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Investigators look closely for bomb fragments on Eastbourne Street in Roslindale.

Motive for Roslindale bombing sought

By John Ellment and Toni Lacy
GLOBE STAFF

The bomb that killed Boston Police Officer Jeremiah J. Hurley Jr. was made of a high explosive "more powerful than a small pipe bomb or hand grenade," authorities said yesterday as they searched for evidence and for an explanation for the presence of the bomb at the home of a Roslindale couple.

As specialized federal, state and Boston police investigators, many on their hands and

knees, "combed every blade of grass" in the backyard of 39 Eastbourne St., Suffolk District Attorney Newman Flanagan assumed control of the investigation yesterday because Hurley's death is now considered a homicide.

A spokesman for Flanagan said there would be no information released while the investigation was under way.

Investigators spent a great deal of time yesterday searching a large white truck parked in the driveway, very close to where the bomb exploded. **BOMB, Page 16**

EXHIBIT 37

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Officials seek

■ BOMB

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ploded. A source said several items "consistent with what was in the bomb" were taken from inside the truck. Investigators, however, were cautious about the significance of the confiscated items because they might be found at anyone's home.

Law enforcement sources said investigators are "suspicious" about the version of events given by Thomas L. Shay, who lives at 39 Eastbourne St. and discovered the device on Sunday. So far, however, investigators have unearthed nothing to counter his account.

Meanwhile, Shay's son, Thomas L. Shay Jr., told reporters that police were trying to determine whether Shay was capable of constructing an explosive device himself.

Agents were seen closely examining visible scrape marks on cement strips that run up the driveway. Police believe the device at one point was attached to the bottom of Shay's car and that he knocked it off as he drove up the driveway Sunday night.

Investigators also dug out two detonating caps that were embedded in the wall of the house next door by the force of the explosion, a source said.

Hurley, 50, died at 7:22 p.m. Monday in Brigham and Women's Hospital while surgeons were attempting to overcome the extensive damage to his lower body caused by the explosion, authorities said.

Hurley's partner, 49-year-old Officer Francis X. Foley continued to recover from injuries at Brigham and Women's Hospital, where he underwent surgery Monday night. He was listed in stable condition last night.

Hurley and Foley, both seven-year veterans of the department's bomb squad, had a combined 47 years of experience as police officers. Police Commissioner Francis Roache said services will be held Saturday for Hurley at St. Anne's Church in Readville and that Cardinal Bernard Law will officiate.

Roache said investigators have been unable to interview Foley and believe it will be several more days before they can talk to him.

Shay, 47, lives in the Eastbourne Street home with his fiancée, Mary A. Flanagan, the home's owner and a longtime resident of the neighborhood, according to Shay's son.

Shay has told police that he moved the device twice after he noticed it in the driveway. On Monday, neighbors said, Shay borrowed a neighbor's car and drove to the Area E police station to report the device. The bomb squad was dispatched to Eastbourne Street because of a phone call to the 911 emergency system at 11:55 a.m. Monday. Police do not know who made the report.

Shay, who once operated auto repair shops in Dedham and Allston, served in the Army reserves, his son said yesterday. "But my father doesn't have the technique in his head to build the bomb. He did not do that," Thomas L. Shay Jr. said at his Quincy home yesterday.

The junior Shay, who said he was speaking on behalf of his four sisters, said his father was a victim in the incident.

"My father is a very nice guy. He's not into any criminal activity. He's never, ever done anything wrong," said the son, 19, who had previously lived with his father at the Eastbourne Street address following the parents' separation 10 years ago. Shay and his wife, Nancy, divorced in 1988.

"My father is not a criminal guy. He's not involved with the IRA," he said, referring to the Irish Republican Army. "He's never done drugs. He's never bet on a game in his life. He goes to church twice a month," said the junior Shay.

He said the only people he knows who have had a dispute with his father are two Dedham businessmen Shay is suing for \$400,000.

The case, which is pending in Suffolk Superior Court, resulted from a July Fourth prank four years ago when someone allegedly threw dynamite into a drum of paint thinner at a garage where Shay had an auto body business. The explosion cost the father his hearing in one ear, the son said.

Jeffrey Berry, owner of the Dedham Service Center and a defendant in the lawsuit, said Shay rented

space from him for an auto body repair business from 1987 to 1989.

Court documents show that Shay filed a civil suit against Berry, his partner Louis Giammarco and Anthony Giammarco in September 1990 on behalf of himself and Kristen Flanagan, the young daughter of his fiancée.

The documents also show that Shay is claiming that the injury he suffered — loss of hearing in one ear — has impaired his relationship with the girl.

