

## Honoring a Commitment: Finding PFC Gordon

How four average citizens in their spare time with help from the Germans and the French did what the accounting community wasn't willing or able to do.

“Those souls lost in battle shall not be forgotten nor their losses go unmourned, unrecorded, unremembered, as long as there are those for whom this work is an avocation and not merely a vocation. That is why I was so passionate about non-government historian, researcher, archivist participation in this process--because your work is from the heart and done with all of you soul. Nothing can replace that for the families. And we need to remember it is about the missing, it is about our history, and it is about the families.” -Commander Renee R. Richardson USN(Ret.) formerly of DPMO.



PFC Lawrence S. Gordon



German soldiers carrying the casket of PFC Gordon during June 10, 2014 ceremony

Before beginning this report the Gordon family and the PFC Gordon volunteer research team would like to acknowledge the contribution of Commander Renee R. Richardson (Ret.) who formerly served as a Branch Chief in DPMO's WWII Division. Without Commander Richardson's advice, mentorship, and her willingness to share her ideas on how we should identify our missing service-members, it would not have been possible to bring PFC Gordon home. We will forever be indebted to her for her leadership, innovation, forward thinking, and her willingness to let us test her concepts that she so firmly believed in while working at DMPO (ideas that DPMO discarded). We all just hope she takes great pride in knowing her ideas worked even if they aren't being used to the scale she would have liked right now. We would also be amiss if we did not recognize the support and advice of former DASD Charles Ray. We lost a true leader and a great champion for the Missing when he left DPMO but thankfully for us, Mr. Ray, much like Commander Richardson was willing to devote large amounts of time to strangers, simply because he thought what we were doing was right. Mr. Ray we salute you for your devotion, leadership, and great spirit to do the right thing. In a January 2014 interview about the PFC Gordon case with Mr. Ray he said “That person

came forward when his country called, paid the ultimate sacrifice, and if a country can afford to send people off to war then it can damn well afford to try and bring them back again dead or alive...if you can't afford to bring them back then you can't afford to send them in the first place. We owe that much to the people who we send to fight on behalf of this country."

### **Brief History of the Accounting Community**

The Department of Defense Accounting Community is made up of several related but independent organizations. The primary organizations in the present structure (a major Secretary of Defense directed reorganization is underway): are The Defense Prisoner of War Missing Personnel Office (DPMO) located in D.C. Metropolitan area; there is the Joint POW/MIA Accounting Command (JPAC), in Hawaii; each Service has a Service Casualty Office in various locations; the Armed Forces DNA Identification Laboratory (AFDIL) in Dover DE; US Air Force Life Science Equipment Laboratory (LSEL) located at Wright Patterson AFB Dayton OH; and the Joint Commission Support Directive (JCSD) located with DPMO.

Much of the current structure came about in response to the activism of the families of the missing during and after the Vietnam War. The first Activists efforts (beginning around 1965-67) to bring public attention to the Prisoners of War and Missing in Action (POW/MIA) were the wives and families of the missing. Specifically Mrs. Stockdale in California, and on the east coast Evelyn Grubb and Mary Crowe. Eventually by 1969 the various groups of wives and family members managed to get the government to change the official stance on the POW/MIA issue and to be more proactive in the efforts to recover and return U.S. Service members. This loose collection of proactively engaged families was incorporated into the League of National Families (The League) in 1970.

Shortly after "Operation Homecoming" in Jan 1973, the Department of Defense (DoD) established the Central Identification Laboratory (CIL) in Thailand to coordinate additional recovery efforts for POW/MIA in Southeast Asia. The Central Identification Laboratory in Hawaii was established by DoD in 1976 and included the mission to search for, recover, and identify missing Americans from all previous conflicts.

The League continued to push for more efforts to be done on behalf of the Missing. Even seemingly small actions took on great significance and helped bring public attention to this cause; the spread of the POW/MIA bracelets as well as the display of the POW/MIA Flag, first by the U.S. Post Office and then increasingly by other Federal Government organizations and private citizens, helped to raise public awareness of the issue throughout the early 70s and 80s. The 80s saw a split in the League and the formation of a second group of activists: the National Alliance Of Families For the Return of America's Missing Servicemen. The two groups differ in approaches both in policy and diplomacy, especially concerning Vietnam--additionally The Alliance believes there are still living POW/MIA in Southeast Asia.

The activities and political pressure that the families of the missing were able to exert throughout the late 70s and the 80s; the increasing public awareness as well as emotional attachment this cause engendered, eventually caused the Government to convene a special committee: The Senate Select Committee on POW/MIA Affairs. The Committee was ongoing from August of 1991 until January of 1993. Concurrent with and a result of the hearings and the findings of the Committee, DoD first established "The Joint Task Force—Full Accounting (JFA-FA)" in 1992 also in Hawaii near the CIL. The mission of JFA-FA was to focus on achieving the "Fullest Possible Accounting" of American Missing from the Vietnam War. Immediately after The Senate Select Committee on POW/MIA Affairs concluded and presented its findings in 1993 the Defense Prisoner of War Missing Persons Office (DPMO) was created.

Many of the positions used to create the new organization were culled out of the Defense Intelligence Agency's (DIA) POW/MIA office and brought with them the same people who had been working the mission at DIA. The concept was theoretically sound--in creating a new organization having the start-up personnel with corporate knowledge is a good starting point, but it can also be detrimental. What was needed in 1993 was a completely fresh approach, with no preconceived notions or opinions formed by previous interactions with the League or the Alliance.

Instead, many of the people in the new DPMO, while dedicated to the mission and exceptionally well-trained analysts and linguists who were intimately familiar with the cases, were set on a specific path for mission solutions and approaches that had served them well at DIA. An intelligence organization, however, has a different philosophy as to the use of information and the purpose of collection of data. Transparency of action and communication of information and intent are not the strong point of Intelligence. But lack of transparency of action and communication have been the complaint of the families of the Missing going back at least to 1965.

DPMO and The Joint Task Force—Full Accounting in Hawaii both suffered from the fact that the personnel drawn to the organizations' civilian positions came from a small group of individuals who for the most part had come up in and around some aspect of the mission and were drawn to it. The work continued throughout the 90s and in 2002 DoD combined the CIL and the Joint Task Force in Hawaii putting both branches (Operational: recovery and analysis, & forensic Identification and lab work) under a military Commanding Officer.

The Commander has a civilian Chief of Staff and a military Deputy Commander as well as two other key positions held by civilians, Deputy to the Commander for External Relations and Legislative Affairs and Scientific Director & Deputy to the Commander for Central Identification Laboratory Operations. Although the organizations were combined there remains an autonomy of function, with neither the CIL nor the Operational personnel having a sense of integration with the other. In October of 2003 the combined organizations became "The Joint POW/MIA Accounting Command" (JPAC) established under the auspices of the Commander, Pacific Command (CDRUSPACOM).

Throughout the history of these organizations, the lack of communication is cited as one of the primary frustrations for the families and others interested in assisting with the recovery of the missing. Because JPAC belongs to the Commander Pacific Command and DPMO belongs to the Office of the Secretary of Defense for Policy, neither organization can tell the other what to do. In order to make any changes, one has to elevate an issue, either to the Secretary of Defense then to the Secretary of the Navy or up to the Secretary of the Navy, then to the Secretary of Defense. Added to this confusing command structure is the fact that each Service (Army, Navy, Marine Corps Air Force) and the Department of State has a Service Casualty Office (SCO) and within the office are individuals who work past conflicts. The Service Casualty Office is the primary liaison between the various Departments and families on the status of their case.

