

John J. Eakin
9865 Tower View
Helotes, Texas 78023
Telephone: 210-695-2204
Email: jeakin@airsafety.com

June 21, 2011

VIA EMAIL TO greg.gardner@us.army.mil, corinne.hagan@us.army.mil

THRU;
Mr. Greg Gardner, Chief, Past Conflict Repatriations Branch,
US Army Human Resources Command,
1600 Spearhead Division Avenue, Fort Knox, KY 40122

TO:
Commanding General, US Army Human Resources Command
1600 Spearhead Division Avenue, Fort Knox, KY 40122

RE: Private Arthur H. Kelder, SN 36016623 (World War II)

Dear Mr. Gardner;

I sincerely thank you for your letter dated 17 June 2011 in which you responded to my inquiries to Ms. Hagan. I think we have established that the Joint POW/MIA Accounting Command (JPAC) has taken no action and has no plans to recover the remains of my cousin, Pvt Arthur H. Kelder.

However, other of your statements were non-responsive of my actual questions. It is a little disingenuous to use privacy concerns to withhold the identity of the Primary Next-of-Kin (PNOK) when I am the person who identified these family members to your office. If privacy is actually a concern, you could have responded to my query simply by relationship or by reference to the regulation or statute by which you determine the PNOK and I ask, again, that you provide me with this information.

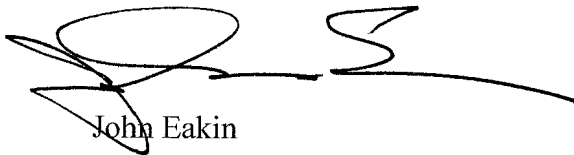
Additionally, while I did inquire if your office was aware of specific statutes obligating the government to return remains to the family, I also asked for a specific parent statute governing Army Regulation (AR) 638-2, Para 8-16 pertaining to Casualty and Memorial Affairs Boards of Officers. I further asked for information such as local regulations supplementing AR 638-2 and prescribing the procedure for requesting reconsideration of Pvt Kelder's case on the basis of evidence not previously considered by the board that declared his remains non-recoverable. I renew this request for information.

Wishing to avoid further delay due to the absence of the above requested information, I ask that you forward this request and that your command takes action to convene a board of officers under AR 638-2 to review the determination of non-recoverability of the remains of Pvt Kelder. This request is based on the information I have previously provided to your office concerning identification of his remains and which was not available to, nor considered by, the prior board. Further, I request that legal counsel be appointed to represent the interests of Pvt Kelder; that all board activities be open to the public; that each member of my family be notified in advance of each meeting of this board; and that my legal representative be allowed to present evidence to the board on behalf of my family.

I am sincerely disappointed that the Department of the Army has not proactively taken action to review the case of my family member nor the thousands of other "Cabanatuan" losses who have been incorrectly identified or declared non-recoverable. Nothing less than a vigorous and independent investigation will dispel the public perception that the Army has perpetuated an illegal cover-up of the facts of these tragic losses and subsequent actions.

I realize the gravity of these allegations and can assure you of my full cooperation with a properly appointed investigating officer. I suggest we put aside any further procedural or litigation delays and simply do right by these men who gave their lives for our country.

Sincerely;

A handwritten signature in black ink, appearing to read "John Eakin". The signature is stylized with a large loop at the beginning and a long horizontal stroke extending to the right.

Cc: via email
Mr. Doug Kelder
Mr. Ron Kelder
Mr. Allan Grube
Mr. Art Lageveen

JOHN J. EAKIN
9865 TOWER VIEW
HELOTES, TEXAS 78023
Telephone: 210-695-2204
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September 12, 2011

VIA EMAIL TO greg.gardner@us.army.mil

Mr. Greg Gardner, Chief, Past Conflict Repatriations Branch,
US Army Human Resources Command,
1600 Spearhead Division Avenue
Fort Knox, KY 40122

RE: Private Arthur H. Kelder, SN 36016623 (World War II)

Dear Greg;

As you requested, I have prepared a brief outline showing that new evidence exists to be considered regarding the identification of my cousin, as above referenced. This material is submitted only in support of our request to convene a Casualty and Memorial Affairs Board of Officers (CMABO) under the provisions of AR 638-2, para 8-16 to consider the recoverability status of our family member.

