

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN A. PATTERSON, et al.,
Plaintiffs,
v.
DEFENSE POW/MIA ACCOUNTING
AGENCY, et al.,
Defendants

No. 5:17-CV-00467

AFFIDAVIT OF BENOIT M. LETENDRE

STATE OF WISCONSIN )
) ss
SAUK COUNTY )

I, Benoit M. Letendre, being first duly sworn on oath, deposes and state the following:

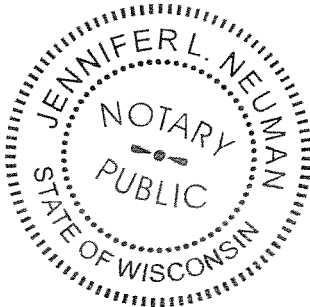
1. I am an attorney for the Plaintiffs in the above-captioned matter.

2. In correspondence with Plaintiff, John Boyt on 10/15/17, he attested to the facts in the attached statement based on his first-hand experience with DPPA.

Benoit M. Letendre (handwritten signature)
Benoit M. Letendre

Subscribed and sworn to before me
this 16th day of October, 2017.

Jennifer L. Neuman (handwritten signature)
Jennifer L. Neuman
Notary Public, State of Wisconsin
My Commission Expires: 7/5/19.



AFFIDAVIT ON EFFORTS  
TO RECOVER REMAINS OF  
LOREN PRESCOTT STEWART  
05881  
COLONEL, INFANTRY  
U.S. ARMY

In 1981, I initiated formal correspondence with the Department of Defense to have the circumstances clarified surrounding the death on January 13, 1942, in Bataan, Philippines Islands, of Colonel Loren Prescott Stewart, 05881, and to have his remains recovered, and returned to the family. Since that time, there have been repeated requests for identification and return of remains transmitted verbally and in writing to an ever changing variety of U.S. government agencies and officials.

Rather than enumerate the frequent and sustained nature of these requests, listed is a summary of key events.

- Preliminary research at Ft Benning Infantry School, October 1971 –July 1972 – including a review of monographs from officers with personal experience in the 1942 battles on Bataan.
- Letter to National Personnel Records Center, June 18, 1981 – requesting available records, other documentation, contacts and associated information surrounding the death of Col Stewart and the circumstances surrounding the recovery of his remains.
- Letter to Master Sergeant Yatzek, Graves Registration, February 5, 1982 – forwarding a copy of Sergeant Abie Abraham’s letter and map describing the circumstances surrounding his recovery of Col Stewarts remains. Sgt. Abraham was personally familiar with my grandfather during the 1937-39 time period during the time Loren P. Stewart was a Major in the 45<sup>th</sup> Infantry (Philippine Scouts) and during the time Col Stewart returned to the Philippines in November 1941.
- Subsequent letters and phone inquiries to DPMO/JPAC and successor agencies as personnel changed, promised replies did not materialize - efforts were repeated at periodic intervals.
- Research at Army War College and Office of Chief of Military History, Carlisle Barracks, PA, September 1995 – unit history reviews.
- Various telephone conversations with Ms. Cherri Lawless, circa 2012 to 2014(?) – requesting the procedure and time schedule for matching information provided to include DNA samples with recovered remains

- Letter (FedEx package from Greg Gardiner, Chief, Past Conflict Repatriations, August 23, 2012 - requesting DNA samples from myself and Scott Stewart (Col Stewart's great grandson) with direct male lineage.
- Attendance at DPMO/JPAC Family Member Update Program, San Diego, CA, January 11, 2013 – provided information on Captain Wilbur Kruse, killed with Col. Stewart.
- Email to Ms. Cherri Lawless, CMAOC, September 12, 2013 – submitted additional information regarding Stewart, included the letter and map from Sgt Abraham) with which she stated was not familiar.

In addition, hundreds of inquiries were made to a wide variety of additional potential sources of information – to include, but not limited to Philippine Scouts Heritage Society, American Defenders of Bataan and Corregidor and related organizations

Signed

John T. Boyt

October 15, 2017

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of October, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Galen N. Thorp  
U.S. Department of Justice  
Civil Division, Federal Programs Branch

Mary F. Kruger  
United States Attorneys Office