

ATTACHMENT 2

Plf. Ex. 23

Report of Dr. Richard R. Souviron, DDS, DABFO, Miami-Dade County Medical Examiner's
Office

MIAMI-DADE COUNTY, FLORIDA



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March 5, 2013

Forensic Odontology Report regarding WWII POW/MIA Private Arthur Kelder

Dear Mr. Noah:

HISTORY

On or about January 9, 2013 we met in my office specifically to review records of fourteen WWII POW's buried in a grave #717 in Cabanatuan Philippines. I was provided with numerous records to review, analyze and provide an opinion as to the possible correlation of body identification as x-816 (x means unidentifiable) with the dental records of Private Arthur Kelder #36016623. These records are:

- factual history
- US District Court Western District of Texas-Civil docket Case#5:12-cv-01002-FB-HJB
- DPMO-2012-Briefly's Archives-
- Forensic Odontology Report-10-15-12, Dr. David Senn
- Exhibit C-Declaration of Cynthia A Chambers-in the case of John Eakins vs. US-DOD et al.
- Exhibit 1 POW Camp Cemetery burial Roster grave 717.
- Exhibit 2-IDPF, and x files from grave 717.
- Ante mortem Dental records of 14 POW including Collins, Kelder and Nichols.
- Post mortem Dental Records grave 717 of 13 Unk., X812-X815 and X817, X818 and X20-X24.
- Private Kelder Ante mortem dental chart and post mortem dental chart of X816 and X819
- Summary of remains recovered from Cabanatuan Grave 717 (total 14 individual)
- Identification of remains of Private A Kelder #36016623-Composite.

Family History is detailed in the enclosed records. To summarize based on family history the brother of Arthur Kelder was Dr. Herman Kelder, DDS. Dr. Kelder provided dental

treatment specifically gold inlays for all family members and treated his brother following the military induction dental charting.

SUMMARY

All documents I had to review are included with my report. The details of Private Arthur Kelder attempted identification are in these records. It appears that four POW's of the 17 have been positively ID and in question are the remaining 14. Specifically, the identification of Private A. Kelder. The ante mortem dental records, if accurate would eliminate all of the 14 except for X816, X815 and X819 based on the presence or absence of teeth #R8 and L8 in the post mortem records. The ante mortem record of Collins, Covach and Kelder indicate all were missing L8 and R8. However, in the ante mortem record shows Collins was missing L16 and Covach was missing L14 based on ante and post mortem dental chart comparisons. X819 has been identified as Nicholas and his L8 and R8 must have been removed after the ante mortem records because these teeth were present in the ante mortem records but were absent in the post mortem dental chart. However, most important is tooth L6 which was missing in the ante mortem records but it is present in the post mortem record. Based on these records I would question the identification of X819 as being that of Nicholas.

If the ante mortem records of Collins are correct if L16 was extracted ante mortem and if Collins is to be identified as X816 it is impossible because X816 has tooth L16 with a silver filling. It would be impossible to regrow L16.

OPINION

Based on comparison of ante and post mortem dental charting records body X816 can not be Collins and Private Arthur Kelder is the only one of the 14 X bodies that fits X816. Kelder can not be excluded as belonging to X816. This is based on the process of elimination and the history provided by his family stating the presence of gold inlays. Only body X816 is missing L8 and R8 and teeth R15, R16, & L16 are present with restorations. It is noted in Collins ante mortem records that teeth L16, R15, and R16 are missing. The enclosed chart that I made should help illustrate my opinion.

AS PRESENTED

<u>Collins (X816)</u>		<u>Kelder</u>		<u>Nicholas (X819)</u>	
AM	PM	AM	PM	AM	PM
R8 ext	missing	R8 ext	ext	R8 present	missing
L8 ext	missing	L8 ext	ext	L8 ext.	missing
R16 ext	S filling	R16?virgin	?	L16present	virgin
R 15 ext	Gold inlay	R15?virgin	?	R15present	virgin
L16 ext	S filling	L16 virgin	?	R16present	virgin
				L6 ext.	virgin

MY OPINION

Collins (X816)

AM PM
L16 ext S filling
 Not possible
 X816 or X819

Kelder (has gold inlay)

AM PM
R16 present R16 s filling
R15 present R15G onlay
L16 present L16 s filling
L6 present L6 s filling
Possible X816

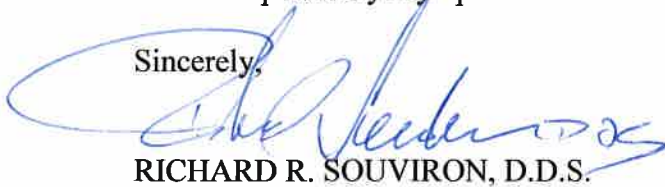
Nicholas (X819)

AM PM
L6 ext present s filling
 Not possible
 to be X819

Disclaimer

It is very difficult based purely on the dental charts without actually seeing the case material to make 100% positive identification or positive exclusion. However, I am confident in my assessment based upon the records that I have reviewed and it is my opinion that direct observation of the body parts specifically of X816, X819 and X815 would help solidify my opinion.

Sincerely,



RICHARD R. SOUVIRON, D.D.S.