To be very clear, at this point we are only addressing the issue of the existence of new evidence necessary to justify a full presentation to a CMABO and we ask that the process proceed to a hearing without further delay in obtaining additional documentation.

While this material far exceeds the standard by which all other Cabanatuan identifications were confirmed, this is not intended as a full presentation of all the confirmatory and exclusionary evidence to be submitted concerning the identification of the remains of Pvt Kelder. Considering that Pvt Kelder has been classified non-recoverable for seven decades because the Army failed to obtain antemortum dental records that were available on request, we ask to expedite the process as much as possible.

I again ask that a missing person's counsel be appointed to represent the interests of Pvt Kelder to insure that all relevant privacy or classified material is properly considered or that these restrictions are waived and the material provided to me. I also ask to be informed of all statutes or regulations under which these proceedings will be governed.

You are aware that my family's objective is to obtain a favorable recommendation concerning Pvt Kelder's recoverability, which will support our eventual petition for disinterment for identification. So it goes without saying that we would gladly withdraw

our petition for an identification board to consider new evidence if the director of your organization can provide such a recommendation without further proceedings. The information we have here far exceeds that upon which other Cabanatuan identifications were approved and today's forensic techniques provide additional confirmation not previously available.

Many, many people have expressed to me their disappointment that the Department of the Army has not proactively taken action to review the case of my family member as well as that of the thousand other Cabanatuan losses who have been incorrectly declared non-recoverable. The Army's failure to aggressively pursue resolution of this and other Cabanatuan identifications has unnecessarily tarnished the Army's reputation and will continue to fester until resolved.

Sincerely;

John Eakin

Cc: via email
Mr. Doug Kelder
Mr. Ron Kelder
Mr. Allan Grube
Mr. Art Lageveen

RE: Identification of the Remains of Pvt Arthur H. Kelder, 36016623

1. Limited Purpose: The following information is submitted only to show that new evidence exists and was not previously considered in the identification of the remains of Pvt Kelder.

2. Background:

a. The remains of fourteen Americans were interred in the Cabanatuan (Philippine Islands) POW Camp Cemetery on 19 November 1942.

Exhibit 1. Extract from Cabanatuan POW Camp Cemetery burial roster for grave 717

b. US Army Graves Registration personnel disinterred the remains of fourteen deceased personnel from Cabanatuan POW Camp Cemetery grave 717 on 8 January 1946.

Exhibit 2. IDPFs and X files for grave 717

c. The remains recovered from Cabanatuan grave 717 were assigned names or numbers as shown in the following table. One set of remains were immediately identified as BAIN on the basis of dog tags found with the remains. Other names were erroneously associated with the remains based on burial roster sequence and position in the grave. The recovered remains were re-interred in Manila Cemetery #2 on 7 February 1946. Upon receipt of antemortem dental treatment records, three more sets of remains were identified, disinterred from Manila Cemetery #2 and returned to their families for burial. The remaining ten unidentified remains were disinterred and transferred to the Manila Mausoleum then later re-interred as unknowns at the Ft McKinley (now American Battle Monuments) Cemetery in Manila.

Exhibit 2. IDPFs and X files for grave 717

Exhibit 10. DPMO Research Memo

Summary of remains recovered from Cabanatuan Grave 717

<u>ASSOCIATED NAME</u>	<u>NOTE</u>	<u>BURIAL ROSTER #</u>	<u>CEMETERY #</u>	<u>MANILA #2 CEM #</u>	<u>MANILA MAUS #</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	X816	X4858	N-11-101 A-12-195
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

3. Original Identification Standards.

a. The identification of unknowns X-817 as Gutierrez, X-813 as Hanscom, and X-819 as Nichols are documented in the memorandum dated 12 December 1946 found in their respective Individual Deceased Personnel Files. The basis for identification relied upon four points:

1. Agreement of AGO Report of Death and Report of Re-interment as to place of death and date of death in each case.
2. Agreement of the original grave locations noted on the Reports of Reburial in Manila #2, with the roster of burials and Death Reports of Cabanatuan Camps 1 & 3.
3. Statement by interested parties that the roster of burials is authentic.
4. Verified tooth chart comparisons.