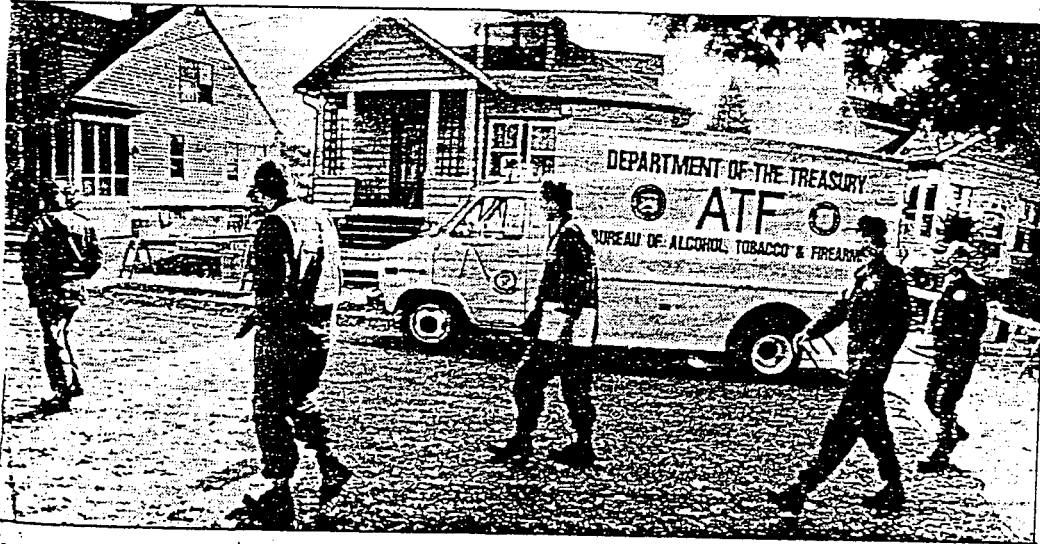
Berry said that a firecracker, not dynamite, was thrown into a barrel and that it made a loud noise, but no louder than some of the equipment Shay often used to do body work.

Shay did complain about the noise, saying it bothered his ears, Berry said. But Berry did not know how much alleged damage had been done to Shay until the lawsuit was filed, a year after Shay moved his business out of the Dedham garage.

Shay left the Dedham garage on strained terms. Berry said Shay refused to speak to, or look at, the other men who worked in the close-quartered garage for the last two months he was working there because Berry and Giammarco had raised his rent.

The junior Shay said police questioned him for 90 minutes yesterday

motive for Roslindale bombing



Boston police bomb squad and federal agents begin yesterday's search for clues on Eastbourne Street. GLOBE STAFF PHOTO / GEORGE RIZER

morning after he went to Eastbourne Street to visit his father. He complained that police are blocking his access to his father.

Mary Flanagan is a post office worker and is a steward for the American Postal Workers Union, Local 100 at the Roslindale post office where she works, local president Steven Albanese said yesterday.

"I just can't believe this was anything directed at her," Albanese said. "She's such a quiet person." He added that there has been no major controversy involving Flanagan as a union steward for the past year.

Bomb reconstruction cited

At Eastbourne Street yesterday, investigators fanned out across the prime, residential neighborhood, about a mile from Roslindale Square, searching yards, driveways and even several rooftops for any fragments from the explosive device. Some agents used Geiger counters in the search. Others sifted through dirt with shovels and screens.

A special National Response Team from the federal Bureau of Alcohol, Tobacco and Firearms led the search and were joined by Boston homicide detectives and agents from the FBI.

Guy K. Hummel, the team supervisor for the national response team

for the Bureau of Alcohol, Tobacco and Firearms, said yesterday there was no indication of terrorism in the Roslindale bombing.

Hummel, interviewed late yesterday afternoon at Eastbourne Street as the 13-member team neared the end of its first day of work, said agents were pleased by their progress. "I feel comfortable that we accomplished what we are here to do," he said.

He said piecing together the evidence of a bombing is no different than investigating other forms of crime. "It's just like any other crime. If we can get a handle on it in the first 48 hours, we have a good chance of solving it," he said. "The whole key is recreating the device," he added.

Evidence found by federal agents was scheduled to be sent last night to the Bureau of Alcohol, Tobacco and Firearms' bomb laboratory in Rockville, Md., where technicians will attempt to recreate the device.

Hummel, who works out of the St. Paul office of the bureau, headed a special team of 10 agents who came from offices in Philadelphia, Boston, Providence, Richmond and Albany, N.Y. The agents were accompanied by a forensic chemist and an explosives technician.

Boston Police Deputy Superin-

tendent Edward Eagar, who is the commander of the city's bomb squad, said at a news conference that Hurley and Foley were free to decide whether to wear protective gear when they arrived at the bomb scene. The gear has been described as particularly cumbersome.

Eagar said it was not yet clear whether the officers had actually donned the suits, nor was it clear what had triggered the explosion.

Eagar said the protective suits, which are made of Kevlar, the same material used in bulletproof vests, were designed by the US Army's specialized laboratory in Natick.

Decision on suits unclear

"It's up to the highly trained bomb squad individuals on how to handle each case," he said. "Each circumstance is different. ... The protective gear, that's a judgment call made by the officers. ... They made a decision. I don't know what that decision was."

A law enforcement source said police believe Hurley and Foley were crouching near the device when it exploded, putting them "right on top of it."

The officers had just begun looking at the device and had not yet had a chance to X-ray it with a machine that resembles an attache case, sources said.

Eagar said the device was made with a high explosive that he defines as being more powerful than a small pipe bomb or a hand grenade.

He added that even if the officers had donned the protective armor, the device was so powerful that the suits might not have offered much protection. "It's the latest equipment we can get and it will not protect against high explosives," he said. "That suit is to protect against low fragmentation and this was not low fragmentation."

A memorial fund has been set up in memory of Hurley at the Hyde Park Savings Bank, 1196 River St., Hyde Park.

Globe staff writers Chris Black, Brian McGrory, Ray Richard and Doris Wong contributed to this report.

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