Russian, English, and a Chechen dialect. Second, at a minimum, the FBI special agent would know Tamerlan’s mosque in Cambridge, Massachusetts, because it had been a previous target for counterterrorism investigators.

Moreover, the special agent would have been able to learn that Tamerlan had been arrested in 2009 for assaulting his former girlfriend, Nadine Ascencao, and that he now had a new, American-born wife, Katherine Russell. Ms. Russell had converted to Islam at her husband’s urging, took to wearing the hijab, and gave birth to a baby girl four months after their marriage. The FBI special agent on the case didn’t interview either of these women in Tamerlan’s life, nor did he visit the mosque. Moreover, Tamerlan, the new family man who didn’t spend much time with his family, never really had steady legal employment. Aside from needing income, Tamerlan also wanted US citizenship. As McPhee summarizes it, “Tamerlan was a perfect candidate for recruitment by the US government.”¹

So, if we believe the FBI’s official denials, the Bureau was not trying to develop and recruit Tamerlan as a confidential informant, despite his background, language skills, and apparent access. Such an outcome is hard to fathom, as McPhee persuasively argues.

First, she rightly calls attention to Tamerlan’s extended travel to Russia in 2012. She notes that the JFK airport authorities did not flag him for additional screening as he boarded his Moscow-bound flight, even though Tamerlan was on two US government watch lists (the Treasury Enforcement Communications System, TECS; and the Terrorist Identities Datamart Environment, TIDE) at the time.

While in Russia for six months, Tamerlan traveled to the north Caucasus, to the Russian Republic of Dagestan, which borders Chechnya to the east. (The Tsarnaevs were ethnic Chechens who had lived in Dagestan before seeking asylum in the US.) He spent considerable time with his mother’s second cousin, Magomed Kartashov, the founder and leader of the “Union of the Just,” a supposedly non-violent organization condemning US policies toward the Muslim world and advocating for the establishment of a caliphate with sharia law.² (The Russians later jailed Kartashov on terrorist related charges.) According to McPhee, Tamerlan also clandestinely recorded some

1. McPhee: 109.

2. Simon Shuster, “Dagestani Relative of Tamerlan Tsarnaev Is a Prominent Islamist,” *Time*, 8 May 2013, at world.time.com/2013/05/08/exclusive-cousin-who-became-close-to-tamerlan-tsarnaev-in-dagestan-is-prominent-islamist/.



of his conversations with Kartashov.³ Although the reasons for recording are not clear, one can speculate that such recordings with a “suspected terrorist” in Dagestan could be a way for Tamerlan to impress his US government handlers, or even to respond to tasking by those handlers.

While in Russia, two men with whom Tamerlan was associated, Palestinian Mahmud Mansour Nidal and Canadian William Plotnikov, were both marked as terrorists. Nidal had supposedly recruited a brother and sister as suicide bombers for an attack at a Dagestan police checkpoint that killed 14 people. Knowing that the authorities were seeking him, Nidal nonetheless came out of hiding to meet several times with Tamerlan in May 2012 near the main Salafi mosque in Makhachkala, Dagestan’s capital. On May 19, Russian security forces killed Nidal.

Tamerlan texted regularly with Plotnikov, “his longtime internet friend,” and they shared striking similarities.⁴ Both were young Russian-born men with a fondness for mixed martial arts and boxing who were becoming radicalized. The Canadian literally took to the forests of Dagestan with other Islamic terrorists. Tamerlan took a trip there to meet with him in early July 2012. Whether or not this meeting transpired, Russian security forces killed Plotnikov at his rural hide-out on the night of July 13. At a minimum, to McPhee, such close association with Islamic terrorists is suspicious; at most, the demise of these two terrorists shortly after meeting with Tamerlan is suggestive of Tamerlan’s cooperation with counterterrorism officials.

Second, the otherwise unemployed Tamerlan then managed to come up with 2,050 euros (~\$2,500) in cash to purchase a one-way Aeroflot ticket from Moscow to JFK to Logan, departing Moscow on July 17, 2012. As Congressman William Keating summarized

it, “Now he [Tamerlan] came back to the US after the person he met with [Nidal] reportedly was killed, and the other person who was known to him [Plotnikov] was killed. So he sort of beat feet and went home.”

When he returned “home” to the US on July 17, 2012, after having spent six months in a troubled region of the world, his arrival seemingly triggered no US government alerts.

Finally, McPhee is convinced that the Tsarnaev brothers received help making the bombs set off in the marathon attack, as well as the bombs later thrown by Tamerlan at police during the subsequent manhunt and shoot-out in Watertown. Although McPhee does not believe that the bomb-making assistance was related to Tamerlan’s cooperation with the FBI, it does further illustrate the flaws in the official investigative story line” that the brothers acted entirely alone throughout. Why does McPhee believe the brothers had help making their bombs? She builds a good circumstantial case.