Exhibit 2. IDPF's and X-files for grave 717

Exhibit 3. Identification Memorandum, dated 12 Dec 46

(1) Burial Roster: Each identification, and by extension, each non-identification, was based primarily on the Cabanatuan burial roster which was maintained by the POW's and recovered after the war. The 12 December 1946 memo details the authentication of this document.

(a) An extract of the burial roster is contained in each IDPF.
Exhibit 2. IDPF's and X-files for grave 717

(b) The original burial roster, presently located in the National Archives, is incomplete and illegible in many areas; was damaged by efforts to prevent destruction by the enemy and is in fragile condition due to age. Additionally, it was prepared under wartime conditions and contains obvious errors and omissions. Missing portions have been reconstructed and the data has been transcribed and edited against other data sources.

Exhibit 1. Extract from Cabanatuan POW Camp Cemetery burial roster for grave 717

(2) Dental Records: In the absence of identification tags (dog tags) the presence or absence of detailed antemortem dental treatment records essentially determined which remains from Cabanatuan grave 717 were identified.

(a) A review of all individual deceased personnel files reveals that antemortem dental treatment records were obtained from military medical facilities for each set of remains identified.

(b) Detailed dental treatment records are not found in the files of the unidentified servicemembers. The only antemortem dental records associated with the unknowns are restricted to non-detailed observations apparently collected at the time of induction in to military service and unusable for the purpose of identification.

(c) No effort to obtain civilian dental treatment records is documented in the grave 717 IDPFs except in the case of WAID.
Exhibit 4. Waid IDPF at 23,24,28

i. The IDPF pertaining to Pvt Kelder contains correspondence between the Department of the Army and Pvt Kelder's parents, Herman and Julia Kelder, who resided at 6151 Newburg Ave, Chicago, Ill. While the Department of the Army was in contact with them, there is no evidence of a request to provide copies of Pvt Kelder's civilian dental treatment records.

ii. The Cabanatuan burial roster entry pertaining to Pvt Arthur Kelder and the 7 February 1946 report of interment both listed 6807 Raven Street, Chicago, Ill as the address of his next-of-kin. The structure located at this address was constructed by members of the Kelder family as a dental practice office in the 1930's. Dr. Herman P. Kelder, DDS, the older brother of Pvt Arthur Kelder, maintained his dental practice at this address and had treated Pvt Kelder at this address prior to his induction into military service. Any effort to contact the Kelder family at this address to obtain civilian dental records would have readily obtained Pvt Kelders' civilian dental treatment records.
Exhibit 5. Kelder IDPF at 7,8,9,22,28,31

b. Pvt Kelder had served only one year in the US Army at the time of his capture by the Japanese and it is likely that no record of military dental treatment existed or would have survived the enemy attacks of December 8, 1941 and subsequent. There is no evidence contained in any file related to Cabanatuan grave 717 that indicates that any effort was made to obtain civilian dental treatment records pertaining to Pvt Arthur Kelder.

4. Prior Board Proceedings and Identification Efforts:

(a) On 13 September 1949, Headquarters, Philippines Command recommended unknown X824/X4854 be identified as Overby and the nine remaining unidentified remains recovered from grave 717 be assigned a group identification. This recommendation was based on the evidence provided by the burial roster and acknowledged the absence of evidence of individual identifications.

(b) On 10 November 1949, Memorial Division, Office of the Quartermaster General rejected the recommendations for identification and noted, "[The burial roster] does not constitute substantive proof within itself. Therefore, it is subject to qualifying or substantiating comparisons of dental and physical data."

(c) On 12 December 1949, Headquarters, Philcom Zone reviewed the records of the remaining unknowns recovered from Cabanatuan grave 717 and issued an opinion that insufficient evidence was available to establish the identity of the remains and they should be classified as unidentifiable.

(d) On 9 January 1950, Headquarters, American Graves Registration Service, Philcom Zone, notified the Quartermaster General that the ten remaining unidentified remains recovered from Cabanatuan grave 717 were considered unidentifiable by reason of lack of sufficient identifying data. This determination was based on the insufficiency of positive identification factors.

(e) On 11 January 1950, a board of officers was convened by the American Graves Registration Service, Philcom Zone. This board declared the remaining unidentified remains (less the remains of York, a Department of the Navy Civilian employee) were non-recoverable. These proceedings noted the acceptability of the burial roster as evidence of the identities of those buried in grave 717, but rejected individual identifications in the absence of additional individually identifying evidence.

