

1 issue.

2 MR. LIBBY: Government calls Mr. Steven Scheid,  
3 please

4 STEVEN B. SCHEID, sworn

5 Direct Examination by Mr. Libby

6 THE CLERK: Please be seated and state your name for  
7 the record.

8 THE WITNESS: My name is Steven B. Scheid.

9 Q Spell your last name, please?

10 A S C H E I D.

11 Q Either sit closer to the microphone, Mr. Scheid, or pull  
12 it up so that everybody can hear you.

13 What do you do for a living, sir?

14 A I'm an intelligence research specialist for the Bureau of  
15 ATF.

16 Q Where are you stationed?

17 A In Washington, D.C.

✓18 Q What is an intelligence research specialist, please?

19 A Intelligence research specialist is one who, in my  
20 particular case, I analyze explosive incidents.

21 Q What's an explosive incident?

22 A An explosives incident is anything that deals with  
23 explosives, either bombings, attempted bombings, thefts or  
24 recoveries that ATF has jurisdiction in or may help another  
25 law enforcement agency with.

1 Q Mr. Scheid, how long have --

2 THE COURT: I do have notes on Mr. Scheid's earlier  
3 testimony in which he told us all about that.

4 Did we have a C.V. for him?

5 MR. LIBBY: Yes, your Honor.

6 THE COURT: Why don't we mark that, Exhibit 5 and go  
7 to the cross-examination on qualifications?

8 **[Government's Exhibit No. 5 entered in evidence.]**

9 THE COURT: Doesn't that make sense?

10 MR. LIBBY: I beg your pardon, your Honor?

11 THE COURT: Go directly to the cross-examination on  
12 qualifications that Mr. Segal wants.

13 MR. LIBBY: I don't know that it was at this point --  
14 that it was this witness that the qualifications was concerned  
15 about.

16 Is that it, Terry?

17 THE COURT: Do you acknowledge that this witness is  
18 qualified in the area in which he is to testify, which has to  
19 do, I believe, with computer --

20 MR. SEGAL: The answer is yes. With the Court's  
21 permission, Mr. Lopez will handle this witness. But, yes, we  
22 do acknowledge.

23 THE COURT: So it's agreed that he's qualified.

24 MR. LIBBY: That's fine, your Honor. But for record  
25 purposes, if we can incorporate those portions of his earlier

1 testimony with respect to his educational background as  
2 qualifications.

3 THE COURT: Which is already in Exhibit 5.

4 MR. LIBBY: That's the resume alone, your Honor. The  
5 government, the last time we did this, spent five or six  
6 minutes anyway simply qualifying him. If we can incorporate  
7 by reference that testimony for purposes of this proceeding.

8 THE COURT: Right.

9 Q Now, to whom do you report Mr. Scheid?

10 A I report to the chief the explosives division.

11 Q What is the explosives -- the explosives division of ATF?

12 A Yes, sir.

13 Q What are they responsible for, sir?

14 A The explosives division is responsible for the overall  
15 functions of the arson branch, the explosives branch and the  
16 explosive technology branch, and that deals with anything that  
17 ATF gets involved in as far as explosives investigations are  
18 concerned.

19 Q And how long have you been an intelligence research  
20 specialist, sir?

21 A Since 1977.

22 Q And during that time, sir, what primarily have you been  
23 doing?

24 A Explosive and arson work.

25 Q And, specifically, have you been operating any system for

1 the EXIS system?

2 A Yes, the explosive incident data base. I've been  
3 operating the explosive incident data base since 1977.

4 Q And would you please explain to the Court what that data  
5 base is?

6 A It's a data base comprised of explosive incidents that  
7 are either investigated by ATF or reported, incidents that are  
8 reported to ATF.

9 Q That's what known as EXIS?

10 A Yes, sir.

11 Q And you do that at your place of business in Washington?

12 A Yes, sir, I do.

13 Q You have been doing that since when, sir?

14 A Since 1977.

15 Q Who else besides you has been running that EXIS system,  
16 sir?

17 A No one else.

18 Q You have been running it continuously since then?

19 A Yes, sir.

20 Q Would you explain to the Court, please, how you go  
21 about -- strike that.

22 Would you explain to the Court, please, the  
23 geographical scope of that system?

24 A The explosive incident data base encompasses all of the  
25 United States, to include Guam, Puerto Rico, Virgin Islands

1 and the District of Columbia, as well as Alaska and Hawaii.

2 Q What is the bottom line purpose of having this computer  
3 data base with respect to explosives incidents?

4 A This data base is used to provide investigators as --  
5 ATF investigators as well as state and local investigators  
6 with investigative leads throughout the entire investigation  
7 of an explosives incident.

8 Q And where does your information come from, sir?

9 A It comes from reports of investigation, it comes from  
10 forensic lab reports, it comes from other state and local law  
11 agency reports.

12 Q What kind of information, generally, is gleaned from that  
13 raw data?

14 A The types of incidents, the dates of the incidents,  
15 specific information concerning the target, the city, the  
16 state, as well as all the components of that particular device  
17 or of the explosives of that incident.

18 Q Now, as the intelligence research specialist whose duty  
19 it is to oversee the EXIS system, what are the three -- what  
20 are the major functions of the system; in other words, what  
21 are the three major responsibilities you have in overseeing  
22 the EXIS?

