

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN EAKIN

Plaintiff,

v.

AMERICAN BATTLE MONUMENTS
COMMISSION, *et al*

Defendants

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CIV. A. NO. SA-12-CA-1002-FB(HJB)

DECLARATION OF DOUGLAS A. KELDER

I, Douglas Arthur Kelder, declare as follows:

1. I wish to provide a more accurate accounting of the conversations pertaining to notification that the remains of my Uncle, Arthur H. "Bud" Kelder had been identified.
2. I was informed by Mr. Cox of the Army Casualty Office that a positive ID was made of remains indicating that some samples tested were in fact, my Uncle Pvt. Arthur H. "Bud" Kelder. A further explanation was then offered by Mr. W. Cox of upcoming events, briefing at my home on February 16, 2015, and an upcoming in depth explanation of the I.D. packet during that briefing.
3. The very next topic was a mention by Mr. Cox of the Power of Attorney which I have granted Mr. J. Eakin, my Cousin. Mr. W. Cox asked that now that an I.D. was made for my Uncle, I should consider revoking the Power of Attorney, as well as the benefits of doing so. As this phone conversation had caught me "off guard", and surprised, my immediate inclination was to agree that the power of attorney would no longer be required. That comment was made with

some degree of skepticism and apprehensiveness. Mr. Cox asked if I would send him an email stating that I would revoke the Power of Attorney.

4. I then contacted my cousin J. Eakin and we discussed what had just occurred. Subsequently, I emailed Mr. W. Cox and indicated that I was not going to withdraw my Power of Attorney, provided to Mr. J. Eakin. It was around that time which I informed Mr. W. Cox that I would like to see the I.D. Packet prior to the briefing. Mr. W. Cox replied that was not possible as it was not consistent with protocol. Shortly thereafter I received word from Mr. W. Cox that the packet would be released to us for our review. Fortunately, our experts examined the I.D. Packet and indicated to us a number of, what I will call "errors".

5. Since those brief emails/phone calls, I have spoken with no one from the defendant's side, no calls from Mr. W. Cox, no more emails, no more scheduled briefings. I am appalled to think that the Army knows that they have additional portions of the remains of my Uncle and they propose to deliver them to be piecemeal at some unknown time in the future.

6. I resent the fact that I was pressured to rescind the Power of Attorney granted to Mr. J. Eakin, as well as to sign off on a number of associated documents provided by Mr. W. Cox. I was emotionally vulnerable at learning that my Uncle's remains would finally be returned for burial after more than seventy years and I do not appreciate the way I was pressured to accept what I now believe is an attempt to return partial remains simply to dispose of litigation.

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 9th day of March, 2015 at 1:40 p.m.



Douglas A. Kelder