(f) On 26 January 1950, Memorial Division, Office of the Quartermaster General approved the recommendation to classify the remains as non-recoverable.
Exhibit 6. Identification Board Proceedings

5. New Evidence not available at the time of original determination of non-recoverability

a. Prior to induction into military service, Pvt Arthur Kelder received dental treatment from his brother, Dr. Herman P. Kelder III, DDS.

(1) In July 1994, Dr. Kelder prepared an audio tape with his recollections of family history. In this tape he mentioned that he had replaced silver fillings in his brother's teeth with gold inlays. Dr. Kelder's son has authenticated the recording and confirmed that gold dental inlays were his fathers preferred treatment for family members.

Exhibit 7A. Statement of Ron Kelder

Exhibit 7B. Statement of Doug Kelder

b. Only the tooth charts of X816 reflect gold inlays, therefore all other remains recovered from Cabanatuan Grave 717 can be excluded as not those of Pvt Arthur H. Kelder.

Exhibit 2. IDPFs and X files for grave 717

(1) Gold inlays are more distinctive and have less potential for misidentification than the other identifications that relied on often ambiguous comparison between antemortem and postmortem dental information.

(2) Review of more than four hundred similar Manila #2 X-files found only three postmortem tooth charts that described gold inlays (including X816).

c. Confirmatory and exclusionary family reference samples have been collected by the Armed Forces DNA Identification Laboratory (AFDIL).

- (1) Maternal line (mtDNA) sample collected from Allan Grube
- (2) Paternal line (nucDNA) sample collected from Ronald Kelder
- (3) Self-specimen collected from envelope sealed by Pvt Kelder.
- (4) DNA sequencing was not available in 1952 when these remains were determined to be non-recoverable.

(i) Additional specimens provide control against mutation or contamination.

d. Family contacts are available for other grave 717 unknowns originally proposed for group identification/burial.

(1) Several families have contacted ACO to volunteer FRS. Nine of ten family contacts have been provided to Army Casualty Office.

(2) Rourk FRS collected by USMC Casualty Office.

(3) Additional DNA specimens provide both exclusionary evidence and confirm validity of burial roster information.

(4) Both mtDNA and nuclear DNA can be recovered for sequencing because subject remains were buried in contact with soil for only a relatively short time before being reinterred in a casket.

Exhibit 11. ROI Manila Mausoleum and Ft Wm McKinley X816

EXHIBITS

Exhibit 1. Extract from Cabanatuan POW Camp Cemetery burial roster grave 717

Copies of the original burial roster and enhanced transcript are available on request.