23 THE COURT: Input of data, maintenance thereof and  
24 retrieval of data?

25 THE WITNESS: Yes, ma'am.

1 Q Very briefly, to refresh of the Court, as far as input is  
2 concerned, how is that done, Mr. Scheid?

3 THE COURT: He gets forms?

4 A The input is done on a form. After I gleaned the  
5 information from the investigative reports, they are put on  
6 the input form.

7 Q Before we get to encoding, what are the sources of your  
8 raw data information here?

9 A The sources are ATF investigator reports, forensic lab  
10 reports, state and local law enforcement agencies, the FBI's  
11 file data center reports.

12 MR. LIBBY: If I may approach the witnesses, your  
13 Honor, and I think the next numbers are 6 and 7.

14 **[Government's Exhibit Nos. 6 and 7 entered in**  
15 **evidence.]**

16 Q Let me show you, Government's Exhibit 6, Mr. Scheid, and  
17 ask you if you recognize that form?

18 A Yes, I do.

19 Q What is that?

20 A It's a vehicle by which ATF reports to headquarters,  
21 explosives incidents.

22 Q Is it an ATF preprinted document, sir?

23 A Yes, sir.

24 Q You use it in the course of your EXIS raw data  
25 compilation and review process?

1 A Yes, I do.

2 Q All right. Let me show you Government's Exhibit 7 and  
3 ask you if recognize that?

4 A Yes, I do. It's the FBI's file center bulletin or input  
5 form.

6 Q Do you commonly refer to the preprinted forms, such as 6  
7 and 7, in the course of your gathering --

8 A Yes, sir, I do.

9 Q -- raw data for purposes of your EXIS system?

10 A Yes, I do.

11 Q Now, with respect to coding, you mentioned encoding; is  
12 that right?

13 A Yes.

14 Q Very briefly, would you refresh the Court's memory as to  
15 the code system that your computer data base uses?

16 A The codes that we use are codes that we -- an  
17 abbreviation of a state, of a target, of a component type  
18 information. And this information we use to encode the input  
19 forms so the data entry person can enter this into the  
20 system. These codes are part of the edit control of the  
21 system so that the correct codes could be put into the system.

22 **[Government's Exhibit No. 8 entered in evidence.]**

23 Q Before we talk about quality control, let me show you  
24 Government's Exhibit 8, Mr. Scheid, and ask you if you  
25 recognize that, please?

1 A Yes, I do.

2 Q That's your EXIS code booklet?

3 A Yes.

4 Q And would you just describe --

5 THE COURT: EXIS code what?

6 MR. LIBBY: Booklet, your Honor.

7 Q Very briefly, would you describe the types of information  
8 that are provided for in the code booklet that you -- that you  
9 then load into your EXIS data base, the types of information?

10 A Okay. We input the bomb profile, the color of the leg  
11 wires of detonators, delivery method of the device, entry  
12 method for stolen explosives, evidence analyzed, jurisdiction,  
13 we have lab tech codes, we have manufacturers, miscellaneous  
14 identifications, motive, intent, photographs.

15 Q Now let me stop you there with respect to miscellaneous  
16 identification.

17 Would you help me here finding that, please?

18 A Right here.

19 Q What does that speak to, Mr. Scheid?

20 A These are all the different components that make up  
21 different bombs, different devices recovered and stolen  
22 explosives.

23 Q So that the record is clear here, you receive from the  
24 field, from ATF, FBI, state and local law enforcement  
25 officials, various reports of explosives incidents, whatever

1 type?

2 A Yes.

3 Q And they tell you in raw form, what forensically and  
4 investigatively they're determined from the field with respect  
5 to information bearing on any particular incident, correct?

6 A Yes, sir.

7 MR. LOPEZ: Objection.

8 MR. LIBBY: Move along, your Honor.

9 THE COURT: It's okay. I mean, we're not bound by  
10 the rules of evidence for this purpose.

11 Q You then take that information and you don't write all of  
12 that longhand, do you, sir?

13 A No, I don't.

14 Q You put it somewhere in on a code sheet, encoding sheet?

15 A Input form, input document.

16 Q Let me show you Government's Exhibit 9 and ask you what  
17 that is, sir?

18 A That is the form that I fill out from the investigative  
19 reports as well as the forensic lab reports and other state  
20 and local and federal law enforcement officers' reports.

21 Q So you have this form in front of you as you're sitting  
22 down with any new report as it comes in?

23 A Yes.

24 Q And who, sir, at EXIS, fills in this Form 9?

25 A I do.

1 Q Anyone else?

2 A No.

3 Q And then once that is done, sir, what do you do with the  
4 form, this explosives incident work sheet?

5 A The form is inputted into the data base, either by myself  
6 or by the data entry person.

7 Q But what you're putting on work sheet is what?

8 A Is the information that I glean from the investigative  
9 reports.

10 Q As it is coded for EXIS purposes?

11 A Yes.

12 Q Okay. Now, when you first open a work sheet or you have  
13 new incident that comes in, is there a means by way that you  
14 identify that incident, sir?