Along with the Service Casualty Offices, DPMO, and JPAC the other entities that play a part in the accounting for the missing are:

1) AFDIL Under the Armed Forces Medical Examiner System (a separate chain of command from JPAC or DPMO). The AFDIL team as part of the DoD and Services' focus on the POW/MIA mission, have been actively collecting maternal family reference samples since 1992 to help support efforts to identify military personnel whose remains have been recovered from Southeast Asia, Cold War, Korean War & since 2010 WW II.

2) The U.S. Air Force's "Life Science Equipment Laboratory" (LSEL)

3) The US/Russian Joint Commission (USRJC) established in 1992 under an agreement between Presidents Bush and Yeltsin. The JCSD though sharing space with DPMO in DC considers itself to be independent of DPMO and this causes internal friction. JCSD along with an office at the US Embassy in Moscow provides administrative and analytic support to the U.S. side of the U.S.-Russia Joint Commission (USRJC) and conducts research in Russia on missing U.S. servicemen. JCSD also assists the Russians with efforts to account for their missing military personnel.

Collectively these diverse organizations are the "Accounting Community" and work the POW/MIA mission. Each organization, while under the broad umbrella of DoD, has its own Chain of Command, its own budget and personnel constraints, its own philosophy and approach to problem solving, and feels fiercely protective and defensive about its turf. The external view that there is a lack of cooperation, collaboration between these organizations makes it confusing and daunting for an outsider to try to get information, but especially consistent information.

Additionally there are other organizations like the National Archives and Records Administration (NARA) at College Park, and Suitland MD, as well as the 17 Federal Records Centers in 9 regions across the US that play a large part in the flow of information for this mission. Because the POW/MIA mission has become such a heartfelt issue for Americans everywhere and because there is no one organization

responsible for the coordination or dissemination of information between the organizations and the families (although that should be the Casualty Offices, or DPMO) the families of the missing continue to feel frustration and confusion about the disposition of their individual cases.

### Finding PFC Gordon

The amazing story of finding PFC Lawrence S. Gordon is a story that unfortunately took 70 years to complete but fortunately for us, the nephew who bears his name Lawrence R. Gordon, the passage of time did not diminish his willingness and his conviction to honor the commitment he made to his father to visit his uncle's grave as a young boy. This story could also not be told if it wasn't for four committed volunteers who were strangers to the Gordon family until March of 2012.



Lawrence R. Gordon 1952

Their dedication and commitment over the last two and a half years speaks to their character and their passion to live up to the highest ideals of "no man left behind", it is a statement that our government so proudly inserts into the fabric of our society, but sadly falls way too short in providing results that demonstrates its sincerity or belief in. What makes this such a great story is that four average citizens, in their spare time convinced four countries (Canada, US, France, and Germany) that cooperation and respect for a fallen soldier should and can circumvent any politics, bureaucracy, and/or any language barrier. What is sad about this story is that out of all four of these countries the United States is and was the absolute worst to deal with and will continue to be for the foreseeable future until wholesale changes are made. This seems hard to fathom that the US Accounting Community would have been the worst to deal with considering we were trying to find an American soldier, but sadly it's all too true and this is the first time in my life that I haven't been proud of my country.

In 1945, my grandfather S/Sgt David L. Henry, who served with PFC Gordon in the Reconnaissance Company, 32nd Armored Regiment, 3rd Armored Division which was a small unit consisting of 199 men returned home from WWII with two bronze stars and a purple heart. He returned to his wife Evelyn (my grandmother) and a child he'd never seen before. Grandpa Henry went on to live a full life passing away in 1983 when I was just three years old. Also in 1945 PFC Lawrence S. Gordon did not return home to Eastend, Saskatchewan, Canada but his burned and bloodstained wallet with pictures inside of it did. Later a purple heart was delivered to his family with no answers, no explanation, just a telegram saying that his status was changed from MIA to KIA. During WWII the Reconnaissance Company that PFC Gordon and my grandfather were members of had 44 men who were killed in combat and PFC Gordon is the only one of those 44 soldiers who never had the honor of a grave stone with his name on it...but thanks to the French and our former enemy who killed him that will soon change. It is hard to express our appreciation to the German and French governments who in their

commitment to identify PFC Gordon lived up to the highest ideals of no man left behind, while the United States Accounting Community forgot about them and PFC Gordon.

While finding a soldier that the Gordon volunteer research team (Alexis Boban, Wes Johnston, Pat Gorman, and Jed Henry) knew little about seemed strange to some, the idea that someone who sacrificed so much would continue to remain nameless was an endeavor worth pursuing at all costs, even if the experts (the same ones who weren't willing to help) said it couldn't be done. This story and this report, is therefore dedicated to the heroes whose names remain on Walls of the Missing. While some may consider our Missing and our Unknowns just some "old bones" or "old history" I assure you it is living history to countless families who's loved ones remain under unnamed grave stones or who's family members whereabouts remain a mystery.

### **Is it Worth it?**

When we as a team set out to try and find PFC Gordon most of us had no idea what we were doing. I think most of the team like I thought at some point the US Accounting Community would step in and do the job that rests behind all the fancy slogans they have but unfortunately all we got were excuses and tales of policy conflicts. While it was hard to find help from the US Accounting Community, thankfully for us it was the exact opposite from the Germans and the French who were more than happy to do what the United States wasn't. It's truly sad that the greatest country in the world is so resistant to do a job it claims to want to do: in our experience it appears that the accounting community is allergic to its own mission.

As we pursued the PFC Gordon case, the question I got asked the most over the past couple years was: "After almost 70 years is it really worth it to try and find *one soldier* who probably can't be found?" After successfully finding PFC Gordon, practically on our own with little help or no help from the US Government, I can state without a doubt that it is worth the time, money, and the limitless frustration that accompanies a great endeavor such as this. One of the big reasons why is explained by team member Wesley Johnston:

*"The war did not end on V-E Day nor V-J Day for these families of the men who died. Echoes of WWII lived on in their families for decades, for more than half a century, still live on. Even in families where no one is left who knew the soldier, the way that they live their lives today is different in very specific ways, some subtle and some quite obvious, than would have been the case if their soldier had survived. Just as Russell Baker wrote about time stopping for those men, time also stopped in many subtle ways for the families of those men. Just as a sapling that endures some trauma will show the effects of that trauma as a mature tree for all the time that it lives, so these families are forever altered."* -Wesley Johnston.

And because we as a country asked these men to fight for freedom, don't we owe it to them to bring them home if it's possible? Or maybe we should change the slogan from

“no man left behind” to “no man left behind except for the ones who don’t meet the priority, politics, or policy measuring sticks.”

While we all desire to piece together exactly how PFC Gordon’s remains ended up being placed incorrectly by American Graves Registration personnel into a German cemetery in 1945, I’m afraid that we can’t answer all the questions that the Gordon family has. Because of fragmented records, and the ever-growing pace that our veterans are dying without sharing what they know, the facts are unfortunately fading quickly into history. But, what is known is that PFC Gordon’s mother, Ella Gordon felt like the US Army lost her son’s body and she was angry about it until the day she died. Now, despite those incomplete records and the Accounting Community’s unwillingness to help, we can prove that her intuition was right and maybe somewhere she’s smiling down on us knowing her son will finally come home where he belongs. I’m saddened that we as a country didn’t do more for this family; however we now have a chance to right this wrong and to give the Gordon family the closure they deserve by returning his remains to them. It’s just too bad the Accounting Community didn’t want to help in this great achievement.