http://bataanmissing.com/wp-content/uploads/Extract_grave717_burialroster.pdf

Exhibit 2. IDPFs and X files for grave 717

X-files

http://bataanmissing.com/wp-content/uploads/X-812_Manila2_CompleteX-file.pdf

http://bataanmissing.com/wp-content/uploads/X-814_Manila2_CompleteX-file.pdf

http://bataanmissing.com/wp-content/uploads/X-815_Manila2_CompleteX-file.pdf

http://bataanmissing.com/wp-content/uploads/X-816_Manila2_CompleteX-file.pdf

http://bataanmissing.com/wp-content/uploads/X-818_Manila2_CompleteX-file.pdf

http://bataanmissing.com/wp-content/uploads/X-820_Manila2_CompleteX-file.pdf

http://bataanmissing.com/wp-content/uploads/X-821_Manila2_CompleteX-file.pdf

http://bataanmissing.com/wp-content/uploads/X-822_Manila2_CompleteX-file.pdf

http://bataanmissing.com/wp-content/uploads/X-823_Manila2_CompleteX-file.pdf

http://bataanmissing.com/wp-content/uploads/X-824_Manila2_CompleteX-file.pdf

IDPFs - knowns

http://bataanmissing.com/wp-content/uploads/Collins_6578818_CompleteIDPF.pdf

http://bataanmissing.com/wp-content/uploads/Gutierrez_20843125_CompleteIDPF.pdf

http://bataanmissing.com/wp-content/uploads/Hanscom_6137280_CompleteIDPF.pdf

IDPFs - unknowns

http://bataanmissing.com/wp-content/uploads/Simmons_19019886_CompleteIDPF.pdf

http://bataanmissing.com/wp-content/uploads/York_Civilian_CompleteIDPF.pdf

http://bataanmissing.com/wp-content/uploads/Kovach_20500764_CompleteIDPF.pdf

http://bataanmissing.com/wp-content/uploads/Hirschi_19038407_CompleteIDPF.pdf

http://bataanmissing.com/wp-content/uploads/Lobdell_20645267_CompleteIDPF.pdf

http://bataanmissing.com/wp-content/uploads/Nichols_7009171_CompleteIDPF.pdf

http://bataanmissing.com/wp-content/uploads/Overbey_13035026_CompleteIDPF.pdf

http://bataanmissing.com/wp-content/uploads/Ruark_278681_CompleteIDPF.pdf

http://bataanmissing.com/wp-content/uploads/Waid_19049058_CompleteIDPF.pdf

http://bataanmissing.com/wp-content/uploads/KelderArthur_IDPF_small.pdf

Exhibit 3. Identification Memorandum, dated 12 Dec 46

<http://bataanmissing.com/wp-content/uploads/IDrosterCabanatuan12Dec46.pdf>

NOTE: This is a transcribed copy of exhibit 3 which is easier to read.

<http://bataanmissing.com/wp->

[content/uploads/IDrosterCabanatuan12Dec46_transcript.pdf](http://bataanmissing.com/wp-content/uploads/IDrosterCabanatuan12Dec46_transcript.pdf)

Exhibit 4. Waid IDPF at 23,24,28

http://bataanmissing.com/wp-content/uploads/Waid_19049058_CompleteIDPF.pdf

Exhibit 5. Kelder IDPF at 7,8,9,22,28,31

http://bataanmissing.com/wp-content/uploads/KelderArthur_IDPF_small.pdf

Exhibit 6. Identification Board Proceedings

http://bataanmissing.com/wp-content/uploads/IDboard_grave717.pdf

Exhibit 7A. Statement of Ron Kelder

Exhibit 7B. Statement of Doug Kelder

http://bataanmissing.com/wp-content/uploads/Affidavit_RonaldKelder.pdf

http://bataanmissing.com/wp-content/uploads/Afdvt_DougKelder.pdf

Exhibit 9. ROI Ft Wm McKinley Unknown X-816

http://bataanmissing.com/wp-content/uploads/ROI_X-816_520212.pdf

Exhibit 10. DPMO Research Memo

http://bataanmissing.com/wp-content/uploads/DPMO_Research_Memo_Kelder_100909.pdf

Exhibit 11. Unknown X816 Reports of Interment at Ft Wm McKinley and Manila Mausoleum showing remains were buried in casket.

http://bataanmissing.com/wp-content/uploads/ROI_X-816_casket.pdf

Family Contacts for Cabanatuan Grave 717 Unknowns

Ruark, John Wesley	Steve Schroder, 309-792-0018 QuiltFly@cs.com FRS obtained by USMC Casualty Office ronald.c.williams@usmc.mil
Simmons, George G.	Cheryl Furey cheryl.furey@comcast.net Jim Hatley james.hatley@comcast.net Dave Simmons hoss1234@live.com Don Nicholson snichol@railstech.com George Harless geoharless@comcast.net FRS DAVIDHENRY57@aol.com
York, George Sr.	Lynda Mong lmong1@charter.net George Bloomsburg georgel@bloomsburg.name Hilma Bloomsburg himal@bloomsburg.name Harvey Ulijohn hulijohn@ssctv.net Carl Bloomsburg carld@bloomsburg.name Daughter - Hazel York Krauss (707) 765-2444 Grandson - Jeffrey Krauss jeff.krauss@ironbow.com Ggranddaughter - Jennifer Krauss Jenniferkrauss09@gmail.com
Kovach, John Jr.	Mary M. Kovach Ocheske mocheske@webv.net 419-693-7167 – sister Ethel Smith 419-691-8486 dawg2k4us@aol.com (son Jerry Gross 419-349-5785) – sister Debra LeMaitre rlemaitre@woh.rr.com - daughter of sister Betty
Lobdell, Lloyd J.	Brother – Lobdell, Gerald J. 5700 Saint Louis Ave, Chicago IL 60659 (773) 463-3854 Cousin - Amon, Richard B – wife Arlene 262-723-3541
Waid, Charlie M.	http://trees.ancestry.com/tree/4727822/family?fpid=-1557330875 Lizzynme (ancestry.com) PAIGE, CATHI E, 51 st Dr, EVERETT, WA 98208 425-338-1603
Hirschi, Harold S.	Todd Healy thealy@ipsadvisors.com , rbates@ipsadvisors.com IPS Advisors, Inc. 8080 North Central Expressway, Suite 1500 Dallas, TX 75206-3785
Collins, Frederick G. Jr.	http://trees.ancestry.com/tree/11488125/person/-427138286_chill253_ancestry.com Hawkings, William R. 9th Ave #11, San Mateo, CA 94401, 71 9th Ave, San Mateo CA 94401, 09/01/1968 (650) 343-2267 (415) 343-2267 (650) 343-2267

SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, Douglas Arthur Kelder, 319 - 40 - 9476
presently
(Grantor's Name) (Social Security Number)

residing at N1037 Glendening Rd. Shell Lake WI 54871
do hereby make,
(Grantor's Address)

constitute and appoint JOHN EAKIN whose
present address is
(Grantee's Name)

9865 Tower View, Helotes, Texas
78023
(Grantee's Address)

my true and lawful attorney to act for me and in my stead as follows:

For me and in my name to act on my behalf for disposition of the remains of

ARTHUR KELDER and any actions related to
such disposition.
(Service Member's Name)

FURTHER, I do authorize my aforesaid Attorney-in-Fact to perform all necessary acts, and to sign and deliver all documents in the execution of the aforesaid authorizations with the same validity as I could have effected if personally present.

AND I HEREBY DECLARE that any act or thing lawfully done hereunder by my said attorney in-fact, shall be binding on myself and my heirs, devisees, legatees, legal and personal representatives, and assigns.

This Power of Attorney shall remain in full force and effect until the occurrence of the first of the following events: (1) my death; (2) the death of my said attorney in-fact; (3) the revocation of this Power of Attorney by me; or (4) until
8-11-2012 (DATE POWER OF ATTORNEY IS TO EXPIRE).

IN WITNESS WHEREOF, I have hereunto set my hand and seal this
11

day of August, 2011.

Douglas Arthur Kelder
(Grantor's Name)

ACKNOWLEDGMENT

Wisconsin
(State of Grantor)

Washburn
(County of Grantor)

I, Donald M. Strunk Jr, a Notary Public for the state of
Wisconsin (Notary's Name) (State of
Grantor)

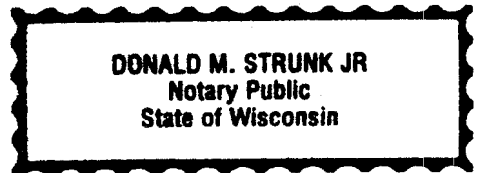
do certify that Douglas Arthur Kelder, whose name is affixed
to the foregoing (Grantor's Name)

Power of Attorney, whose identity has been satisfactorily provided to me, did
personally appear before me and execute this instrument as a voluntary act and
deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I set my hand and affixed my seal this
11th day of

August, 20 11.

My Commission Expires: 9/9/2012



Donald M Strunk Jr.

(Notary Public)

AFFIDAVIT OF RONALD KELDER

STATE OF ILLINOIS

COUNTY OF Will

RONALD KELDER, being duly sworn, does hereby say, I am of lawful age and reside at 5 Revere Court, Bolingbrook, IL 60440-1221

I am a cousin of Private Arthur H. Kelder and his older brother Dr. Herman P. Kelder III, DDS.

Due to health problems, Dr. Kelder was unable to attend a family reunion in July 1994. Since he was one of the oldest members of the Kelder family at the time, he recorded an audio history of his life which he talked of many things including his early schooling, early practice of dentistry and his military service. Also he spoke of doing dental work on his brother Bud's teeth (Arthur H. Kelder).

I have listened to this tape and am certain that the tape was made by Dr. Kelder as I recognize his voice and he mentions many things that only he would know. I transcribed this tape and maintained a copy in my family history files. Dr. Kelder died in 1995.

According to my files, Dr. Kelder said:

"...I got out of dental School in 1935..."