15 A Yes, by the investigation number.

16 Q And referring briefly, just for example, to this computer  
17 printout, marked Government's Exhibit 41G, does that  
18 investigation number appear anywhere on that?

19 A Yes, it does, right here at the top left-hand corner.

20 Q And would you explain to the Court, please, what role  
21 that investigation number has with respect to that bombing  
22 incident thereafter?

23 A That identifies that investigation as that investigation  
24 number, which is numeric and alpha, identifies that particular  
25 incident. And we can relate to that incident by that

1 investigation number.

2 Q And does that number stay with that incident throughout?

3 A Throughout the entire life of the data base.

4 Q Are there any quality controls and internal controls to  
5 ensure that your encoding is correct and accurate, sir?

6 A Yes, there are.

7 Q Could you explain that to the Court, please?

8 A The data entry person or myself, as we're entering the  
9 information into the data base, there are certain areas,  
10 almost all of the areas, you can't type in something that is  
11 incorrect because the computer won't accept it, it will kick  
12 out an error message, and you have to either read it and be  
13 more careful in typing it in, or type in the correct code.

14 Q Thank you.

15 Referring to 41G, again, here, we see -- I believe  
16 you point out this investigation number up here --

17 A Yes.

18 Q -- correct? In the left-hand corner.

19 Do you see a series of numbers down here on the  
20 left-hand column?

21 A Yes.

22 Q They are different from this investigation number; is  
23 that right?

24 A Yes, sir.

25 Q Would you explain to the Court briefly what the

1 significance of these numbers on the left-hand column have?

2 A The numbers on the left-hand column are the numbers where  
3 that information resides in the computer data base itself, in  
4 the storage.

5 Q What do you mean resides?

6 A Where that particular information lies in the computer.

7 Q And is that designator -- does that designator stay with  
8 that information? In other words, this information directly  
9 across from it relates to this --

10 A That particular line of data.

11 Q And that number is associated with this data throughout?

12 A Forever.

13 Q Thank you.

14 How many reports of explosives incidents, Mr. Scheid,  
15 do you typically get in the course of a year?

16 THE COURT: 4000.

17 MR. LIBBY: Thank you.

18 Q And very briefly, very quickly as the Court recalls this  
19 testimony, how do you maintain this information, Mr. Scheid?

20 A Pardon me?

21 Q How do you maintain, how does EXIS maintain, keep this --  
22 all this raw data now encoded into the computer data base?

23 A It's stored in an IBM computer system, a 9121 computer  
24 system that is ATF's mainframe.

25 Q And is there a means by which you can update each

1 investigation?

2 A Yes. As the investigation progresses, as more  
3 information is known about the incident, as we get forensic  
4 lab reports, as the investigation progresses as to we know the  
5 motive, we know the components, that information can be  
6 therefore put into the computer.

7 Q You can identify the investigation number associated with  
8 the incident, go back into the field?

9 A Yes, sir.

10 THE COURT: Hold on one second.

11 [Pause.]

12 THE COURT: I think the record needs to show also  
13 Exhibit 9 is in evidence, and that's the coding sheet?

14 MR. LIBBY: That's right.

15 THE COURT: Okay.

16 MR. LIBBY: Thank you.

17 [Government's Exhibit No. 9 entered in evidence.]

18 Q Now, retrieving this information, Mr. Scheid, how is that  
19 done?

20 A To retrieve information from the data base, you just go  
21 into query mode, and that last exhibit, the input form pops up  
22 on the screen, and you make your inquiry from that.

23 Q Now, if you wish to query the data base, and by that, I  
24 mean you want to scan or survey the entirety of the data base  
25 for a particular -- presence of particular information?

1 A Yes.

2 Q And various incidents, you can do that?

3 A Yes, sir.

4 Q And how do you do that?

5 A I determine what information is pertinent to the  
6 investigation, what the investigator wants or needs, and I go  
7 into the data base and make my query.

8 Q And you do this, sir, do you not, because investigatively  
9 there is some importance attached to seeing transient patterns  
10 developing are incident to incident?

11 A Yes, there are.

12 Q At the government's request, Mr. Scheid, in fact you  
13 performed this query function with respect to this case, that  
14 is, the investigation resulting from the October '91 bombing  
15 incident in Roslindale, correct?

16 A Yes, sir.

17 Q All right.

18 MR. LIBBY: Now, for that purpose, if I can set this  
19 up, your Honor, Exhibit 40.

20 Q You queried the EXIS data base over a particular period  
21 of time, correct, Mr. Scheid?

22 A Yes, I did.

23 Q What period of time was that?

24 A It was January 1st, 1979, through December 31, 1991.

25 Q In other words, through a period of time even beyond the

1 subject incident, that is, the Roslindale '91 incident?

2 A Yes, sir.

3 Q And the geographical scope of this query, again, sir, is?

4 A The entire United States, to include Guan, Puerto Rico,  
5 the Virgin Islands and the District of Columbia.

6 Q Your first query was all bombings and attempted bombings;  
7 is that correct?

8 A Yes, sir.

9 Q And for record, sir, the result of your query on that was  
10 what?

11 A Can I?

12 MR. LIBBY: With the Court's permission, may he come  
13 down?

14 THE COURT: Yes.

15 A All bombings and attempted bombings were 14,252.

16 Q And we ascribe that a 100 percent figure where we're  
17 dealing with an actual explosion, correct?

18 A Yes, sir.

19 Q Now, you then added another feature to your query; is  
20 that right?

21 A Yes, I added cars and trucks to the target information.

22 Q What was the result of that query, please?

23 THE COURT: I'm sorry, what was the query?

24 THE WITNESS: The query was all bombings and  
25 attempted bombings and then all bombings and attempted

1 bombings to include cars and trucks.

