

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN EAKIN

Plaintiff,

v.

UNITED STATES
DEPARTMENT OF DEFENSE

Defendant

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Civil Action No. SA-16-CV-0972-RCL

DECLARATION OF JOHN EAKIN

I, John Eakin, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am the Plaintiff *pro se* in the above styled case.

2. In 2010, I filed a FOIA suit to obtain the X-files - a subset of the Individual Deceased Personnel Files (IDPF) and which pertain to unidentified remains. DPAA's predecessor, DPMO, made no claim that any portion of the requested files were exempt from release, but proposed a ridiculous cost estimate for reproduction and falsely denied the existence of digital copies. Ultimately, the X-files were released to the public. Up until that point, the IDPFs had been scanned individually upon request and an estimated 20,000 then existing digital IDPF files were released along with the X-files.

3. In 2012, I became aware of the government's intention to digitize all of the World War Two and Korean War Individual Deceased Personnel Files (IDPF). The scope of this project is described in the extracted pages of DPMO's FY13 budget request which I incorporate into this declaration. This document describes the project as including 37,000 Korean War and

405,000 World War Two IDPFs totaling 442,000 files. I cannot confirm the accuracy of these numbers, but believe them to be reasonable.

4. The National Archives and Records Administration (NARA) has published a database of all American Military personnel who perished in World War Two. This database lists by name 373,219 deceased personnel. I believe there should be an IDPF for each of these persons plus files for the various civilian personnel serving with the military and who perished overseas.

5. The U.S. Government, in response to the various orders of this Court, claims to have produced 192,037 files to me. I am unable to independently verify that number, but believe it to be reasonable and include copies of the X-files and IDPFs which were previously provided to me prior to filing my second FOIA request.

6. The files produced to me have been delivered in at least twelve installments on various digital storage devices. The files were arranged in directory folders labeled with what I believe to be the box number the original hardcopy files were stored in. The X-files were arranged in a different format which also consisted of thousands of directory folders. In total, the government has produced tens of thousands of directory folders containing hundreds of thousands of files. In general, the IDPFs were in alphabetical order, but many folders contained multiple last initials. To make it even more difficult to account for these files, some files were apparently not available for scanning and other files consist of multiple volumes.

7. To facilitate access to the files, I extracted the files from the folders and arranged them in folders by last initial of the subject individual. I also merged the previously obtained IDPFs with those produced by Defendant. The number of files, by initial, is listed in column two (Files Produced) of the below table. These include both WW2 and Korean War casualties. Note

that the total of this column, 170,091, approximates the number of files produced by the government (192,037) less the estimated 20,000 X-files.

8. Column three of the below table contains the number of deceased personnel listed by last initial in the NARA WW2 Deaths database. Note that this database does not include Korean War casualties and should represent the minimum number of WW2 IDPFs.

9. Column four of the below table is the total number of IDPFs in my possession and includes those produced by the government in response to this Court's order plus those which I previously obtained.

1. Last Initial	2. Number of Files Produced (WW2 & Korea)	3. NARA Deaths (WW2 Only)	4. Files Onhand Including Prior Releases
A	14831	10977	15421
B	46421	35080	48121
C	37412	27673	38682
D	23857	23868	24696
E	4090	7191	5670
F	19	13794	989
G	2968	18665	4170
H	10030	28026	11782
I	16	1500	113
J	160	9677	828
K	19430	15861	20546
L	10857	17258	22327
Total	170091	209570	193345

10. In rows (initials) A thru D and K, the number of files produced is greater than the number of NARA deaths and the number of files onhand is roughly comparable and the difference is about what I would expect when the Korean War files are included.

11. Rows E thru L except K show a much different pattern in that the number of records produced is much lower than the number of NARA deaths and less than the total number of files actually onhand.

12. In all rows I have more files onhand than the number of files that have been produced. This may indicate existence of files that have not been produced.