"By now the office was built, I bought good equipment and my practice was beginning to build. My brother was just marking time waiting to be drafted. I put gold inlays in his mouth where he previously had silver. I had to knock my brains out to pay for all that equipment".

Private Kelder, who the family called Bud or Buddy, was older than me, but I remember him well as our families lived near each other. I have no recollection that these gold inlays were visible when he smiled, which makes me think that they were toward the rear of his mouth.

I have reviewed the X-files pertaining to all of the unidentified remains recovered from Cabanatuan POW Cemetery grave 717 where Arthur H. Kelder was buried, and only the tooth chart prepared for unknown X-816 (Manila #2) shows any gold inlays. The description of these gold inlays is similar to what I would expect based on Dr. Kelder's audio tape and my recollection.

The X-file for unknown X-821 (Manila #2) is associated with, Arthur H. Kelder, and contains an emergency contact address of 6807 Raven St, Chicago, Ill. The Individual

his emergency contact address as 6807 Raven St, Chicago, Ill. This address on Raven Street is actually the address of his Brother's dental office and where the dental records pertaining to Arthur H. Kelder would have been found.

The IDPF also contains correspondence between the US Army and his parents, Herman P. and Julia Kelder, who lived at 6151 Newburg, Chicago, Ill, which was only a few blocks from the 6807 Raven Street address. I am certain that if the Army had requested copies of Private Arthur Kelders' dental treatment records from either address they would have been promptly provided as it was his parents fondest desire to have their Sons' remains returned for burial in the family crypt.

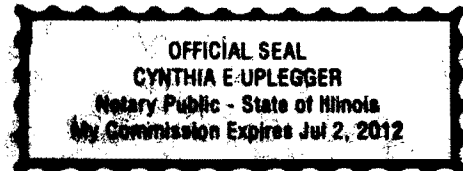
Based on all the information available to me, I believe the remains currently identified as X-816 (Manila #2), currently interred in the Manila American Cemetery, are those of my Cousin, Arthur H. Kelder and I respectfully request that all records be amended to show the proper identification. Further, I request that these remains be disinterred for further identification and returned to the family for burial.

FURTHER AFFIANT SAYETH NOT.

Sworn to and subscribed before me this 7th day of October, 2011.

Ronald G. Kelder

Subscribed and sworn to me
this 7th day of October 2011,
before me personally appeared
Ronald G Kelder
by Cynthia U
Notary Public



AFFIDAVIT OF DOUGLAS KELDER

STATE OF WISCONSIN

COUNTY OF Washburn

DOUGLAS KELDER, being duly sworn, does hereby say, I am of lawful age and reside at N1037 Glendenning Rd., Shell Lake, WI 54871.

I am the son of Dr. Herman P. Kelder, DDS who was the older brother of Private Arthur H. Kelder

Prior to his death in 1995, my father recorded an audio taped oral history of the family history. I have listened to this tape and am certain that he made the recording as I recognize his voice and he mentions many things that only he would know.

This audio taped interview contains a statement that my father treated his younger brother by placing gold inlays in his teeth. This is consistent with my observation that it was his practice to place gold inlays in the teeth of most family members whom he treated, including myself. A number of dentists have remarked after examining my teeth that gold inlays are very unusual and not often seen.

I have reviewed the X-files pertaining to all of the unidentified remains recovered from Cabanatuan POW Cemetery grave 717 where my Uncle Arthur H. Kelder was buried, and only the tooth chart prepared for unknown X-816 (Manila #2) shows any gold inlays. The description of these gold inlays is similar to those in my teeth.

The X-file for unknown X-821 (Manila #2) is associated with my Uncle, Arthur H. Kelder, and contains an emergency contact address of 6807 Raven St, Chicago, Ill. The Individual Deceased Personnel File (IDPF) pertaining to Arthur H. Kelder also contains a Cabanatuan Camp medical record and extract of the camp burial roster which both show his emergency contact address as 6807 Raven St, Chicago, Ill. This address on Raven Street is actually the address of my fathers dental office and where the dental records pertaining to Arthur H. Kelder would have been found.