First, by the US government’s own admission, the bombs used were sophisticated and the FBI didn’t think the two brothers could have made them on their own. In court documents, the government prosecutors noted, “These relatively sophisticated devices would have been difficult for the Tsarnaevs to fabricate successfully without training or assistance from others.”

Second, the brothers supposedly made the bombs by purchasing fireworks and manually extracting the finely grained black powder. But if the brothers made the bombs, one would expect to find some explosives residue on their persons, clothes, three vehicles used by them, or their living areas. None was ever found, according to FBI records. In fact, in Dzhokhar Tsarnaev’s court proceedings, FBI Supervisory Special Agent David McCollum, a chemical forensic examiner and explosives expert, testified “I do not, based on our analysis, think we can tell where these bombs were built.”

McPhee identifies the bomb-making accomplice as Daniel Morley, who came to police attention when they were summoned for help in an emotionally disturbed person (EDP) call in June 2013.⁵ The mentally unhinged Morley, who lived with his mother and her boyfriend in Topsfield, threatened to burn the residence down. After entering the residence, the police found bomb-making materials; ball bearings and green hobby wire, similar to the ones used in the Tsar-

3. McPhee: 105.

4. McPhee: 119.

5. McPhee: 39.

naev bombs; illegal firearms; ammunition; and a top for a box containing a six-quart Fagor pressure cooker, the exact size and brand that the FBI experts said had been detonated at the finish line of the marathon two months earlier. Only one store in the greater Boston area sold these hard to find pressure cookers. Morley's whereabouts were unaccounted for from the morning of Marathon Day until he returned to Topsfield two days later claiming he had gone fishing.

Interestingly, the Essex County district attorney never pursued bomb-threat or related charges against Morley. Rather, Morley admitted himself to Tewksbury State Hospital for extended treatment, where he was released in June 2015. Morley and Tamerlan Tsarnaev were students at Bunker Hill Community College in 2008 and were involved in mixed martial arts and visited the same boxing gyms, such as the Somerville Boxing Club. Exactly if and how well Tamerlan and Morley may have been acquainted remains conjecture. Morley had previously been arrested as part of anarchist protests in New York.

The official law enforcement account concludes that the Tsarnaevs went to the MIT campus, saw Collier's MIT police vehicle, killed Collier, intending to steal his service handgun. McPhee speculates that the Tsarnaev brothers travelled to the MIT campus to meet with Morley likely to get more bombs before heading to New York, where they intended to wreak havoc. McPhee also believes that Morley robbed a 7-Eleven store near the MIT campus that evening. Despite good surveillance camera footage of the robber, that robbery remains unsolved.

For anyone interested in learning more about the Boston Marathon Bombing, *Maximum Harm* is a fast-moving, highly readable, if controversial, account of this terrorist attack. McPhee offers her candid views of what she thinks really happened and is careful to source her supporting evidence. Just as Masha Gessen was at her best writing about the long-standing struggles of ethnic Chechens in Russia, McPhee is at her strongest when she is writing about the complex law enforcement investigation and the court proceedings, relying on her well-developed local sources.

While her case is built on circumstantial evidence, McPhee has raised enough red flags to warrant greater scrutiny of this terrorist event. Unfortunately, much valuable information remains classified by the US government or is otherwise inaccessible due to court order or other factors. For example, several potential witnesses have been deported and at least one is dead. Ibragim Todashev, a fellow Chechen and friend of Tamerlan's, emerged as a suspect in the triple



The Tsarnaev brothers: Tamerlan and Dzhokhar.

homicide in Waltham. An FBI special agent shot seven times and killed the 27-year-old Todashev when he allegedly became violent as the special agent and a Massachusetts state trooper were interviewing him at his Orlando, Florida, apartment in May 2013. Todashev was a mixed martial arts expert with a history of violence. It is hard to understand why the interview took place at night in the murder suspect's apartment, as opposed to a neutral location, and why there were only two officers in the room with him.

One doesn't have to accept all of McPhee's assessments. The US government can be dysfunctional and can make mistakes with terrible consequences. Counterterrorism investigators did not think Army Major Nidal Hassan, the Fort Hood murderer who killed 13 people in 2009, was a threat. The US Intelligence Community in 2002 thought Saddam Hussain was an imminent WMD threat, when he was not. And while McPhee has mastered law enforcement ins and outs; she is not as knowledgeable about the working of the US Intelligence Community. Nonetheless, McPhee does convincingly make the case that all the events surrounding the Boston Marathon Bombing, which were designed to cause maximum harm to the public, deserve maximum disclosure so the public may know what really transpired. 🦅

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