2 The results were 2,504 incidents.

3 Q That translates into what percentage of the 100 percent  
4 field as we've defined it?

5 A 18 percent.

6 Q So the way we read that is, 18 percent of all bombings  
7 and attempted bombings involved cars and trucks?

8 A Yes, sir.

9 Q For that relevant time period and for in that  
10 geographical scope?

11 A Yes, sir.

12 Q You added another query, sir?

13 A We added under vehicles, where the devices were placed  
14 under the vehicles.

15 Q And the result of that, sir, was?

16 THE COURT: That was 429?

17 THE WITNESS: 428.

18 Q 428 such incidents?

19 A Yes, sir.

20 Q All sharing those features?

21 A Yes.

22 Q And the percentage of the whole there, sir?

23 A 3 percent.

24 Q Your next query, please?

25 A All bombings, attempted bombings, cars trucks, under

1 vehicles and remote control.

2 Q And the number of incidents sharing those features of the  
3 field?

4 A 19.

5 Q And that translates into what percentage, sir?

6 A .1 percent.

7 Q Following that, did you add another query?

8 A Yes.

9 Q What did you query the EXIS data further?

10 A All bombings, attempt bombings, cars and trucks, under  
11 the vehicles, remote control and magnets.

12 Q Your results there, sir?

13 A Seven incidents.

14 Q And that is as percentage of the whole?

15 A .05 percent.

16 MR. LIBBY: Your Honor, with the Court's permission  
17 we need to make reference to these seven incidents, if we can  
18 it use the jury box.

19 Q Now, Mr. Scheid, that -- looking to Chart 40, I believe?

20 A Yes.

21 Q That resulted in seven discrete bombing incidents,  
22 correct?

23 A Yes, sir.

24 Q What were those bombing incidents which shared all those  
25 features as you've just defined them?

1 A The New York case in 1980, Philadelphia case  
2 Quincy, Massachusetts, case --

3 THE COURT: Hold it. 1985 was Philadelphia.

4 THE WITNESS: Yes.

5 THE COURT: Then 1986 was Quincy?

6 THE WITNESS: Quincy.

7 Campbell case in 1987.

8 THE COURT: I'm sorry, what?

9 THE WITNESS: Campbell.

10 A Norwich case in 1987, a Coral Gables case in 1990,  
11 the Roslindale case in 1991.

12 Q Now, having identified then the seven bombing incidents  
13 that shared all those features, constituting .05 percent of  
14 the field?

15 A Yes, sir.

16 Q Did you then -- what then did you do with respect to  
17 those, having identified those incidents?

18 A We further did a manual comparison of the seven  
19 incidents.

20 Q That's with respect to computer printouts, the  
21 information taken from the field with respect to those  
22 incidents?

23 A Yes, sir.

24 Q If you can step over here, Mr. Scheid. And understanding  
25 that we're talking about -- we're defining on the far left

1 Exhibit 41G, that is what, sir?

2 THE COURT: Do we really need to go through all of  
3 this? My recollection is that Mr. Scheid did compare the  
4 Roslindale features with all of those; that duct tape was  
5 present only in the 1986 device and 1991; that there was  
6 soldering in Norwich, Norwich and the 1986 device and in the  
7 Philadelphia device, right?

8 THE WITNESS: Yes, that's correct, sir.

9 THE COURT: That AA batteries were used in the Coral  
10 Gables, Philadelphia and 1986 devices; that round magnets were  
11 used in the Coral Gables and 1986 devices, and he had no  
12 report on Philadelphia and New York with respect to something  
13 that my notes don't indicate. So maybe he can supply that.

14 MR. LIBBY: Your Honor, that's accurate. However,  
15 that's one context. The other context that Mr. Scheid would  
16 testify to, if I can permit him to do that, very quickly.

17 THE COURT: Go ahead.

18 Q Would be, sir, you took features from the Roslindale  
19 scenario, correct?

20 A Yes.

21 Q You made the analysis as the Court has just described,  
22 right?

23 A Yes.

24 Q And that analysis involved querying further, and that is  
25 with the physical layout in front of you as to each of these

1 seven incidents, the presence of duct tape, soldering, AA  
2 batteries and toggle switch, correct?

3 A Yes.

4 Q And round magnets?

5 A Yes.

6 Q And of those additional features, those attributes, and  
7 your surveying these seven incidents?

8 A Yes.

9 Q How many shared those attributes?

10 A Three.

11 Q Where are those, please?

12 A First one was the Roslindale, the other one was --

13 THE COURT: I'm sorry, which are we talking about  
14 now?

15 THE WITNESS: The Roslindale now?

16 THE COURT: Which features?

17 MR. LIBBY: I'll repeat them, your Honor.

18 Duct tape --.

19 THE COURT: You mean all of them?

20 MR. LIBBY: Yes.

21 THE COURT: Okay.

22 MR. LIBBY: Presence of soldering, AA batteries,  
23 toggle switch.

24 THE COURT: Right.

25 MR. LIBBY: And round magnets.

1 Q Could you identify them, please?

2 A We have the Roslindale incident, we have the Quincy,  
3 Massachusetts, one, and we had the Philadelphia, Pennsylvania,  
4 one.