### **PFC Gordon’s Story**

PFC Lawrence S. Gordon was born on June 26, 1916 in Eastend, Saskatchewan, Canada to American parents Sam and Ella Gordon. He had three brothers and one sister and was raised in a small farming community. As an adult Lawrence was said to always have money and a car even during hard times. He was a hardworking ranch hand and a very good horseman. He was in love with a local girl named Nancy Lacey who said they loved to dance together. At 5’6” and 122 pounds he was a small man but with war looming on the horizon he would soon find his calling outside of farming, and in an Army outside of his native Canada.

In 1941 Lawrence S. Gordon was working as a ranch hand on a sheep ranch in Casper, WY when the United States was forced into WWII. According to PFC Gordon’s family, he came home for Christmas in 1941, weeks after the bombing of Pearl Harbor. While home for the holidays three of the four Gordon brothers (Robert, Bud, and Lawrence) decided to join the war effort. One of them joining the Canadian forces and the other two, including Lawrence, decided to join the US Army because they reasoned it was better equipped than the Canadian forces.



Nancy Lacey and Lawrence S. Gordon

On January 24, 1942 Lawrence Samuel Gordon from Eastend, Saskatchewan, Canada became Private Gordon in the United States Army. After basic training he was assigned to the Reconnaissance Company, 32nd Armored Regiment of the 3rd Armored Division on April 13, 1942. His assignment to a reconnaissance unit was most likely because of his farming and horse background. Training from 1942-1943 would take Gordon from his home in Canada to Louisiana (Camp Polk) to Desert Training Center in California to Virginia (Camp Picket) and finally to Pennsylvania (Fort Indiantown Gap). With the pending landings in France still months away, the build up of troops in England began. On September 5, 1943 Lawrence S. Gordon, along with 198 other men from the Reconnaissance Company boarded the Cape Town Castle troop ship for England. Little did Lawrence Gordon know that he would never see his family again. The closest he would ever come would be looking at the photos of his girlfriend and his family that were in his wallet.

On June 23, 1944, D+17 PFC Gordon and the other men from the Reconnaissance Company would land on Omaha Beach and would soon be thrust into the efforts to defeat Germany and the Nazi regime through terrible hedgerow country. They fought during the decisive "breakthrough" campaign at St. Lo and pushed quickly south and east before the German 7th Army defenses could catch up. On August 13, 1944 PFC Gordon awoke around 4:00am in a little small town called Contest, France just outside of Mayenne. The field order for that day said they were to move out at 0530 and that "A general enemy withdrawal appears to be underway. There seem to be elements of 32 enemy divisions, 9 of them armored, which have been located in the CAEN-VIRE-MORTAIN-MAYENNE bulge...VII U.S. Corps attacks 13 Aug 44 to seize the high ground LA FERTE-MACE - RANES to prevent enemy withdrawal to the east." The Reconnaissance Company crossed the only bridge still available over the Mayenne River at that time which was later named after Private James MacRacken who was killed saving it from being blown by the Germans on August 5th. With the Reconnaissance Company's platoons in front of the 15,000 man 3rd Armored Division, PFC Gordon and his unit were tasked once again with feeling their way through France with the enemy all around them in an attempt to complete the encirclement maneuver of the German 7th Army.

What we've been able to piece together from historical records and personal accounts about the last hours of PFC Gordon's life is slim. His missing crew report says that he was last seen 5 miles west of Carrouges, France. According to the only surviving member of his vehicle Private Charles Kurtz, the men had been moved to the middle of the 3rd Armored Division column because reconnaissance was slowing down operations. It was late in the afternoon and as the men of the Spearhead division continued to press north the fighting became fierce; the German's knew they were being trapped. Sometime late in the afternoon or evening, Private Kurtz who was in the vehicle with PFC Gordon says a German motorcycle passed their position and they were ordered by their lieutenant to give chase and shoot the rider who was most likely a messenger. The four men in the six wheeled, M-8 armored car were: Tec 5 Anthony Abato the driver from New York, Pvt Charles Kurtz the radio operator from Michigan, Pvt. James Bowman from Kentucky, and Pfc Lawrence Gordon from Canada. From the

regiment's maintenance records we believe they were in vehicle R-12 serial #6032990. As the men gave chase and rotated the turret of the armored vehicle to place a shot on the motorcycle they received a direct hit by an 88mm German shell. The shot, according to Kurtz was a direct hit to the gas tank which was located just behind Pvt. Bowman and PFC Gordon, neither man made it out of the turret and both were presumably burned beyond recognition and blown into pieces. Both Kurtz and driver Anthony Abato were able to escape the burning vehicle. At 7:00pm on August 13th Tec 5 Abato reached the clearing station for the 1st Medical Battalion where he was diagnosed with a severe sucking chest wound and 2nd degree burns. For PFC Gordon and Pvt. Bowman their fates are clouded in some mystery but thanks to DNA evidence there is enough information to now piece together what happened to them and by doing so we finally can offer the Gordon family some closure.

Two days after the firefight that killed PFC Gordon and Private Bowman, men from the 603rd Graves Registration Company buried two unidentified American soldiers in a newly opened temporary cemetery just outside Gorrion, France. This cemetery would bear the name of the town of Gorrion were it was established. When the two bodies came in on the first day it was opened they were labeled Gorrion X-2 and Gorrion X-3 (the X represents Unknown). We



Pvt. Bowman (X-2)



PFC Gordon (X-3)

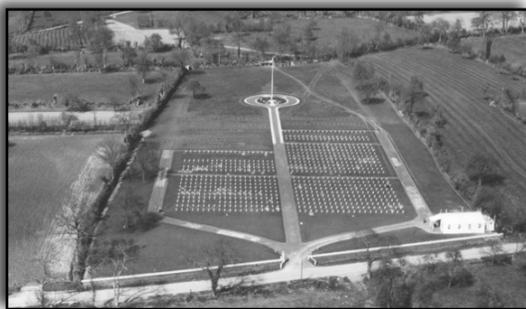
We presume identification was difficult because the remains were to some degree blown apart and probably charred beyond recognition. The original burial report for Gorrion X-2 said: "Man wearing tank helmet. Only equipment. This soldier reported by M.P.[military police] to be American/. body said to be removed from Command car. Ring only P.E. [personal effect]. (made from shilling). Body found [sic] with another unidentified body (X-3) only identification finger prints." On April 2, 1945 the Federal Bureau of Investigations informed The Quartermaster General that they had gotten a match to the fingerprints of Gorrion X-2 and identified him as Private James A. Bowman, the man PFC Gordon was killed next to despite the fact that an inventory report said that they found a German rain coat in his grave. The fate and identity of Gorrion X-3 however would take 70-years and the cooperation of the French and German governments to solve, all while the US Government sat on the sidelines... and on their own hands.

Since the telegram arrived in Canada shortly after PFC Gordon's death his family has been left wondering what happened to him. *Battle Casualty Report #188234* from the US War Department reported Lawrence S. Gordon as MIA but offered no other information to the Gordon family. The exact story of what might have happened to PFC Gordon is long and the facts are hard to come by but what is known is Lawrence's mother felt like they lost his body and she was angry about it until the day she died. We now know her intuition was right.