The IDPF also contains correspondence between the US Army and my Grandparents, Herman P. and Julia Kelder, who lived at 6151 Newburg, Chicago, Ill, which was only a few blocks from the 6807 Raven Street address. I am certain that if the Army had requested copies of Private Arthur Kelders dental treatment records from either address they would have been promptly provided as it was my Grandparents fondest desire to have their Sons remains returned for burial in the family crypt.

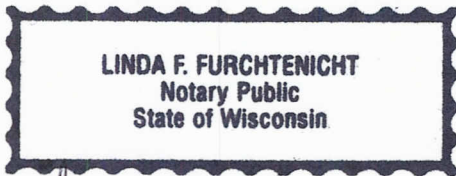
Based on all the information available to me, I believe the remains currently identified as X-816 (Manila #2), currently interred in the Manila American Cemetery, are those of my Uncle, Arthur H. Kelder and I respectfully request that all records be amended to show

the proper identification. Further, I request that these remains be disinterred for further identification and returned to the family for burial.

FURTHER AFFIANT SAYETH NOT.

Sworn to and subscribed before me this 29 day of September, 2011.

Douglas Helber



Linda F. Furchtenicht 9/29/2011

Com. Exp July 29, 2012

John J. Eakin
9865 Tower View
Helotes, Texas 78023
Telephone: 210-695-2204
Email: jeakin@airsafety.com

November 3, 2011

VIA EMAIL TO greg.gardner@us.army.mil

THRU;

Mr. Greg Gardner, Chief, Past Conflict Repatriations Branch,
US Army Human Resources Command,
1600 Spearhead Division Avenue, Fort Knox, KY 40122

TO:

Commanding General, US Army Human Resources Command
1600 Spearhead Division Avenue, Fort Knox, KY 40122

RE: Private Arthur H. Kelder, SN 36016623 (Bataan Death March –
Cabanatuan POW Camp)

Dear Mr. Gardner;

It is now nearly five months since I petitioned for a Casualty and Memorial Affairs Board to review evidence not previously considered pertaining to the recoverability of the remains of Private Kelder.

You will remember that your command initially failed to take action or respond to my petition because I am not the Primary Next-of-Kin (PNOK). Not only was I not accorded the courtesy of a response, your office refused to even identify the PNOK to me.

After I provided you with a power of attorney from the PNOK, you then requested I provide your office with a summary of the new evidence. This was even though the information had been provided to your office as it had been collected and you should have been fully aware of the details.

This summary was delayed by the non-responsiveness of your office to my 19 September 2011 request for information concerning the actions your office had taken to obtain family reference samples for the other unidentified occupants of Cabanatuan Grave 717. This wasn't privacy protected information, I simply requested a summary of the family reference samples you had obtained based on the next-of-kin information I had provided to your office and which directly pertained to the identification of the remains of my family

member. On that same day you asked me to, “[G]ive you some time to run this information down.” I’m still waiting.

On 12 October 2011, and without the information requested from your office, I submitted a summary of the evidence supporting my contention that there is new, previously unconsidered, information to be considered by a Casualty and Memorial Affairs Board concerning the recoverability of the remains of Private Kelder. You responded that you expected to have a response to my petition from the Director of the Casualty and Mortuary Affairs Operations Center by 19 October 2011.

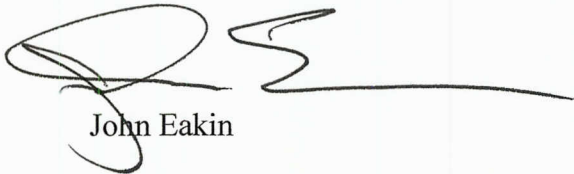
Most recently, on 24 October 2011, you informed me that a decision was pending receipt of information from other, unidentified, government agencies.

Even without consideration of the Army’s sixty-nine years of procrastination, any reasonable person would conclude from this pattern of delay that the Army is stonewalling my family’s request for a board of officers to consider evidence which could have been, but was not, considered by the original identification board.

These repeated delays have become intolerable. No soldier should be left on the battlefield and no family should be deprived of closure simply due to bureaucratic delay and inefficiency.

Please be advised that in the absence of an affirmative finding of recoverability or the courtesy of a final response to my petition for a hearing, I will on 18 November 2011 consider that my petition has been constructively denied.

Sincerely;



John Eakin

cc: via email
Mr. Doug Kelder
Mr. Ronald Kelder
Mr. Allan Grube
Mr. Art Lageveen