

**JOHN EAKIN**

**v**

**AMERICAN BATTLE MONUMENTS COMMISSION, et al**

**Attachment 1 To Plaintiff-Intervenor's Reply to Defendants' Opposition to Motion to Intervene Filed by Sally Hill Jones**

**Exhibit 1: Declaration of Sally Hill Jones**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

JOHN EAKIN

Plaintiff,

v.

AMERICAN BATTLE MONUMENTS  
COMMISSION, *et al*

Defendants

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CIVIL ACTION NO. SA-12-CA-1002-FB(HJB)

DECLARATION

I, Plaintiff-Intervenor Sally Hill Jones, Ph.D declare as follows:

1. Defendants have made nonidentification notifications in the past based on insufficient evidence, not unlike the nonidentification of my relative. This is the second time they have told a noisy relative who it was not, but even after 12 years, they have made no apparent progress in determining the identity of X-345.

2. Mr. Louis C. Mroz is the brother of 2<sup>nd</sup> Lt. John V. Mroz, one of the seven MIA soldiers not recovered from the plane, *Sweepy Time Gal*, shot down April 18, 1944. In 2000, Mr. Louis Mroz came upon information that led him to begin a search for the remains of his brother. This search resulted in Mr. Mroz's discovery of documents verifying that Unknown Remains X-345 were those of one of seven MIA crewmembers of *Sweepy Time Gal*. After much resistance and delay, Defendants acknowledged this fact, and Mr. Mroz requested exhumation and identification of Unknown Remains X-345. This information was told to me by Mr. Mroz and is also contained in his written manuscript of his search, *My Brother John*, a copy of which can be found in the Library of Congress Veterans History Project, Collection # AFC/2001/001/85276.

3. Defendants responded with a letter to Mr. Mroz, notifying him that the remains were not those of his brother. I have in my possession a photocopy of a letter, given to me by Mr. Mroz, dated February 18, 2003 from Col. Paul A. Bethke, Colonel, The Department of the Army, United States Army Central Identification Laboratory, Hawaii addressed to Mr. Louis C. Mroz. The letter states, "The Laboratory assessment using stature and bone length evaluative models, a technique recently developed by two of our senior anthropologists, concluded that your brother, John's, stature exclude him as a possible association to the X-345 remains."

4. The nonidentification notification was confirmed in an e-mail. I have in my possession a photocopy of an email, given to me by Mr. Mroz, dated November 4, 2003 from Mr. Johnie Webb Jr. ([Johnie.Webb@CILHI.Army.Mil](mailto:Johnie.Webb@CILHI.Army.Mil)) to Louis C. Mroz with the subject line of "Lt. John V. Mroz." The e-mail states, "As you know based on our previous correspondence, we are sure that the remains are not those of your brother."

5. Therefore, a non-identification was made 12 years ago without any progress on identification of X-345. Now, Defendants are repeating the same tactic, ruling out relatives of family members pressuring for answers, while still not making an identification.

Pursuant to 28 U. S. C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on the 20 day of January, 2015 at 2661 Red Bud Way, New Braunfels, TX 78132.



Sally Hill Jones, Ph.D  
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