### **Gorrion X-3 and Mistakes Made by the American Graves Registration Service**

First of all it is important to note that neither the Gordon family, nor the author/ contributors of this report, fault the American Graves Registration Service (AGRS) who tried during WWII to do the best they could to identify Unknown US servicemen using available documentation/evidence and the technology of the time (anthropology/ odontology). Recovering our soldiers and identifying them was a difficult task, done under difficult circumstances and therefore we do not blame those men who tried their best at that time. Rather, we fault those today in the US Accounting Community who sit in a comfortable chair at their desk and in their ignorance, narrow mindedness, or unwillingness to change policy, refuse to correct errors when DNA evidence/testing (the gold standard of human identification) can fix errors at a marginal cost. DNA technology and a nuclear DNA-centric led approach could also help identify thousands of Unknown remains at a fraction of a cost if such a system would be adapted by the US Accounting Community.

Over the past two and half years the Accounting Community has seemed unwilling to use DNA technology and continues to cite vague policies and rules that directly conflicted with its mission statement which leave myself and many others to questioning if we are really in fact trying to accomplish the mission, or just give the appearance that we are. According to WWII American Graves Registration Service (AGRS) Captain Ron Croft (Ret.) who is still living and consulted on the Gordon case about the work done by AGRS during WWII, said "All of the personnel involved in the work well understood the importance of their work, and that back home, there was a grieving parent, wife, or other next of kin, who was desperately yearning for information regarding their loved one who had made the supreme sacrifice for their country. It was a difficult task for all concerned, but each individual could relate first hand to the old adage 'There but for the grace of GOD, go I'. Each set of remains, whether 'Identified' or 'Unknown', was treated with the utmost dignity and respect." Therefore again for emphasis let me say that we do not fault those who tried to do a difficult job under difficult circumstances but we do fault those who are not willing to get it right now when nuclear DNA testing, clearly the gold standard in human identification, offers one of the best hopes to bring closure and resolution to these cases. **Are we truly committed to getting it right or are all those fancy slogans about leaving no man behind just things we say because they sound good to say?**



Gorrion Temporary Cemetery - France

So what happened to Gorrion X-3? As mentioned above the remains were buried on August 15th as an **American Unknown** by the 603rd Graves Registration Company (1st Platoon). There is no mention of German clothing or equipment in the original US documents that are preserved and I think most logical people could assume that someone in the AGRS would know the difference in color and appearance of a US uniform versus a

German uniform. So for most people, I think it's safe to say that if the original crew who buried Gorrion X-3 thought he was an American, chances are good that he probably

was. But here is where the confusion of war and circumstances makes things difficult. After less than one week of operating the cemetery at Gorrion, the 603rd Graves Registration Company is moved to Les Champs, France for a different assignment. A different grave registration crew comes in and then by March of 1945 at least a third graves registration crew is at Gorrion Temporary Cemetery. So it is completely possible with the change in personnel and the difficulties of the job that mistakes were made by AGRS. This is further evidenced by the following statement in Private James Bowman's IDPF (formerly Gorrion X-2). In a 1945 letter from the Office of the Chief Quartermaster it says "In the future, when reprocessing Unknowns in cemeteries under your control, all Unknowns will be disinterred regardless of the information contained on the original Report of Burial, and full and complete reports will be submitted. Too often the original Report has been found to be incorrect, or lacking in vital information. This fact should be brought to the attention of all units operating under your command."

On March 17, 1945 Gorrion X-3 (American) was reprocessed by the 610 Graves Registration Company in an effort to establish identity. The report says that the "Mangled and decomposed state of remains prevented usual identification procedures such as tooth charting and fingerprinting, however, attention is invited to original Report of Burial for Unknown American X-3, which submitted therewith a tooth chart." So after being buried for 7 months the third graves registration unit at Gorrion determined that Gorrion X-3 was a German soldier based on some clothing/equipment and the remains became Gorrion X-356 and moved to enemy cemetery (Gorrion #2) thereafter. It seems surprising that if there were overwhelming evidence that the remains were German, it wouldn't have been caught by the original unit (603rd) doing the burial two days after death, not the one reviewing the remains after seven months of decomposition. One also needs to take into account that when the remains of Gorrion X-2 (identified as Pvt. James Bowman) were reprocessed at about the same time that they inventoried a German raincoat was with his remains. This fact was apparently disregarded because he had fingerprints that could be matched but without those he too would have probably ended up as a German Unknown. It is also important to note that within two weeks of being killed, PFC Gordon's burned and bloodstained wallet was inventoried and later returned to his family. But again AGRS was working with the technology available in the 1940's and DNA testing was inconceivable at that time.

Even the Joint POW/MIA Accounting Command (JPAC) stipulates in an April 2013 memo written by one of its historians that anthropology was unable to solve this case, the reference comes from a 1951 letter written to the Gordon family by the Memorial Division and it says "All unknowns recovered from this area were examined by an accredited anthropologist in an attempt to establish an association between one of these unknowns and your son. I regret to inform you, however, that such an association could not be made." **So if the science of anthropology didn't work 60-70 years ago, why are we so reliant upon that same science to determine a threshold to warrant DNA testing today?** Also, strangely enough during our very first contact with the accounting community, a JPAC employee said "By providing a Family Reference Sample, they [the family] and other family members are assisting in the identification process. We are honored in doing this mission and working in bringing home their loved

one.” So now there is a big push for Family Reference Sample’s(FRS) but no discussion of how difficult it may be to meet the threshold to test a set of remains against the FRS. In another message a week later from the Service Casualty Office (SCO) they said “During and after WWII the Army Graves Registration Service (AGRS) did an exceptional job of identifying and burying our service personnel given the state of technology at the time. With advances in DNA and other identification procedures it is certainly possible that many of the cases that AGRS was unable to identify, could now be resolved.” I guess that begs the question, what are we waiting for? Is the government’s technology still too far behind what the rest of the DNA community is doing currently? Everybody keeps saying DNA will help identify these men but getting to the point of doing the testing seems almost impossible. What does the “fullest possible accounting” mean then?

When you look at the PFC Gordon case there are ultimately three key factors that point to a probable recovery of the body and a likely candidate for which one could be PFC Gordon: #1- The person sitting next to PFC Gordon in the M-8 Armored Car was originally an Unknown soldier - Gorrion X-2 (identified as Pvt. James Bowman) and the remains of Gorrion X-3 were said to be found with X-2 (Gordon and Bowman were said to have not made it out of the vehicle which means they should have been found together). #2- Maintenance records show with a high likelihood that the vehicle the two men were in was recovered. Lastly, #3- The burned and bloodstained wallet of PFC Gordon was found and returned to his family. These factors combined with the other circumstantial evidence tip the scales that says further investigations could and should have been done in an effort to identify PFC Gordon’s remains. Instead JPAC warned that “Extreme caution be advised.” In contrast, former Deputy Assistant Secretary of Defense Charles Ray said in a January 2014 interview that “There are just too many, for me personally, unanswered questions to simply dismiss this case.” he also added “Given how this was handled in the 1940’s I think there is a possibility that this could be him [PFC Gordon] but we owe the family the effort to prove or disprove it.”