RRS:nb

Enclosures

Antemortum Tooth Charts

NAME	Bain	Collins	Gutierrez	Hanscom	Hirschl	Kovach	Lobdell	Nichols	Overbey	Ruark	Simmons	Waid	York
DATE	no info	12/14/1939	12/23/1940	4/1/1940	11/5/1940	11/25/1940	10/2/1940	1/9/1940	06/00/41	no info	1/15/1941	10/2/1940	no info
R8		extracted				extracted		no defects			no	no	
R7							extracted				deficiencies found	deficiencies found	
R6				extracted									
R5													
R4							extracted						
R3													
R2													
R1													
L1													
L2				extracted									
L3													
L4													
L5													
L6			extracted					extracted					
L7													
L8		extracted		extracted	extracted	extracted							
R16		extracted			extracted		extracted						
R15		extracted					extracted						
R14			extracted		extracted				extracted				
R12								extracted					
R11													
R10													
R9													
L9													
L10													
L11													
L12			carious										
L13													
L14				extracted		extracted							
L15							extracted		extracted				
L16		extracted			extracted								
HEIGHT		5' 7 1/2		5' 6	5' 10 1/4	5' 9	5' 7	6' 1/2	5' 9 1/2		5' 8	5' 7 1/2	
WEIGHT													
AGE (1942)	25	23	26	34	30	20	24	27	25	21	25	27	63

Kelder Tooth Chart Matches

NAME	Kelder	X816	X819
DATE	4/4/1941	2/7/1946	2/5/1946
R8	extracted	missing	missing
R7		silver filling	
R6		silver filling	
R5			
R4		gold inlay	
R3			
R2			
R1			
L1			
L2			
L3			
L4		gold inlay	
L5		silver crown	
L6		silver filling	
L7		silver filling	
L8	extracted	missing	missing
R16		silver filling	perfect
R15		gold inlay	lower
R14		gold inlay	
R12		gold inlay	
R11			
R10			
R9			
L9			
L10			
L11			
L12		gold inlay	
L13		gold inlay	
L14		gold inlay	
L15		gold inlay	
L16		silver filling	
HEIGHT	5' 10	5' 8 5/6	5' 8 1/2
WEIGHT			
AGE (1942)	26		
ID'ed As			Nichols
REMARKS	gold inlays		

Summary of remains recovered from Cabanatuan Grave 717

<u>ASSOCIATED NAME</u>	<u>NOTE</u>	<u>BURIAL ROSTER #</u>	<u>CABANATUAN CEMETERY</u>	<u>MANILA #2 CEMETERY</u>	<u>MANILA MAUSELEUM</u>	<u>FT MCKINLEY GRAVE</u>
YORK		2267	C272	X812	X4855	N-2-69
HANSCOM	Identified - Dental records	2268	C273	X813		
RUARK		2269	C274	X814	X4856	N-14-78
SIMMONS		2270	C275	X815	X4857	N-4-101 L-14-49 *
COLLINS	GOLD DENTAL INLAYS	2271	C276 19 Nov 42 grave 717	X816 7 Feb 46 grave 2-20- 2485	X4858 7 Sep 48 crypt 810-F- 1987	N-11-101 21 Feb 50 A-12-195 11 Feb 52 *
BAIN	Identified - Dog Tag	2272				
GUTIERREZ	Identified - Dental records	2273	C277	X817		
LOBDELL		2274	C278	X818	X4849	C-5-78
NICHOLS	Identified - Dental records	2275	C279	X819		
WAID		2276	C280	X820	X4850	N-5-187
KELDER		2277	C281	X821	X4851	C-9-78
KOVACH		2278	C282	X822	X4852	N-14-93
HIRSCHI		2279	C283	X823	X4853	N-11-97
OVERBEY		2280	C284	X824	X4854	N-11-190

* Moved to fill an empty grave.

Postmortum Tooth Charts

NAME	X812	X813	X814	X815	X817	X818	X820	X821	X822	X823	X824
DATE	2/7/1946	2/7/1946	2/7/1946	2/7/1946	2/5/1946	2/5/1946	2/7/1946	2/7/1946	2/7/1946	2/7/1946	2/7/1946
R8			full	missing	perfect		silver fill				
R7		silver filling	upper	gold partial	upper	silver	missing	missing			
R6		missing	denture			silver		silver			
R5			found	gold partial				missing			
R4			civ				missing	silver		cement	
R3			work	gold partial							
R2				gold partial							
R1		silicate				missing	silicate				
L1		silicate				missing	silicate				
L2	missing	missing									cavity
L3		cavity		missing							
L4		silver filling				silver fill	silver	silver			
L5		missing					silver fill	silver	missing		
L6		missing		gold partial			silver fill		missing		silver filling
L7	missing			gold partial		missing	silver fill	silver			
L8		missing		missing		silver	missing	silver	missing		missing
R16		cavity		missing	perfect	silver	missing	missing		perfect	missing
R15	missing		cavity	missing	lower	silver	silver fill	missing	silver	lower	
R14	missing	missing		missing		missing	silver fill	silver	silver		silver filling
R12											
R11											
R10											
R9											
L9											
L10											
L11											
L12							silver fill				
L13		missing	silver	gold crown							
L14	missing	missing		gold crown		missing	silver fill	silver	missing		
L15	decayed		silver	gold bridge		silver	missing				
L16				gold crown		silver	silver fill				missing
HEIGHT				5' 10 3/4		5' 7 5/8				5' 10 3/4	5' 10 1/4
WEIGHT											
AGE (1942)											
ID'ed As		Hanscom			Gutierrez						