5 Q Does the Philadelphia have duct tape, sir?

6 A No, it doesn't.

7 Q Okay. So in fact with respect to those attributes, those  
8 additional attributes which I just laid out to the Court, how  
9 many marry up exactly?

10 A Two of them.

11 Q And they are?

12 A The Roslindale, Massachusetts, one, and the Quincy,  
13 Massachusetts, one.

14 Q And you considered results of those queries. Sir, first  
15 of all, do you consider that to be a fairly extensive query?

16 A Yes, I do.

17 Q Do you consider those results to be statistically  
18 significant?

19 A Yes, I do.

20 MR. LIBBY: I have nothing further, your Honor.

21 Thank you, Mr. Scheid.

22 THE COURT: Mr. Lopez, you may cross-examine.

23 MR. LOPEZ: Thank you, your Honor.

24 THE COURT: Do you want the witness over here?

25 MR. LOPEZ: Not at the moment, your Honor.

Cross-examination by Mr. Lopez

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Q Good morning, Mr. Scheid?

A Good morning.

Q Mr. Scheid, you are not a bomb expert; is that correct?

A That's correct.

Q And as you stated, the purpose of the EXIS system is only to develop investigatory leads; is that correct?

A That's correct.

Q It's not to establish signature; is that correct?

A Not for myself to do, no.

Q Now, the system stores information of explosive incidents that are investigated by or reported to ATF?

A That's correct.

Q And other federal agencies are not required to report to ATF?

MR. LIBBY: Objection, your Honor?

A They are not required, but they do.

Q But they are not required?

A That's correct.

Q And other state agencies are not required to report to ATF?

A No, they are not required to.

Q And local agencies are not required to report to ATF?

A No.

Q And in fact, there's no one form for all of the

1 incidents, one uniform form, that just doesn't exist?

2 A That's correct.

3 Q As a matter of fact, the FBI has its own form; is that  
4 correct?

5 A Yes.

6 Q And ATF has its own form?

7 A Yes.

8 Q And I assume local police department and state agencies  
9 have their own form, also?

10 A Yes, they do.

11 Q Now, you stated that you gleaned information from these  
12 reports; is that correct?

13 A That's correct.

14 Q And I take it by gleaning, you mean you read the report  
15 and remove certain information from that report?

16 A Yes.

17 Q And the information that you removed from that report is  
18 basically identifying the items that correlate to the items  
19 that ATF has found significant; is that correct?

20 A Significant, yes, and otherwise.

21 Q Now, would you agree with me, sir, that as the number of  
22 specific inquiries are requested out of the system?

23 A Yes.

24 Q The number of incidents that have matches, as you state  
25 them, are reduced?

1 A Yes.

2 Q As a matter of fact, that's the whole purpose of making  
3 the queries; isn't that correct?

4 A Yes.

5 Q So the selection of the items to query are determined  
6 beforehand; isn't that correct?

7 A To some degree, they are, yes.

8 Q So, for example, if you were to have queried the  
9 component Futaba in this particular case, at the beginning,  
10 after all bombings and attempted bombings, 1986 would have  
11 been taken right out of the mix; is that correct?

12 A I'm not -- I don't know what the radio type was on '86.

13 Q Well, would you like to look at the '86?

14 A Yes, before I make my decision.

15 Q Fine.

16 THE COURT: Can we agree it probably wasn't there or  
17 you wouldn't have asked the question?

18 MR. LOPEZ: We can agree to that, your Honor, but if  
19 the witness would like to --

20 THE WITNESS: I just want to make sure.

21 MR. LOPEZ: All right.

22 A That was Tyco radio. If I would have made it, that  
23 wouldn't have come up.

24 Q Now your first query was bombings and attempted bombings;  
25 isn't that correct?

1 A That is correct.

2 Q And from that, you have a rather large number?

3 A Yes.

4 Q And from that number, you have based your statistical  
5 analysis in terms of percentages on that original number;  
6 isn't that correct?

7 A That's correct.

8 Q Was the 1986 incident, to your knowledge, a bombing or an  
9 attempted bombing?

10 A It was a bombing.

11 Q Well, sir, could you tell me how many of the attempted  
12 bombings, then, that were queried, are not relevant to either  
13 the '91 or the '86 event?

14 MR. LIBBY: Objection to form, your Honor.

15 THE COURT: Can you say that again?

16 Q Can you tell me how many of that 14,252 were attempted  
17 bombings and therefore not included in the number of all  
18 bombings and attempted bombings? In other words, how many  
19 were attempted bombings?

20 A That, I couldn't give you an exact answer without making  
21 that query again.

22 Q All right. But you would agree with me that by putting  
23 in attempted bombings, which is not applicable to either the  
24 '91 incident or the 1986 incident, there were additional  
25 incidents that were added to the number of bombings, which

1 increased the number to 14,252; isn't that correct?

