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Justice

# Massachusetts isn't OK with the death penalty, but Dzhokhar Tsarnaev's jurors had to be

The World

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Producer Bradley Campbell

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Accused Boston Marathon bomber Dzhokhar Tsarnaev is shown in a courtroom sketch on the first day of jury selection at the federal courthouse in Boston, Massachusetts, on January 5, 2015.

Credit: Jane Flavell/Reuters



The trial of accused Boston Marathon bomber Dzhokhar Tsarnaev ended Friday with a death sentence.

The jurors were picked partly because they were open to that possibility.



Accused Boston Marathon bomber Dzhokhar Tsarnaev is shown in a courtroom sketch on the first day of jury selection at the federal courthouse in Boston, Massachusetts, on January 5, 2015.

Credit: Jane Flavell/Reuters



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Journalist Masha Gessen, who covered the trial at the federal courthouse in Boston, says the juror selection process offered a clash between Massachusetts culture and federal law. Capital punishment hasn't been legal in Massachusetts since 1982 and hasn't been used in a state case since 1947. "The vast majority of residents are opposed to the death penalty," Gessen says. "On the other hand, it's a federal case, it's a death penalty case."

What that meant: Any juror who was opposed to the death penalty was automatically disqualified.

The upshot, Gessen says, is that that the court had to choose jurors "from a minority of the state's population, and probably a minority with a fairly distinct political profile."

*(This story has been updated.)*



**Richard Johnson**  
@newsillustrator



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