
From: Parnham, Thomas (USATXW)
Sent: Thursday, March 4, 2021 1:37 PM
To: John Eakin
Subject: RE: Eakin v DoD - Number of Files

Mr. Eakin,

The spreadsheet you provided lists **1,500** – not 15,000 – service members with “I” last names. That number is roughly in line with the approximately 1,600 “I” IDPFs that DOD has located and that it intends to re-review and produce to you. Also, I apologize if my comment about the “F,” “G,” and “J” files was confusing. I meant that the number you provided as coming from the NARA Death Index roughly matches the number of IDPFs DOD has identified, not the number you claimed DOD has actually produced. Again, we are going to look into those letters along with the “I” files, but had already planned to prioritize “I” under the (apparently mistaken) assumption that this is where most of the missing files might be.

Our records reflect that DOD has produced 192,307 files to you. That number is fairly close to the number in the third column of your chart. Based on that, I think we generally agree that you should have *at least* 192,000+ IDPFs in your possession. And although it makes sense that the number of files produced for some letters will exceed the number of WWII deaths, that will not be the case for all letters. Your FOIA request was for WWII IDPFs, not Korean War (or Vietnam War) IDPFs, so to the extent you received non-WWII files it was due to an overproduction on the government’s part. In addition, the number of files might not perfectly match up with the number of deaths because some individuals have more than one IDPF and some do not have an IDPF (e.g., due to duplicates, replacement files, declassified files, missing or destroyed files). Of course, all of that makes providing a precise accounting at this time nearly impossible, which is why I think it would be most productive for you to continue to identify any specific issues you are seeing and for DOD to then try to address them. As I mentioned in my email below, I do not object to filing a joint status report along those lines.

Finally, I know you said you are not asking for any additional contract documents at this point, but please let me know if you change your mind. I believe you already obtained the contract files you requested under FOIA and that you confirmed as much to the court. If there are additional files you would like to request, please let me know.

Thanks,

-TJ

From: John Eakin <jeakin@airsafety.com>
Sent: Thursday, March 4, 2021 9:57 AM
To: Parnham, Thomas (USATXW) <TParnham@usa.doj.gov>
Subject: Re: Eakin v DoD - Number of Files

Mr. Parnham,

Thanks for working with me to resolve these discrepancies. There may be some innocent explanations, but considering the problems encountered in the past and the court’s response, I think we need to be proactive and find the problems before the judge does.

Since your client thinks that the 15,000 “I” files are overstated, I have attached a spreadsheet with all of the “I” records contained in the NARA WW2 Deaths database. Perhaps someone can explain why no file exists for 14,984 of these men.

Similarly, your assertion that "the numbers for F, G, and J do appear to be roughly in line with your "NARA Death Index" numbers" is incorrect.

Your last email makes me think that I didn't adequately explain what the columns of numbers mean so let me (try to) provide a better explanation.

The first column, IDPF, is the number of files produced to me under this litigation. These include files on both WW2 and Korean War deaths.

The second column, NARA, is the number of WW2 deaths detailed in the NARA Deaths database. Since this column does not include Korean War deaths it should be smaller than the number in column one. This column also shows a reasonable distribution of initials in a large sample.

The third column, All IDPFs, is the total number of IDPFs I currently possess. This includes all those produced (column one) plus all the files I obtained prior to this litigation. When this column is larger than column one, as it is in all cases, it indicates that I have more files than what has been produced.

At the very least, column one should equal or exceed column two (since it includes both Korean War and WW2 files while column two is WW2 only).

In the absence of more detailed information, the number of files produced (column one) appears reasonable for initials A thru D and K. The number of files produced for initials E thru J and L are completely and obviously unreasonable.

	IDPF	NARA	All IDPFs
A	14,831	10,977	15,421
B	46,421	35,080	48,121
C	37,412	27,673	38,682
D	23,857	23,868	24,696
E	4,090	7,191	5,670
F	19	13,794	989
G	2,968	18,665	4,170
H	10,030	28,026	11,782
I	16	15,000	113
J	160	9,677	828
K	19,430	15,861	20,546
L	10,857	17,258	22,327

I understand that we are dealing with hundreds of thousands of records and we're never going to obtain a perfect accounting of them. However, I estimate that the government has spent in excess of twenty million dollars scanning these files and I expect at least rudimentary quality controls to be in place. Instead, the above numbers are blatantly unbelievable.

It is worth noting that my FOIA requests have included requests for copies of the contract documents. Early on, I received a couple of very incomplete pages, found the information I needed and haven't made any further demand for those contract documents. However, considering what we're now finding, we both might find all the (multiple) contract documents to be interesting and helpful. In the interest of keeping things simple, I'm not asking for these documents at this point, but I reserve the right to do so if we're unable to resolve the issues we're now finding.

Best,

John

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