2 MR. LIBBY: I'll object to that, your Honor.

3 Predicate to the question is false. It's not an attempted  
4 bombing, we haven't had a definition or foundational question.

5 THE COURT: I don't know why you object. He starts  
6 out with the larger field and still ends up with very few.

7 Q You have a next query, and would you agree with me?

8 MR. LIBBY: Objection.

9 A Whether a bomb goes off --

10 MR. LIBBY: There is an objection.

11 I'm objecting, your Honor, because it presupposes an  
12 answer to a question which hasn't been put to the witness:  
13 Is, how do you find an attempted bombing? We have a device,  
14 whether it's a bomb that's exploded or been interrupted before  
15 it exploded, forensically we have information available.

16 THE COURT: Does the computer distinguish between  
17 bombings and attempted bombings?

18 THE WITNESS: Yes, it does.

19 THE COURT: And how do you define in this, I guess it  
20 would be Exhibit 8, whether it's attempted or real?

21 THE WITNESS: The code that would tell us whether it  
22 was an attempted bombing or a bombing, we have a code for each  
23 one of those.

24 THE COURT: But how do you define whether it goes  
25 into Code 1 or Code 2, attempted or real?

1           THE WITNESS: Whether there was an actual explosion  
2 or whether the device was found prior to someone initiating  
3 the device.

4           THE COURT: So any one that exploded is a bombing and  
5 one that didn't explode is an attempted bombing?

6           THE WITNESS: That's correct.

7           MR. LIBBY: Your Honor please, for purposes of this  
8 analysis, that's immaterial because what we have is a device.  
9 What we have is a device that's been --

10          THE COURT: I suggested that to you earlier. It  
11 doesn't make any difference. By using both, he gets a larger  
12 field from which he then extracts only two at the end.

13          MR. LOPEZ: Well, your Honor with all due respect,  
14 What Mr. Scheid's opinion was based on, the statistical  
15 significance which he indicated was, with the number being  
16 limited down to seven is .50, that's one half of 1 percent.  
17 Obviously if the number you begin with is inflated, the  
18 statistical significance upon which Mr. Scheid's opinion is  
19 based is similarly affected.

20          So I would suggest that that is very much relevant to  
21 the issue at hand in this particular case, which is  
22 Mr. Scheid's opinion on statistical significance.

23 Q       Mr. Scheid, the next query was cars and trucks; is that  
24 correct?

25 A       That's correct.

1 Q And to your knowledge, was 1986 a car or a truck?

2 A It was a truck.

3 Q So, in fact, if you had just -- if the next query you had  
4 put in was just cars, 1986 would not have even come up in your  
5 search; isn't that correct?

6 A That's correct.

7 Q Now, the next query was under vehicle; isn't that  
8 correct?

9 A That's correct.

10 Q There was no specification as to where under the vehicle;  
11 isn't that correct?

12 A That's correct.

13 Q And as a matter of fact, in all of these final seven,  
14 there's no specification as to where specifically under the  
15 vehicle these devices were placed; isn't that correct?

16 A That's correct.

17 Q And, again, that would -- of course, the location would  
18 affect whether or not it popped up on the computer; isn't that  
19 correct?

20 A That's correct.

21 Q Now, the next item I believe was remote control?

22 A Yes.

23 Q Now, did you -- by that time, you had already excluded  
24 all remote controls relating to pipe bombs; isn't that  
25 correct?

1 A No.

2 Q All right. So your query included all remote control  
3 devices?

4 A That's correct.

5 Q There wasn't any specification as to the type of remote  
6 control device?

7 A No, it was built on the previous query.

8 Q And there wasn't any specification as to whether or not  
9 it was a professional or amateur job; isn't that correct?

10 A That's correct, we don't capture that information.

11 Q And in fact in the 1991 incident, there is an  
12 identification, which is in 41G, of a professional job; isn't  
13 that correct?

14 A The soldering was. If you look, that's a continuation of  
15 the soldering.

16 Q So professional job only indicates the soldering?

17 A The soldering.

18 Q Let's talk about soldering.

19 Is there any distinction between solder which is done  
20 by a manufacturer and solder which is done by the alleged bomb  
21 maker?

22 A No, there's not.

23 Q And, therefore, when you identify professional job in  
24 terms of soldering, you could be talking about soldering done  
25 by a manufacturer or soldering done by the bomb maker; isn't

1 that correct?

2 A More so by the bomb maker instead of the manufacturer.

3 Q Does that indicate that on that chart, sir?

4 A No, it doesn't.

5 Q Thank you.

6 You're not a bomb expert?

7 A That's correct.

8 Q Now, there's no presence -- I'm trying to find a  
9 particular --

10 I'm holding up Exhibit 41D.

11 MR. LOPEZ: May I approach the witness, your Honor?

12 THE COURT: Yes.

13 Q Sir, in this particular matter, there's no mention of  
14 solder; isn't that correct?

15 A That's correct.

16 Q But there is a mention of a Futaba system?

17 THE COURT: What kind of system?

18 MR. LOPEZ: Futaba system.

19 Q You would agree with me that if solder was used on or in  
20 the manufacture of the Futaba system, that it should have  
21 shown up on this chart; isn't that correct?

