

-1/12/93

CHRONO: ATTENTION-SEEKING BEHAVIOR/ INFORMATION TO TOM, TOM ADOPTS IT AND TELLS IT TO THE PRESS OR OTHERS/ Indications of innocence in McPhee file.

10/28/91: Tom told McPhee he saw it on television, then hitchhiked to Roslindale. (11/5/91 memo)

Paula, David & Tom picked Nancy Sr. up from the T station. She had been at work. They told her they had just seen it on the news. She thinks Tom left right then, saying he was worried about his father.

10/29/91: At press conference at mom's condo, Tom says that he told the police his father wouldn't know how to build a remote control device and that an investigator told him there was C4 in the bomb. (Reported 10/30 in 2 Herald articles) **It may be important to introduce the exact wording in the newspaper.**

10/30/91: Nancy Sr. tells Tom on the phone that the police have asked her if anyone was after Tom. Tom answers that Ralph Pace is mad at him because he owes him money for wrecked car. Nancy tells Tom to come back & tell the police these things.

10/31/91:

-Tom tells Ralph Pace story at the bus station press conference.

-Tom says remote & C4 was a guess (one right, one wrong)

At some point, Tom tells Nancy Sr. that the police asked him if he ever built remote control cars and that he heard about the remote control theory on 10/28/91 at the scene.

11/1/91: re Christopher Henry statement. McPhee does not recall discussing a life sentence with Tom and can't think of any reason why he would have. Tom did not say: I can't call my father because of what I tried to do to him. **(no need for McPhee on this-will argue it is privileged)**

11/5/91 memo: Tom told McPhee he saw it on television, then hitchhiked to Roslindale. Police said go to E5 to see father, then asked questions 90 minutes. Then drove him home. Horde of reporters at mom's condo next day.

11/8/91: McPhee memo to file re Charlie Austin called and told him that Tom gave an interview to Chris Bergeron the previous Wednesday. Bergeron confirmed. Told Tom would withdraw if he didn't stop.

11/5 or 6/91: Bergeron article in Roxbury Transcript--may call Bergeron.

12/21/92: McPhee memo: Tom sent letter to chief judge at BMC. Letter to judge: please let me out of jail so I can go back to the drug treatment program.

1/7/92: letter to Tom from McPhee: Do not appear on a talk show; it will not win your friends back.

1/13/92: letter to Tom from McPhee: chastising Tom for interview to In Newspaper re friends alienated by cops.

Flight

Letter to ADA Curran dated 1/7/92 re Tom got probation 1/3/92; terms of probation (very stiff).

Letter to Tom 1/18/92: You missed two appts. You got a lucky break by Moy telling the judge on 1/17/92 you were complying and case cont'd. until 2/26/92. If you don't show up then, you will be back in jail.

Letter to Tom 1/22/92 (2 similar letters): I was mistaken: Curran found out you didn't show and a warrant issued for your arrest; contact me immediately or you will be picked up and held on a high bail.

On 2/13/92, Nancy Sr. testifies Tom left 3 weeks ago, making it about 1/23/92. But Keough says Tom left the day after his suicide attempt, which he says was 1/16/92, but the records say was 1/14/92. Nancy Sr. is sure it was a week or more after Keough's suicide incident.

Feb 92 postcard from Tom: Sorry, "I am just so scared of going back to jail again. I messed up on Pb. to many times." (admission--through McPhee)

3/4/92: McPhee memo: Tom calls to make arrangement for surrender; says he tested HIV positive, wants to come home to resolve problems. Asked McPhee to contact DA Curran and also to call the feds to see if they were looking for him or what.

Letter to Curran, 3/5/92: recently received a call from Mr. Shay requesting I call you about making arrangements for surrender.

3/9/92: McPhee memo: told Kelly he wrote to Curran re Tom wishing to surrender in BMC. Kelly said no outstanding warrants and Tom was not a target, but a subject (potential target).

Letter to Kelly 3/23/92: I understand Tom has been picked up in San Francisco; he will voluntarily waive the rendition hearing; it is my understanding there is no pending federal matter.

Armstrong Aff: According to both Nancy Shay, Thomas A. Shay's mother and Shay himself, Shay has fled the Commonwealth . . . because he did not want to go back to jail for 'jumping bail' on an outstanding court charge.

3/26/92: McPhee memo to file: Marianne Leach (Todd's mother) said Todd testified before the Grand Jury that he had bought the components of the 86 bomb for Trenkler; that's bullshit, he was 11 or 12 at the time, she never let him go with Trenkler, he has talked repeatedly about collecting the reward to get his uncle (Donna Shea's husband) out of jail.