For additional evidence we asked Dr. Don Simley D.D.S. Diplomate of the American Board of Forensic Odontology for his opinion: “It is my opinion that this situation certainly merits further investigation. This is based on the dental evidence and the other circumstantial evidence. Regarding the dental evidence, there are consistencies in the dental records of PFC Gordon and the “Unknown X-3” (now “Unknown German X-356”) in the number of teeth present and teeth missing and the spacing between some teeth. I know this is not a lot, but again, I certainly don’t think that we can rule out the possibility that “Unknown American X-3/German X-356” is PFC Lawrence S. Gordon. I believe that DNA evidence could most certainly confirm or exclude this identification.”

### **Going to our Former Enemy Germany for Help**

For every negative turn in the road that we experienced (most came from the US Accounting Community), it also seemed there was always a positive one. For us the biggest positive and the turning point came when we discovered the body we believed was PFC Gordon was in a German grave in France. I know it seems strange to say, but

the greatest thing that happened to PFC Gordon, given the circumstances, is that he got turned over to the Germans. Because if his remains were in a US cemetery operated by the American Battle Monuments Commission (ABMC), there is absolutely no way we would have ever had enough evidence to warrant a disinterment order from the US Accounting Community. Let me repeat that for emphasis and understanding. If the remains of X-3/X-356 were in an ABMC Cemetery I can assure you, without question that they would still be there and not in a flag draped coffin awaiting burial in PFC Gordon's hometown.

On January 23, 2013 we informed the Defense Prisoner of War - Missing in Action Office (DPMO) that the Gordon family wanted to move forward and explore the possibilities that Gorrion X-3/X-356 was in fact PFC Gordon. We asked for their support and explained that we would like JPAC to do the testing of the remains. In a response that same day I (Jed Henry) was told that according to JPAC "A disinterment from a German cemetery of remains that were found (erroneously perhaps) to be German is not anything that concerns them." So with no support from the US Accounting Community the Gordon family chose to make a direct plea to the Germans. In February we asked DPMO if they would write a letter of support for us or make an introduction in advance of our meeting with the German War Graves Commission (Volksbund Deutsche Kriesgraäberfürsorge) but no letter was ever produced and no reasoning was ever presented as to why they declined to assist. So with no support from the Accounting Community we again moved forward without them.

On March 1, 2013 Mr. Lawrence R. Gordon who is the namesake of the deceased soldier and also the Primary Next of Kin (PNOK) along with myself (Jed Henry) met with the German War Graves Commission in Kassel, Germany to present the evidence that the Gordon volunteer research team had compiled. After less than an hour into our first meeting with the Volksbund, they said they thought our conclusions were correct and they agreed to permit DNA testing of the remains known as X-3/X-356. Meanwhile the US Accounting Community still maintained that it was highly unlikely to be PFC Gordon and the case would never meet their threshold to move forward for identification. For the Gordon family and our team the next step was to obtain permission from the French courts and do our own DNA testing (the Accounting Community was still unwilling to assist). A few days later the Volksbund staff helped us write a letter in French to the local courts in France to seek permission for a DNA test. The next hurdle we would face was finding our own DNA experts, once again JPAC sat on its hands.

While awaiting approval from the French courts our team asked DPMO if they could provide a liaison to JPAC since JAPC was not interested in doing the DNA testing. The purpose for the liaison was to make sure the testing was being done at least to the same standards and rigors as JPAC and could then be accepted by the Accounting Community. We also asked to be provided with the chain of custody procedures used by JPAC so there was no question about the evidence being tested and the results. On April 5, 2013 we received a response that said "There are multiple people at JPAC, in the research section, in the Central Identification Laboratory, and in our external relations office working on this matter. The several inquiries through Congress do mean

that JPAC will want to fully coordinate what may be the best way to proceed. This is not to 'cover our ass', this is to make certain that a) have all the right people understanding what this case is really about, b) communicate to you the range of options that make the most sense, and c) provide the most effective US government means to participate and ensure that wherever the remains testing leads each of us has done our best.”

While we were given the impression on April 5th that JPAC was going to be helpful by June 27, 2013 almost three months later we still had not gotten a response out of JPAC despite at least 5 reminders. So the promise or illusion of communication clearly was code for you'll have to get congressional delegation involved if you want to speak to us otherwise we will continue to sit on our hands. Because of the unexplained radio silence and the Gordon family's desire to receive military honors that were earned when PFC Gordon lost his life fighting a war for the United States, the offices of US Senator Tammy Baldwin(WI), Representative Mark Pocan(WI), and Senator Mike Enzi(WY) were contacted and we again asked for support from JPAC. The next day I received a call from JPAC External Relations who requested a summary of the same requests that I had been making for three months. I found this to be a strange request because I was told on April 5th that External Relations was already working on this but they seemed to be unaware of it. So the appearance was either that we were lied to, they were stalling for more time, or they simply didn't want to get off their hands.

### **Words of the Namesake**

For those who think the families of WWII soldiers have forgotten about the war and those lost, this is just one story to prove that is incorrect. From PFC Gordon's nephew and namesake:

*“My birth date is August 18, 1950. My father named me after my uncle, Lawrence S. Gordon, who died August 13, 1944 in the battle of the Falaise Gap in France. He did not want my uncle to be forgotten to the family or to history.*

*As I grew up, my father told me how his mother had been devastated by the loss of her son, Lawrence S. Gordon. Although the wallet that he carried at the time of his death was received with minimal burn marks, containing three clearly legible pictures showing him with his girlfriend, his mother and my siblings, there was no name or other identification in the wallet. Notwithstanding this fact, the U.S. Army was able to get the wallet back to his mother. My father relayed to me that his mother felt that the U.S. Army had “lost” the body and was extremely bitter at the lack of information that she was able to obtain.*

*The story that my father passed on to me was that the last correspondence to the family from Lawrence S. Gordon described the breakout at St. Lô. To my knowledge, no one in*



PFC Gordon's burned and bloodstained wallet that was returned to his family



PFC Gordon's Purple Heart and wallet

*the family knew anything further. They received his Purple heart, which I assume is the only medal that was awarded.*

*I had promised my father that I would attend at Uncle Lawrence's grave at some time. In 1998, I had obtained information from the U.S. Army [NPRC] that led me to believe that he was buried at Brittany American Cemetery in St. James, France. In 2001, I attended at that cemetery and learned when I arrived that*

*his name was inscribed on the Wall of the Missing, as his body had never been identified."*

### **Seeking French Support**

On July 22, 2013 the Procureur (Prosecutor) of the Republic of Coutances, France issued a legal court order granting the opening of the tomb of X-3/X356 for the purposes of taking samples for DNA testing. The testing would be performed first by the national crime lab in France l'Institut National de Police Scientifique (INPS), at no cost to the Gordon family. When I asked why the testing was being done for free the director of INPS Mr. Frédéric Dupuch said that since PFC Gordon helped liberate France they felt it was the right thing to do. After dealing with the US Accounting Community for so long it was refreshing to hear that a governmental agency, albeit a French one, was willing to do the right thing. Once the testing by INPS was complete, samples would be sent to the University of Wisconsin and also to Bode Technology (Lorton, VA). During this period of time the Germans and the French exemplified and demonstrated unwavering support to do anything they could to help identify PFC Gordon and it was in shining contrast to the US Accounting Community who never showed a glimmer of optimism or support. The Accounting Community just kept coming up with excuses and policies why they couldn't help, I guess it's fair to say the glass was always half empty and the desire to do what's right never entered the equation.