22 MR. LIBBY: Objection, your Honor.

23 THE COURT: What's the objection?

24 MR. LIBBY: The objection has to do with whether --  
25 derives from a fact, that is, whether a field analysis --

1 THE COURT: That's the question.

2 MR. LIBBY: He says just because virtually simply  
3 because Futaba's there, the solder should likewise be there.  
4 We're talking about two different things. Whether solder was  
5 recovered from the debris field is another matter entirely.

6 THE COURT: The objection is overruled. You may  
7 answer.

8 A The solder in the case that we put into the data base is  
9 not solder that would be from the Futaba itself. The Futaba  
10 is made up of very different parts. And the solder that we  
11 put into the data base would be the solder that would be  
12 introduced as part of the bomb maker making the bomb itself.

13 Q Would the same be true of wire?

14 A Yes.

15 Q So it's only wire that the bomb maker puts into the  
16 device, which is identified?

17 A Yes.

18 Q You're certain of that?

19 A If they use speaker wire or they use light wires from an  
20 electric detonator, those wires are identified as part of the  
21 electric detonator. If wire is introduced and it's telephone  
22 wire or speaker wire or zip code -- or zip cord wire, but wire  
23 that is part of a Futaba or part of a remote control device,  
24 that is the device when we talk about the Futabas, it's the  
25 entire Futaba device.

1 Q So merely the fact that wire exists in the device is  
2 irrelevant purposes of this analysis, because if the wire is  
3 only wire of componentry which is in the device, it's not  
4 identified as being significant; isn't that correct?

5 MR. LIBBY: I'll object, your Honor.

6 THE COURT: What's the objection?

7 MR. LIBBY: I just don't understand the question.

8 THE COURT: I think what's he's trying to say is that  
9 any solder or any wire that's part of a component made by a  
10 manufacturer like Futaba, doesn't show up.

11 THE WITNESS: That's correct.

12 THE COURT: On the other hand, any wire that a bomb  
13 maker would have added or any solder that a bomb maker would  
14 have added, is there.

15 THE WITNESS: That's correct.

16 Q Now, I notice in this Campbell incident that there is no  
17 mention of AA batteries, also?

18 A That's correct.

19 Q Now, do you know, sir, whether or not this Futaba --  
20 based on your knowledge, whether or not this Futaba system was  
21 the same Futaba system as was in the 1991 incident?

22 A No, I don't.

23 Q And you would agree with me that if it was the same  
24 Futaba system, which you don't have any independent knowledge  
25 of, that the Futaba system which had four AA batteries would

1 have been listed on this --

2 A The batteries were not listed on the forensic report,  
3 maybe from the bomb blast, they just couldn't identify the  
4 batteries.

5 Q So the fact that the Futaba system requires four AA  
6 batteries to operate is not something that would necessarily  
7 be put on this form unless it was found at the scene; is that  
8 correct?

9 A That's correct.

10 Q So the fact that it wasn't found at the scene doesn't  
11 mean it wasn't there; isn't that correct?

12 A That's correct.

13 Q Now, if you had queried dynamite, after remote control,  
14 would 1986 have popped up?

15 A No, it wouldn't have.

16 Q How about blasting caps?

17 A No, it wouldn't have.

18 Q How about box container?

19 A I believe it would not.

20 Q As a matter of fact, all the information that you're  
21 relying upon is information provided by others?

22 A That's correct.

23 Q On forms that aren't uniform?

24 A That's correct.

25 Q By investigators of varying degrees of specialty?

1 A That's correct.

2 Q And based on that you make your inputs into this  
3 computer?

4 A That's correct.

5 Q Now, you mentioned that this number, which is the number  
6 directly under UI932608750, that number there, with respect to  
7 41D -- if I may approach -- this number is the number that is  
8 put on by the computer itself?

9 A No, it's not.

10 Q Who puts that number on?

11 A That is put on by the data entry person -- or I put it on  
12 the form, and it's typed into the computer as part of the data  
13 entry.

14 Q Is there any number on this document or on these  
15 printouts which would indicate the date that this information  
16 is placed into the system?

17 A No, it's not.

18 Q So, in fact, the information can be placed into the  
19 system at any time?

20 A That's correct.

21 Q Sir, do you recall whether or not you put the information  
22 into the computer with respect to the 1991 device?

23 A I cannot say that I put it in or the data entry person  
24 put it in, I cannot say that.

25 Q You don't recall?

1 A Oh, I know it was put in, but I don't remember whether I  
2 personally did it or the data entry person did it.

3 Q Do you recall who put the Quincy incident in?

4 A Yes.

5 Q Who did that?

6 A I did that.

7 Q Do you recall whether you did that before or after  
8 October 28, 1991?

9 A I put it in afterwards.

10 Q So, in fact, on October 28, 1991, the Quincy incident was  
11 not part of your data base?

12 A That's correct.

13 Q In fact, the local department had not reported that  
14 incident to ATF?

15 A Or to anyone else, as far as my knowledge is concerned.

16 Q And shortly thereafter, the 1992 incident was put into  
17 the data base?

18 A After the incident happened, yes.

19 Q Now, let me ask you this, sir, if you had queried one  
20 single magnet, would the 1986 incident have popped up?

21 A At what particular time are you talking about?

22 Q After you put the 1986 information into the computer?

23 A If I queried magnets?

24 Q Magnet, singular?

25 A I would have to use the code for magnet, and it

1 doesn't -- it doesn't --

2 Q It doesn't distinguish?

3 A -- between 1 or 20 magnets.

4 Q So, in fact, the fact of the 1991 incident had 13 or 14  
5 magnets and the fact that the 1986 incident had one magnet,  
6 didn't affect the results of your data base search, did it,  
7 sir?