3/27/92: Kelly sends McPhee Tom's press release to SFO news editors (mentions bomb threat) **(ask to excise--through Burke)**

3/29/92: Tom completely out of control with press now, issued press release, called Globe & Herald collect.

4/1/92 : return to Boston (Govt does not intend to offer this)
To: Boston Police officers Pratt and Pumphret, met in Boston by Bos. Detec. Craven & unnamed ATF officers

incriminating stuff:

- "all of a sudden with no reference to anything" Tom says he didn't build no bomb, says he was in a GTO with other guys on the way to his Dad's, got pulled over.

- on trip w friend to Seattle, friend learned to build bombs; "you could buy stuff there"

- very interested in what media saying about him, what police officers think of him; called friend fr. SF airport b/c wanted friend to alert Boston media he's on his way; on plane kept to himself & laughed every so often softly; when plane took off looked very scared and as though about to cry; worried about time; talked about plane blowing up; about how hard his life was; upon arrival, "started whimpering again," wanted to know what was going on, afraid of the feds and upset ayt sight of ATF agents; in wagon to District 4 was very excited & happy that media met him, said wasn't one of his better interviews.

4/1/92: press conference at Logan: Tom looks crazy, scared & nervous. "I have come back to Boston to deal with my problems . . . I am not guilty of any crimes. . . When I gave my first press conference I was looking out for my family. Now I am looking out for myself. I will take a lie detector, polygraph, anything, to prove I had nothing to do with the bombing. The only thing I'm guilty of is trying to protect my family. Right after it happened, I thought . . . (trails off), Alot of things went through my mind. [This is good because he doesn't say it specifically, so it doesn't sound self-serving, but the inference is that at first he thought his father did it & he was trying to protect him.] There is a part that is very hard to hear, but might be a reporter asking why did you leave, and Tom saying because I was scared to go back to jail.

4/3/92: McPhee writes to Supt of Suffolk County Jail: no one is to visit but my assoc & myself (reason: wants no press talking to Tom)

At some point after Tom returned from SFO, Nancy Sr. talked to Tom in jail about the possibility that it could have been a mob hit relayed to Shay Sr's underworld connections.

4/6/92: letter from Kelly enclosing Tom's letter to Armstrong, in which he says, You know I didn't do it; I'm not a real suspect, you just want the citizens to think you have a suspect in custody while you look for the person who did it. (use Armstrong)

4/7/92 McPhee memo: Tom has really lost it, thinks father hooked up with underworld figures and it was a mob hit. The more I tell him to keep mouth shut, the more creative he gets in seeking out reporters. I faxed a letter to Nashua St and asked that no reporters see him.

4/13/92: McPhee memo: John Ellement (Globe) and Shelley Murphy (Herald) both called him to say Tom had called to ask them to get in touch with Gov Weld, Mickey Roache, Mayor Flynn, so he could tell them who built the bomb (mob hit).

4/18/92: McPhee memo: Tom won't follow my advice, called Kelly collect, gave me these letters he wrote about it being a mob hit, checked with Nancy who said Shay Sr had some connection with Bioni but Tommy just saying this stuff to get attention.

Undated

letter from Tom to Shay Sr-I know you did it or it had something to do with your mob connections, give it up, etc., I love you; and letter to Kelly re it was connected with mob. McPhee was asked to send these, did not. (through McPhee)

4/20/92 Kelly writes McPhee that Tom called and read letters to him

4/27/92: letter to Tom re threatening to withdraw if he doesn't stop calling reporters, police officers, and AUSA.

5/4/92: Kelly sends McPhee the Radio Shack receipt and GJ testimony of Armbrister, 1 snitch & Carrion; proposes a deal for Tom; wants Tom to make a proffer; deadline of May 15, 1992. (see if can testify about receipt only)

5/6/92: McPhee sends package to Tom, tells him only he knows if has any info, consider seriously.

At some point after this when Nancy Sr. visited Tom in jail, he showed her the radio shack receipt through the glass and said Kelly had sent it through his lawyer.

5/11/92: Tom writes letter to McPhee saying he has not been to a Radio Shack since 1989 and that "SAHY" is a setup; that he has never said he was involved in this; that he has never been to Trenkler's house in Milton.

Tom says he tells people he plays ball for BU.

At this point Tom has never said anything to McPhee about Radio Shack (Did he ever? Other than to say he might need hypnosis?).

5/11/92: note from Tom re Francucci told him he was threatened by Kelly so he told him what he wanted to hear.

5/12/92: Kelly letter to McPhee: We have a couple of other pieces of info which should help convince Tom he has a serious problem & should cooperate.