On July 30th JPAC was notified that DNA testing had been approved by the French courts and they were invited to attend the collection of the samples on September 13, 2013. Two weeks later JPAC informed myself (Jed Henry) that they would not be participating in the DNA collection process. Also on that day JPAC released a "For Official Use Only" (FOUO) memo to us. Written on April 1, 2013 the JPAC memo concluded that the association of the remains known as X-3/X-356 was possible but improbable. The report also said that "PFC Gordon was a Canadian citizen serving in the U.S. Army and it is unclear what is JPAC's authority or responsibility in such matters." So after five months of asking for liaison efforts and scientific information the Gordon family felt we finally got to the heart of the matter. JPAC, it appeared, was uninterested in PFC Gordon's case because he was a Canadian citizen serving in the US Army, despite the fact that he had dual citizenship. After this report was released JPAC was notified by myself (Jed Henry) that there seemed to be a number of errors in

the report provided. They were asked if JPAC wanted to correct those errors but a response was never received leaving the Gordon family to think that his Canadian citizenship was the primary reason for the lack of assistance. The Gordon family always thought that since he wore the US Army uniform and died while wearing it that the US Government would do anything to identify him. **Sadly for PFC Gordon, his loss and his citizenship didn't fit into the mold that made his case worth pursuing for the Accounting Community.**

### Recovering DNA

On September 13, 2013 Lawrence R. Gordon (PNOK) and I (Jed Henry) are present for the processing of the remains known as Gorrion X-3/X-356 at Mont du Huisnes German military cemetery located in Huisnes Sur Mer, France. The examination is conducted in accordance with the French court order dated July 22nd and is performed by the national crime lab in France l'Institut National de Police Scientifique (INPS) with Pathologist Dr. Alain Miras as the lead (INPS would be the equivalent of our FBI). JPAC and the rest of the Accounting Community were invited to attend the events of September 13th but only DPMO sent staff. The Defense Prisoner of War - Missing in Action Office (DPMO) sent a historian and a translator who were working nearby on other cases to review the process. With a lack of scientific experts from the United States present, the Gordon family arranged for DNA expert Dr. Joshua Hyman from University of Wisconsin's DNA Sequencing Facility to be present and make sure the family's interests were represented.



Scientists from INPS examine the remains on September 13th  
Photo courtesy of INPS - Pascal Gilbert

At 10:00am on the 13th of September with a large gathering of French media the tomb to X-3/X-356 was opened by Volksbund cemetery staff and the burial box containing the remains was removed for examination. The small grey box, about two and half feet long, was carefully removed and the four bolts holding the two halves together were undone. At this time everyone except for the family in attendance was asked by the gendarmerie (local police) to move away from the area in respect of the deceased and to allow the staff to work without onlookers. As with everyone else, DPMO's historian and translator were asked to leave the area but the Gordon family personally asked for them to be allowed to watch in an effort to ensure transparency of the process, even though no one from JPAC was willing to attend.

A first look at the remains showed an intact skull with what seemed to be most of the teeth still remaining and most of the major large bones also appeared to be present. The team from INPS began by inventorying and photographing the remains (these

photographs were later supplied to the Gordon team). After an assessment was made five bones and two teeth were removed and placed in sealed evidence bags. The rest of the remains were then placed back in the burial box and returned to the vault. The samples collected for DNA testing were then sent to Marseille, France on September 16th for analysis by Dr. Alain Stenanovitch (Expert INPS - Division Identification de la Personne - Section Biologie). When the samples arrived at the INPS Dr. Joshua Hyman from the University of Wisconsin was present to watch over the inventory process and then he provided INPS with eight Family Reference Samples(FRS) that were provided to him by the Gordon family. Again the Gordon family had to supply its own experts to ensure their interests and that of a probable US Soldier were being represented. After all the proper chain of custody procedures were handled, Dr. Stenanovitch began processing one of the bones for DNA extraction. The process of extracting DNA started by “powdering” the sample inside a clean area. Dr. Hyman and myself were allowed to watch this process and talk to Dr. Stenanovitch about his expertise and plans for identifying the remains. In an agreement reached with the University of Wisconsin, l’Institut National de Police Scientifique (INPS) took two specimens of each bone that was sampled. One would be used for their laboratory and the other would be sent to the University of Wisconsin after INPS finished their testing.

### **DNA Background**

The science of DNA testing has advanced considerably in the past 20 years in terms of being able to extract DNA from samples, in the sensitivity of the equipment used to analyze DNA, and in the types of kits designed specifically for more degraded DNA samples. All of these have combined to basically revolutionize the science of human identification via DNA testing.

DNA testing has 3 main parts: extraction (getting ‘purified’ DNA away from the matrix that contains it, such as a bone sample), amplification (having the DNA replicated many, many times so that there is enough to test), and detection (where the amplified DNA is run on an instrument and detected and then analyzed). All of these areas have been improved over the past few years and what was done even as recently as in the mid-2000s has significantly improved.

For extraction, the goal is 100% recovery of DNA + 0 inhibitors (an inhibitor is something that impedes the amplification step – the next step in DNA analysis – and inhibitors can make it appear as though there is no DNA present, even where there is). It is now possible to get close to these reaching the 100% recovery + 0 inhibitors level (in the past decade), meaning improvement of the extraction methods is not where future ‘big returns’ lie for DNA testing.

MtDNA is found in the mitochondria of human (and other animals) cells and is found outside of the nucleus and in the protoplasm of the cell. There can be dozens or hundreds of mitochondria per cell and each mitochondrion has multiple copies of its own DNA. This means that a human cell may have hundreds, or thousands, of copies of

mtDNA. So, in the 1990s, even in highly degraded DNA there may still have been enough mtDNA to test. In addition, mtDNA is inherited via the maternal lineage, so all maternal relatives should have the same mtDNA sequence. MtDNA is not unique to a person (in fact ~5% - 7% of the population has the same mtDNA sequence for the HV1 [hypervariable] and HV2 regions that are most commonly used in the ID process), but if it is used as the last step to confirm a preliminary/presumptive ID, it can be effective.

## **Results**

On February 14, 2014 the national crime lab in France l'Institut National de Police Scientifique (INPS) announces that they have in fact matched the mtDNA of X-3/X-356 to the maternal nephews of PFC Gordon. A few weeks later the samples were sent to University of Wisconsin who in collaboration also shared some of the samples with Bode Technology, a leader in DNA technology, who joined the project in January of 2014. On February 24th the US Accounting Community was informed of the results and provided with the legal document from the French courts officially identifying the remains of X-3/X-356 as PFC Lawrence S. Gordon.

On March 19, 2014 I (Jed Henry) met personally with DPMO leadership at their headquarters in Washington, DC to discuss the PFC Gordon case and how a positive resolution could be attained for all parties. The meeting began with the leadership thanking me for my work and reiterating DPMO's commitment to families. Then there was a presentation about DoD's new disinterment process from 2012 that still had not be codified into a DODI or DODD. During this meeting I was praised numerous times by the leadership for the work that had been done and I was asked if I would work with DPMO/the new agency in the future. I was told that my experiences with the shortcomings of the system made me a valuable asset that DPMO would like to draw upon in the future, no matter what new system looked like following the reorganization. I was asked to engage and to "poke holes" in the accounting process since I had encountered problems with the whole system while trying to identify PFC Gordon. The goal they said was they wanted me reveal problem areas for the government so that they could be addressed and fixed. A synopsis and readout of this meeting was generated by DPMO if it is needed for verification of these statements.