8 A No, I didn't.

9 MR. LOPEZ: Thank you very much.

10 THE COURT: Any redirect?

11 MR. LIBBY: Very briefly, your Honor

12 Redirect Examination by Mr. Libby

13 Q But with respect to further distinctions regarding  
14 magnets, the system does distinguish as to whether they are  
15 round, correct?

16 A That's correct.

17 Q You've done that here as you have shown the Court?

18 A Yes.

19 Q With respect to counsel's questioning about inputting the  
20 1986 Quincy incident, anybody tell you how to load that into  
21 the EXIS data base, sir?

22 A No, they don't.

23 Q Did anybody tell you how to load this in?

24 A No, they did not.

25 Q What did you look to in loading that in?

1 A I looked at a Massachusetts State Police report.

2 Q Now, with respect counsel's questioning about simple  
3 reference to Futaba, and I believe you indicated to the Court  
4 that you references to -- when you saw a reference to solder,  
5 you saw a reference to wire, those were limited to instances  
6 where those specific things were introduced individually by  
7 the bomb maker, correct?

8 A That's correct.

9 Q Would it add anything to your EXIS data base or would it  
10 in fact confuse matters if you were to itemize the specific  
11 parts of say, a Futaba receiver?

12 A No, it would not.

13 Q It would not what?

14 A I'm not sure -- just by -- it wouldn't add that much to  
15 it. Everybody who has any dealings with the Futaba knows that  
16 there are certain parts to a Futaba by just putting that  
17 information in there, is enough, I think, for an investigator  
18 to follow up on.

19 Q Now with respect to counsel's questioning involving  
20 bombings and attempted bombings and a different number for  
21 each?

22 A Yes.

23 Q With respect to determining, with any particular device,  
24 determining forensically whether certain components, parts,  
25 are present in each, does it matter whether the bombing is

1 actually taking place or there's been an attempted bombing and  
2 the device has been interrupted, been grabbed before it was  
3 exploded?

4 A It doesn't make any difference.

5 MR. LOPEZ: Objection.

6 THE COURT: That wasn't the purport the question, he  
7 was simply attacking the statistics.

8 MR. LOPEZ: Thank you, your Honor.

9 Q But forensically, for investigative lead purposes, it  
10 doesn't matter?

11 A No, it doesn't.

12 Q So if something has been recovered after a debris field,  
13 after an explosion and another part is available in a bomb  
14 that's been grabbed before it's exploded, forensically, for  
15 statistical purposes here it makes in difference between  
16 bombings and attempted bombings?

17 A No, it doesn't.

18 MR. LIBBY: I have nothing further, your Honor.

19 THE COURT: Anything else, Mr. Lopez?  
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Cross-examination by Mr. Lopez

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Q Along Mr. Libby's line, if the device explodes and items aren't found, that doesn't mean that they weren't in that device; isn't that correct?

A That's correct.

Q And if they weren't found, then they wouldn't show up on this computer?

A That's correct.

Q And that would affect the data search that's done; isn't that correct?

A If it's not there, I don't put it in there.

Q So it would affect the data search that's done at some later point in time?

A But not with what's already in the system.

Q If an item is missing from the blast, it isn't found, it doesn't end up on these charts; isn't that correct?

A That's correct.

Q And that's why, sir, these -- this computer is only for investigatory leads; isn't that correct?

A That's correct.

MR. LOPEZ: Thank you.

THE COURT: Thank you, Mr. Scheid, you are excused again.

THE WITNESS: Thank you.

[Whereupon, the witness was excused.]

1 THE COURT: Who's next?

2 MR. LIBBY: Government calls Mr. Tom Waskom.

3 MR. SEGAL: Would it be possible to take about a  
4 two-minute break, your Honor, before the next witness?

5 THE COURT: We'll take two-minute break. I intend  
6 during the trial to take just one break in the morning.

7 [Recess.]

8 THOMAS H. WASKOM, sworn

9 Direct Examination by Mr. Libby

10 THE CLERK: Please be seated and state your name for  
11 the record.

12 THE WITNESS: My name is Thomas H. Waskom, the last  
13 name is spelled W A S K O M.

14 Q Mr. Waskom, what do you do for a living, sir?

15 A I'm an explosive enforcement officer with the Explosive  
16 Technology Branch the Bureau of Alcohol, Tobacco & Firearms.

17 Q Also known as an EEO?

18 A That is correct.

19 Q What does an EEO do, sir?

20 A EEO is an explosive enforcement officer. We review  
21 exhibits, reports, evaluate materials with regard to  
22 understanding the design, construction, function and effect of  
23 explosive devices or materials for the purpose of being able  
24 to technically classify them in accordance with the federal  
25 laws.