

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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DECLARATION

I, Dr. Sally Hill Jones, declare as follows:

I am the niece of Carl Wilson Holley, serial number 34155217, a casualty of World War II, and one of seven possible men whose remains are identified as Unknown X-345 and Remains AFDIL 2005H1229. I am a native of Corpus Christi, Texas, currently residing in New Braunfels, Texas. My occupation is Associate Professor at Texas State University in the School of Social Work. I have a Bachelor of Arts degree in Psychology and Sociology from Trinity University of Deerfield, Illinois, a Master of Arts degree in Social Work from the University of Chicago, and a PhD in Clinical Social Work from the Institute for Clinical Social Work in Chicago, Illinois. I am licensed in Texas as a clinical social worker.

I have experience related to plaintiff's complaint in my attempts to have the unknown soldier X-345/Remains AFDIL 2005H1229 identified. Based on this experience, I state the following:

1. On April 18, 1944, B24-D *Sweepy Time Gal*, Serial #42 – 40622 was shot down in the South China Sea near Hong Kong with 12 men aboard. These men were from the 14th Air Force 373 Bomb Squadron, and 308 Bomb Group. Two of the men survived, were POWs, and returned to the U.S. after the war ended, both now deceased. Two of the men's bodies were recovered by the Japanese, buried in Hong Kong, and returned to the U.S. for burial after the war ended. Two of the men's bodies were found and buried by Hong Kong farmers, discovered after the war, and returned to the U. S. One of these was identified and buried. The second one was not able to be identified, because of having no head, and was buried as an unknown soldier in the Honolulu Memorial Cemetery, Site P, site 393. X-345/Remains AFDIL 2005H1229 are known to be one of the seven remaining airmen of *Sweepy Time Gal*. However, these facts were buried in various military documents that held conflicting and at times erroneous information, and not connected by military personnel. Family members of these seven men were told their loved ones were presumed dead and their bodies unrecoverable.
2. From 2000 to 2002, Mr. Louis Mroz, the brother of one of the airmen, John Mroz, collected military records and interviewed the surviving crewmember (pilot), putting the pieces together that strongly indicated that Unknown X-345 was one of the seven *Sweepy Time Gal* airmen. On April 29, 2002, Mr. Mroz requested that the U.S. Army Central Identification Laboratory disinter and re-examine the remains of X-345 for DNA identification based on the information he had discovered. He was told that there would be a deliberative process of many procedures starting with an evaluation by a historian/researcher and ending with referral to a committee for final approval. Mr. Mroz advocated for a shorter process, given the compelling information he had provided. On

February 18, 2003, Mr. Mroz was notified that his brother had been excluded as a possibility for identification of X-345 due to his stature not being a match, but that maternal family members of the other airmen would be located to collect DNA samples for analysis. On February 2, 2004, Mr. Mroz was informed that a request for disinterment was approved for X-345 remains. He was asked to submit his DNA even though they had excluded his brother as a possibility, and that it would take approximately one year to sequence his DNA. On September 6, 2004, Mr. Mroz was told that the U. S. Army would eventually assign a genealogist to find the surviving maternal relatives for DNA samples, which were required before disinterment would occur. Mr. Mroz, being 73 and not computer-literate, decided to get help locating the relatives more quickly.

3. In November, 2004, Mr. Mroz called me, having obtained my contact information from the surviving *Sweepy Time Gal* pilot, Col. Glenn McConnell, who I had previously contacted in a search for information about my uncle. I located family members of the seven airmen who could give mitochondrial DNA, as instructed by Dr. Mark Leney, DNA Manager at JPAC, and they submitted their DNA samples. Unknown X-345 was disinterred in August 2005 and became Remains AFDIL 2005H1229.
4. On December 2, 2005, Dr. Leney informed me in an email that the DNA analysis was not going well, as they had been unable to recover any DNA from the remains' samples. He stated they were considering having the research team at AFDIL look at it, but that AFDIL had limited staff.
5. On June 28, 2006, Dr. Leney responded to my inquiry about progress on the case in an email. He stated that the problem would likely be solved within the next few years. He stated that they had used an extreme experimental procedure that was not yet validated

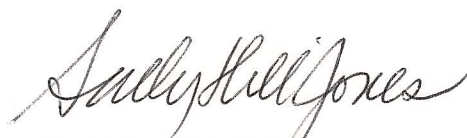
and this resulted in an identification; however, the stature of this airman did not fit the analysis of the remains, so this result was not considered proven. Dr. Leney informed me he was leaving JPAC and referred me to his replacement, Dr. Alec Christensen.

6. From 2006 through 2012, I sent eight email requests to Dr. Christensen for information. He responded four times, reporting each time that no progress had been made on X-345, but there was hope, and he would keep me posted. He never initiated any correspondence with me, however. On March 4, 2007, he stated he would ask AFDIL about re-examining the case, as AFDIL was making advances with the “degraded DNA” or “mortuary” cases. On June 30, 2009, he again stated that he would ask if AFDIL would look at the X-345 case and promised me he had not forgotten and really wanted to figure this case out. On September 1, 2009, he reported that AFDIL was working with an outside company developing its own sequencing technology, that there was new potential for getting usable DNA, and that they would probably try the new methodology on X-345 in the next months. On April 5, 2010, I received my last email from Dr. Christensen. He stated that, although he had nothing to report on X-345, he had hope because AFDIL has had some luck with mortuary-treated cases recently, but that serious staff turnover had slowed them down. He stated that X-345 was on the list of ones he wanted to try again, probably a bit later in 2010 when things had improved. Again, he promised to keep me posted. I heard nothing from him. On September 18, 2012, I sent him an email asking him what the procedure is for having a private lab analyze the DNA. I got no response.
7. In the 14 years since Mr. Mroz put together information from military records strongly indicating that X-345 was one of the *Sweepy Time Gal* airmen, and the 9 years since the disinterment, many of the individuals who cared the most about these men have died.

My mother, sister of Carl Holley, as well as his two brothers, have died. The pilot of *Sweepy Time Gal* has died. Others are approaching the time when death is near. These families, who are from across the nation (Florida, Louisiana, Massachusetts, New York, Tennessee, Texas, and Virginia), have been greatly affected by the kind of grief that comes with unresolved loss. For one family, a good possibility for resolution is available.

8. Nine years after the disinterment of X-345, it is my experience that JPAC is not fulfilling its mission to identify unaccounted for Americans who gave their lives for our country. It is also evident that private companies are having success with even challenging DNA identifications. Yet, my family is blocked from utilizing this resource and locked into relying on an organization that is not responsive or effective, with no recourse for pursuing alternatives. Therefore, for my family and families like mine, it is imperative that we have the right to obtain effective and timely identification procedures of our loved ones.

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 12 day of July, 2014 at the home of Sally Hill Jones.



SALLY HILL JONES
2661 Red Bud Way
New Braunfels, TX 78132