## **New Day for Identifications**

Another topic that was discussed during the March 19th meeting with myself (Jed Henry) and DPMO leadership was the process for identification. While the leadership was unwilling to accept the DNA results of the French national crime lab (INPS), they did say that if the remains were examined by a qualified forensic examiner that the Deputy Assistant Secretary of Defense(DASD) could and would sign off on the identification without an identification packet from JPAC. On April 7, 2014 - Bode Technology, a leader in DNA technology, announces that they were able to obtain both mtDNA and nuclear DNA from these WWII era samples and statistics say that the

remains tested have a 99.995% of being related to PFC Gordon's eight living nephews. They were the closest living relatives to PFC Gordon since he had no children and all of his siblings were deceased. According to a press release issued that day "Bode provided DNA results within 8 days of receiving the samples, demonstrating that a nuclear based "DNA-Led" approach, an alternative to more common anthropology and mitochondrial DNA based approaches, is a viable option for identifying fallen soldiers. Weeks later Dr. Joshua Hyman releases preliminary results confirming a match of the mtDNA from PFC Gordon's nephews and the bone sample's tested.

Following the release of three separate mtDNA tests and one nuclear DNA test, on May 27, 2014 the Deputy Assistant Secretary of Defense (DASD) finds sufficient proof to remove PFC Gordon from the unaccounted for list. This identification was based off of the circumstantial evidence provided by Gordon volunteer research team who were told earlier they didn't have sufficient evidence to warrant a DNA test and the DNA testing was performed by laboratories outside of the accounting community because they declined to assist. At no time during this process did anyone at JPAC see these remains despite being given numerous opportunities. The only people to see the remains in person from the US Government were a DPMO historian and a translator neither of which had a science background. Therefore one can conclude from these actions that Missing personnel from past conflicts can be identified using circumstantial evidence and nuclear DNA testing which can then be supported by anthropology and odontology. It should also be noted that while the accounting community in fact was the one who "officially accounted for" PFC Gordon, they had little or no part in the work that actually got him identified. That was accomplished by the Gordon family and four amateurs who found the task relatively easy once they were outside the US Accounting Community's bureaucracy wheel and the never ending set roadblocks they seem to purposefully set.

While the mtDNA was certainly factor in determining the identity of PFC Lawrence S. Gordon it's important to note that on DPMO's website it says that mtDNA is not unique enough to determine ones identity and since no anthropologist or odontologist reviewed the remains (despite opportunities) one can logically deduct that the biggest single piece of identification evidence that identified PFC Lawrence S. Gordon was the nuclear DNA testing which has the potential to identify people down to individuals. This is further evidenced by JPAC's own memo that says "Due to internal inquiries concerning X-3 Gorrn/X-356 Germany (X-356), and unknown set of remains from World War II, JPAC Research & Analysis Group(R&A) staff conducted a review of the case. Specifically, the request questioned whether or not R&A personnel could associate the remains with an unresolved casualty from that conflict. The casualty in question is Pfc Lawrence S. Gordon...Upon consideration of this case, R&A staff concluded that the association between the casualty and this set of remains was possible but improbable." So again, JPAC concluded that research and analysis couldn't link the remains with PFC Gordon, then they declined to examine the remains, declined to be present for the DNA sampling, declined to provide DNA testing but yet there was still enough evidence to remove PFC Gordon from the unaccounted for list without JPAC having ever lifted a finger.

So with no input from JPAC and their refusal to participate in any of the identification steps, the Deputy Assistant Secretary of Defense was left to make a determination using the latest scientific technology, the use of nuclear DNA in ancient remains instead of relying solely on mtDNA. Here is more from DPMO's website about why the nuclear DNA report was so important "Analysis of mtDNA is extremely accurate; however, mtDNA may not be unique to a single individual. Investigators then require additional presumptive evidence for identification. This presumptive evidence can include other documented findings that provide a logical reason to associate remains with an individual. However, the mtDNA sequence obtained from the biological materials provides the final key scientific evidence that will lead to an answer as to establishing the relationship of the remains with a family reference sequence." (DPMO Website [http://www.dtic.mil/dpmo/dna\\_information/](http://www.dtic.mil/dpmo/dna_information/)) Upon learning that his uncle was identified Lawrence R. Gordon the namesake of PFC Gordon and the primary next of kin (PNOK) said in a May 30th press release "I want to thank DASD Winfield for his foresight and initiative in using DNA analysis as the initial step in identifying my Uncle, PFC Lawrence S. Gordon, who has been Missing In Action since August 13, 1944. It is important to note that the traditional method of identifying MIA soldiers is to examine all of the facts, draw a conclusion as to the identity, and then *try* and get authorization to do DNA analysis that would confirm the identity. This case has started with DNA analysis performed by three completely independent laboratories—INPS (the national crime lab of France), Bode Technology, and the University of Wisconsin. The result is that the process has been much faster, much more accurate, and much cheaper."



David Lawrence Gordon and Lawrence R. Gordon attend rosette ceremony on June 9th, 2014

This case is more than just one more name coming off a list. It's a new approach and a new, potentially better methodology, than the one currently being used. No one in this report is questioning the essential work currently being done by historians, anthropologists, odontologists, and other scientists at the various agencies. Simply stated, we are saying in many cases the process used for identification is backwards. Starting with the most powerful identification tool (nuclear DNA) first would narrow down the possibilities by well over 99.99% on average. The other sciences still serve as the

final confirming function. Unfortunately the way the system is set up now, anthropologists appear to be limiting the most powerful tool we have (nuclear DNA testing) and therefore preventing countless identifications that could be made in the same manner as PFC Gordon from being completed or even attempted.

In support of these ideas here is a portion of a letter written by Gordon volunteer research team member Wes Johnston to Secretary of Defense Chuck Hagel on February 27, 2014. Johnston is the official historian for the 7th Armored Division (WWII).

*“Any research conducted by families or unit associations or independent researchers or even by JPAC’s own staff that has compiled evidence that has shown a high probability that a specific Unknown’s identity may be established and that this conclusion can easily be verified or not through DNA testing – such cases have either been ignored or actively obstructed by those who are supposed to be accounting for our missing.*

*Just this week, we have seen Pfc. Lawrence Gordon identified thanks to the Germans and French, when our own JPAC went on record opposing disinterment and DNA testing – testing that ultimately was done by the Germans and the French because Gordon’s remains had been turned over to the Germans years ago. And that DNA testing confirmed what the strong evidence of documentation and dental records showed: the remains were those of Lawrence Gordon. If his remains had been in a US cemetery, our “accounting community” would have done everything that they could to assure that his remains were never tested. This is wrong – plain and simple wrong. Gordon’s nephew, a Canadian Queens Counsel attorney, said this of the US accounting community: “A grade one child has a greater moral compass. Thank God Uncle Lawrence was not in their system.”*

*People keep asking me “Why? Why is the so-called ‘accounting community’ actively obstructing the accounting for WWII Unknowns?” I can only speculate about this. But the brutal bottom line is that – as absurd as it is – the reality is that the “accounting community” has somehow concluded that their job is to prevent accounting for the WWII Unknowns.*

*People who can come to such a conclusion and ignore and obstruct efforts to account for WWII Unknowns should not be left in place in the new organization that your order seeks. They have clearly deluded themselves. These people (at CIL, JPAC and DPMO) who can reach a conclusion that they are somehow justified in preventing the identification of WWII Unknowns will continue to do the same in a new organization, and they should not be part of the new organization.”*

Personally, my experience with most of the accounting community over the past couple years has truly left me doubting humanity and the future of our military. If the people who are supposed to be leading and carrying out the honorable and sacred mission of finding our Missing Warriors are looking for an excuse around every corner, then what kind of an example does that set for our soldiers? I hope that PFC Gordon's legacy after this is all done is that we've shown that cooperation and a true commitment to finding our Missing can overcome any obstacle, if we really want to. Otherwise we just have a bunch of fancy slogans that degrade the memory of our Missing by failing to live up to the professed promises.

