

“The Murders Before the Marathon”

A documentary film based on the investigative reporting of Susan Zalkind

Reviewed by Harvey Silverglate and Emily Nayer

Beginning on Monday, September 5th, a rather remarkable documentary film will be available on Hulu. The documentary is based upon the work of investigative journalist Susan Zalkind, whose roots are in the Boston area – where she was born, grew up, and sank her professional roots. Zalkind’s interest in the Boston Marathon bombing is hardly a secret; she’s written about it previously for *Boston Magazine* in a 2014 article titled “[The Murders Before the Marathon.](#)”

To start out, a bit of disclosure would be appropriate. The first co-author (Harvey Silverglate) is a long time friend (and former law partner) of Susan Zalkind’s father, Norman Zalkind, and is also close to her mother, Emma Vesey. The other co-author (Emily Nayer) is Silverglate’s research assistant. The two of us watched the documentary at the same time. (It was provided in advance to those who said they wished to review it.) And Silverglate’s connection to the Marathon bombing has one further aspect: After the bombing, FBI agents swarmed around the school attended at the time of the bombing by the younger of the two alleged bombers, Dzhokhar Tsarnaev, namely Cambridge Rindge & Latin School. When the agents descended upon a teacher at that school who had Tsarnaev in his class, that teacher called upon Silverglate for legal advice and, if need be, representation.

In any event, with all of these preliminary matters out of the way, on to a discussion of this remarkable documentary of obvious local interest.

#####

Susan Zalkind’s thesis is not that an innocent defendant has been tried and found guilty of the heinous 2013 Boston Marathon bombing that left three people dead and many more seriously injured. That issue was conceded by Dzhokhar Tsarnaev’s defense team in Boston’s federal district court. What is being fought about by the prosecutors and Tsarnaev’s lawyers, and which has not yet been resolved by the courts, is whether he should be subject to the death penalty. Rather, Zalkind raises the intriguing thesis that if law enforcement authorities had acted more wisely and focused on another murder scene in Waltham, Massachusetts, two years earlier, they might have prevented the Marathon bombing entirely.

In 2011, police discovered a horrifying scene in an apartment in Waltham. Three young men (Brendan Mess, Erik Weissman, and Raphael Teken) were found dead – obviously viciously murdered – with their throats cut and marijuana sprinkled over their mutilated bodies. Interestingly, this grisly triple-murder took place on September 11th, the tenth anniversary of the attack on both towers at the World Trade Center in Manhattan. Zalkind notes this

coincidence – but was it a coincidence, she asks, or does it suggest the kind of Islamic fanaticism that might be a common theme between the two events, and perhaps the three events.

Zalkind's connection to the Waltham murders is a personal one: one of the murder victims, Erik Weissman, was her friend. She speaks fondly of him, sharing humorous memories of his weed-dealing and the conversations they had. And so, her meticulous and relentless investigation of the Waltham murders and their connection to the Boston Marathon bombing is understandable. As the audience, we watch Zalkind's frustrating attempts to unravel and expose the truth behind the murders, and although we may not be able to put ourselves in her shoes, we can see the significance behind this documentary.

Zalkind further bolsters the importance of her documentary by revealing the incompetence of two major American institutions: the news media and the Federal Bureau of Investigation (FBI). Zalkind interviews Jim Braude, the host of *Greater Boston* and co-host of *Boston Public Radio*, who explains that the newsroom "underplayed" the odd nature of the crime. The news media had reported that the Waltham murders were drug-related and personal, and hence the public did not need to worry about them. In the end, the murders disappeared from the news after brief coverage. Yet, after the Boston Marathon bombings, the Waltham murders returned to the spotlight after the connection between Tamerlan Tsarnaev, Dzhokhar's older brother, and the crimes was made. So, Zalkind's documentary questions the integrity of the news media for having failed to adequately cover a set of murders clearly linked to a major terrorist attack.

As for the FBI, its ineptitude knows no bounds. Zalkind reveals that the investigators had Tamerlan's name associated with the Waltham murders and yet chose to not question him. Consequently, the murder victims ended up being treated as suspects. Weissman's mother, during an interview with Zalkind, mentioned that the investigators had informed her that when someone needed a plea bargain, they would come forward with information about the murders; in short, the investigators needed everything to be handed to them on a "silver platter." Furthermore, despite evidence supporting the explanation that Tamerlan may have committed the Waltham murders because of his radical views as well as his actions in the Boston Marathon bombing, the FBI refused to classify the Waltham murders as domestic terrorism.

Nevertheless, despite Zalkind's multitudinous array of interviews, the audience is left as befuddled as Zalkind. Lucid answers regarding the murders remain shrouded by the feeble news coverage and the tight lips of FBI agents, and hence, out of reach of Zalkind's grasp. Zalkind concludes her documentary with a call to action: "Answers should come from the Middlesex District Attorney, the Attorney General, the government, the courts, the system. Not me. Not a friend of the victim. Not an investigative reporter." Another friend of Weissman's, Daniel Adler-Golden, begrudgingly is "anticipating for this [the murders] to be an open wound." Let's hope that will not be the final word.