13. The data in column three shows not only the number of individuals by last initial, but also the distribution of each initial in a large sample. Rows E thru L except K show a very significant deviation in the distribution of initials when column two (files produced) is compared to column three (NARA deaths). Again, this may indicate that not all files have been produced.

14. Anecdotally, my limited experience working with these files has been that I have found most, but not all, of the A thru D and K files that I have looked for. Conversely, I have found few of the E thru L except K files that I have searched for.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of March, 2021.

/s/ John Eakin
JOHN EAKIN

Fiscal Year 2013 Budget Estimates

DEFENSE PRISONER OF WAR/MISSING PERSONNEL OFFICE (DPMO)



February 2012

**Defense Prisoner of War/Missing Personnel Office
Operation and Maintenance, Defense-Wide
Fiscal Year (FY) 2013 Budget Estimates**

I. Description of Operations Financed (cont.)

- Obtain DNA reference samples from family members of missing personnel who attend the meetings. This Family Reference Sample (FRS) is loaded into a database and is critical to the accounting for personnel missing before 1991.
- Conduct an aggressive, targeted outreach program including news releases and internal and external television coverage.
- Transition **The Torch** newsletter from a printed document to a digital document to disseminate information on POW/MIA activities.
- Create and distribute the National POW/MIA Recognition Day poster to the Military Services, the Department of Veterans Affairs, the veterans' service organizations, families of the missing organizations, and interested Americans.
- Maintain an internet web site with periodically refreshes in response to user feedback and suggestions.
- Establish internet access for family members to obtain or review documents related to individual case files.

Individual Deceased Personnel Files (IDPFs) Project

The IDPFs are a key source of ante-mortem records used to identify human remains. All investigations begin with the POW/MIA community requesting these files. The files contain paper records and photographs organized in folders by the service member's serial number. **During World War II (WWII), the U.S. Army Graves Registration Service compiled IDPFs for each serviceman and woman who died during the war.** These records were created for those who died in service stateside and overseas in WWII and in later wars and conflicts. These files are currently located at the Washington National Records Center (WNRC), a NARA pre-archival facility in Suitland, Maryland. The U.S. Army is the owner of these IDPF files which were placed in the facility in 1970. The U.S. Army Adjutant General is the Executive Agent (EA) for the records, but the U.S. Army Records Management

**Defense Prisoner of War/Missing Personnel Office
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I. Description of Operations Financed (cont.)

and Declassification Agency (RMDA) in Ft. Belvoir, VA is responsible for paying the management, storage, and shipping fees for the records which averages \$50 per file. Because of current budget constraints, the RMDA began initiating a permanent accession the records to NARA, which would restrict the Department's access to the files and dramatically increase the costs and timeliness associated with acquiring the files for research and analysis by the POW/MIA communities. When a file is requested, it is scanned into the Federated Case Management System to establish the beginning of an individual single case file. When DPMO became aware of this future transfer, a request was made to the U.S. Army Adjutant General to extend the temporary designation of the IDPF files, preventing them from being permanently accessioned to NARA. The Adjutant General approved the extension for five years.

The DoD POW/MIA communities are partnering on this project with the goal of digitizing these files for use among all of the communities of interest. The project will require the release, transport, handling, scanning, and return of approximately 405,000 WWII and 37,000 Korean War IDPFs from the WNRC, each averaging 80 pages per file, and the total equaling approximately 35.4 million pages of various types of aged paper records. The project will require logistics and production control, labor to support a large-scale production scanning operation, and a quality assurance system to monitor the quality of the scanned documents.

The three-year project to scan all 442,000 IDPF files into an archival data library will provide "at will" access to sustain research and analysis to support the POW/MIA mission. The paper files will be transported from the WNRC to the project facility for scanning and then repackaged for transport to the NARA facility in St. Louis, Missouri. The project estimate is \$9.5 million over the 3 years and the U.S. Army has agreed to fund \$600K per year. The DPMO will continue to find efficiencies within funding resources to complete the project.