5/14/92: Tom tells Ch. 56 reporter he is going to be indicted tomorrow (because he has nothing to offer and he understands Kelly's 5/12 deadline to mean he's going to be indicted on 5/12 unless he makes a proffer). Kelly tells Ch 56 he denies it. (McPhee's 5/20/92 memo)

5/18/92: letter from Tom to McPhee: please don't use mental illness as a defense, I am as sane as you are, use that in 13 years of being in schools & institutions, I have never done anything violent, I didn't do this or get a bomb from someone else. It is time for you and I to have a press conference, you have put it off for five weeks, I have lost every friend I had. Set up a news conference on national TV, New York Times, every press agency in New England, Hard Copy, Current Affair, 20/20, 60 minutes. My family thinks I won't be indicted because I was with friends or them from Thursday night until Monday morning. Had no knowledge bomb going to be there.

5/20/92: McPhee memo stating
(1) told Kelly Tom still professing innocence & willingness to cooperate if knows anything, but does not.
(2) McPhee asks Kelly what the other information is & Kelly says he "has to be cryptic because everything I send to Tom ends up in the newspaper or on television." The two items are (a) they have talked to Ricky Doherty (NOT ON GOVT's WIT LIST); (b) they can prove through forensic testing that the dynamite was wrapped in a magazine that was at some point in Tom's possession and sent to Tom (NO SUCH EVIDENCE).
(3) Tom said he has no memory of Radio Shack, but maybe needs to be hypnotized to enhance his memory.

5/21/92: letter to Tom from McPhee: "It doesn't appear I can make you understand that the media is not your friend, they will not publish what you want, ie, a request that your friends who left you because of questioning and harrassment by the FBI come back and speak to you, and it is clear they have their own agenda in reporting this story. . . I am trying to impress upon you the fruitlessness in you going off half-cocked and keepojng the Boston media entertained."

5/26/92: McPhee memo:

(1) Tom told him today Doherty is an old boyfriend of sister, must be just looking for attention, has no information about this, Tom not involved at all.

(2) Tom says can't understand the thing about the magazines because he was never involved in it.

(3) Tom says Francucci told him he was threatened with a Leavenworth sentence by Kelly if he didn't say what he wanted to hear

(4) McPhee told Tom he would let Kelly know there was nothing they could do to help him

5/26/92: letter fr. McPhee to Tom: understand your position is you had nothing to do with; & have nothing to offer Kelly & no deal can be made.

6/4/92: Tom submitted himself voluntarily for fingerprinting, photographing and handwriting exemplars.

6/8/92: Kelly letter to McPhee: still wants Tom to make a proffer.

6/11/92: Kelly talks to Tom without McPhee.

6/12/92: McPhee withdraws.

6/15/92: McPhee informs Kelly he withdraws, by phone.

6/22/92: McPhee informs Kelly by letter.

10/?/92: first proffer letter

10/17/92: Channel 56 interview: I purchased a toggle switch, a AA battery holder, from Radio Shack, not knowing they were for the bomb. (THERE IS NO SEPARATE AA BATTERY HOLDER IN THE BOMB)

Tom did not know about Radio Shack until McPhee sent him the Receipt & Armbrister GJ testimony on 5/6/92, which Kelly had sent him on May 4, 1992. Tom's first response was in a letter dated May 11, 1992, to McPhee: "I have not been to a Radio Shack since 1989 in Revere when I purchased a foghorn with Ralph Pace. . . "SAHY JYT . . . set up."

McPhee sent Kelly's packet to Tom, then went to Arizona. While he was in Arizona, Tom announced on TV that he was going to be indicted the next day (thought so because the time limit on cooperation had passed).

Tom was always looking for information: What did the govt say? McPhee would tell him & he'd regurgitate it to the press. McPhee believes it was for attention. After he passed on the Radio Shack information to Tom was the first time Tom said anything about Radio Shack (said he might need to be hypnotized). By 10/92, he had run out of things to say, the press had lost interest in him. Tom latched onto

this Radio Shack thing and told Karen Marinella, and she taped it Oct. 17, 1992.

After this, Tom tells Nancy Sr. he made up the story about him being molested as a child and about Trenkler saying he had a surprise for him. He said he made it up because he thought if he told them anything, they'd give him a plea bargain. Then Jeff Kerr told her none of it checked out.

?????: cannot corroborate any

12/92: Kelly's memo to us stating that when he spoke to Tom with O'Rourke the day before indictment, he did not tell Tom he would be indicted next day because every time he conveys info to Tom, it lands on TV or newspaper.