### **Getting his Name Back**

On June 10, 2014 the German War Graves Commission (Volksbund Deutsche Kriesgraäberfürsorge) in a joint ceremony with representatives from France, Germany, the United States, and Canada, relinquished stewardship of the remains of Private First

Class Lawrence S. Gordon to his nephew Lawrence R. Gordon. This action was against all normal customary procedures in which the remains would be given to the US Military. This action was requested by the family of PFC Gordon and honored by the German War Graves Commission. The reasoning behind the request is that treatment the Gordon family received and the complete lack of trust that had been created by the Accounting Community left the Gordon family unsure that the US military could properly watch over PFC Gordon's remains. This process also ensured that the family's wishes were followed. Therefore instead of PFC Gordon's remains going to a military installation and prepared for final burial, the remains were to stay with Mr. Gordon (PNOK) at all times until they were delivered to Dr. Leslie Eisenberg, a Board Certified Forensic Anthropologist and Dr. Don Simley Board Certified Forensic Odontologist who were retained by the Gordon family to examine the remains in Madison, Wisconsin.



German soldiers carry the remains of PFC Gordon during June 10th ceremony - Courtesy Pascal Gilbert

### **Policies of Convenience, not of Conviction**

LOYALTY, DUTY, RESPECT, SELFLESS SERVICE, HONOR, INTEGRITY, PERSONAL COURAGE. These are the values of the United States Army and unfortunately from experience I can tell you that those same values do not cross over into the Accounting Community organization as a whole. While certain individuals live up to those values, it does not reflect the leadership or the culture of the Accounting Community. When I reflect back over the last two and a half years that we've been trying to find PFC Gordon I am immediately reminded of a long, bumpy road that was littered with obstacles. It's often hard to remember that less than two years and a half ago I knew nothing about how one should go about getting a WWII soldier identified but today I can say I know a great deal. It is truly sad that the greatest country in the world does not even remotely come close to living up to the rhetoric that it so freely and gloriously disseminates to the American public about leaving no soldier behind. For someone who loves this country I am admittedly ashamed by our efforts and embarrassed that we do not live up to the commitment that we promise to our veterans and their families. The entire charade we call the "fullest possible accounting" is not an honest effort, it is quite simply a farce and the more involved I become the more I realize that it may never have been an honest effort. Bringing PFC Gordon home was accomplished by four inexperienced volunteer researchers/historians in their spare time with the blessing and guidance of PFC Gordon's primary next of kin (PNOK). All of the identification expenses were paid for exclusively by the Gordon family and our volunteer research team and it's estimated that the total cost of identifying PFC Gordon was about

\$25,000. If the team had to replicate this endeavor again I think it could be done for significantly less.

### **Assessments and Recommendations**

Personally, from my experience, I do not think the Department of Defense is truly committed to completing the mission of returning our Missing Heroes. I honestly think DoD is more interested in preserving the fancy slogans about leaving no man behind so that they can recruit young boys to join the military. I believe the value of the rhetoric is the only reason this mission is still alive and that we are not really committed to bringing home all of our Missing. Just think about how many fewer Superbowl commercials we need to buy using the no man left behind propaganda. I truly hope I'm wrong about this but the same bad faith and the same poor results have continued for almost a quarter of a century now.

Self-preservation and job-preservation by individuals and groups within the accounting community dominate every aspect of the so-called accounting mission. Again, it is my opinion that there is in effect no real mission at hand but rather an elaborate public relations campaign that is designed to use our Missing as a convenient tool to recruit new living bodies for the military. The mission as it's called has no real convictions, no real leaders, multiple policies or reported policies that conflict with professed goals, and a leadership core that in most cases is unfit for active duty assignments and thus shipped off to the dumping ground which has become the Accounting Community...or it is a convenient place to get one last promotion before retiring. In my opinion job preservation will come before doing what's right in about 98% of situations, even if it is detrimental to the overall professed mission. I think the words of Colonel Millard Peck from his 1991 resignation letter are still fitting today "The National leaders continue to address the prisoner of war and missing in action issue as the "highest national priority" is a travesty. From my vantage point, I observed that the principal government players were interested primarily in conducting a "damage limitation exercise", and appeared to knowingly and deliberately generate an endless succession of manufactured crises and "busy work". Progress consisted in frenetic activity, with little substance and no real results." (-Colonel Millard Peck resignation letter February 12, 1991)

### **Service Casualty Office (SCO) / Past Conflict Repatriations Branch(PCRB)**

Each branch of the US Military has its own Service Casualty Office (SCO). Because PFC Gordon was a member of the United States Army his family dealt primary with the Past Conflict Repatriations Branch (PCRB) located in Fort Knox, Kentucky. They say their primary mission is to "Collect, assess, integrate and distribute to the next of kin, concerned citizens, and other government agencies information relating to Soldiers who remain "unaccounted-for" from World Wars I and II, the Korean, and the Vietnam War." This office is designed to be the one and only point/source for information for the families of our Missing and while the design and the intent of this structure is certainly understandable the execution of the mission from March of 2012 to March of 2014 for the family of PFC Gordon can be described as poor at best. In an October 13, 2013

email, leadership from PCRB outlined some of the difficulties it faced. "There is certainly no secrecy, or intent to protect or act as a gate keeper for the organizations responsible for this mission [accounting mission]. The reason that the Service Casualty Offices (Army, Navy, Marine Corps, Air Force) are tasked with assisting the Families is due to the complexity of these organization's missions and the fact that the "Past Conflict" portion of their mission is a very small percentage of what they do. The primary mission of most of these organizations is current conflict deaths and the support of their Families. Unfortunately, that does lead to some inefficiencies from our standpoint, but it does reduce the resources required for the overall Department of Defense mission. The Department of Defense realizes the difficulty of knowing where to request information and ask questions for someone who is unfamiliar with navigating this large bureaucracy."

Around March of 2012 a case manager from the Past Conflict Repatriations Branch (PCRBR) was appointed to represent PFC Gordon and his family. It was the family's expectations that this case manager would act as an advocate for the missing serviceman (PFC Gordon) and ensure that his family's needs were understood and taken care of. Unfortunately this assumption was incorrect and the Past Conflict Repatriations Branch (PCRBR) case manager was nothing more than a glorified middleman with no authority and very little understanding of the process. Trying to get useful information that was not vague or un-useful was almost impossible. The communication stream felt like we were back in WWII and using carrier pigeons to transfer messages. The wait was long, the messages were short and brief, and worst part of it was most of the time messages didn't come or were incomplete.

I personally have corresponded with the case manager from PCRBR many times by phone/email and found him to be caring, compassionate, interested, and more than willing to assist, but unfortunately he lacked the basic skills, understanding, and necessary follow through to accomplish his job in a satisfactory manner in this case. I have no doubt in my mind that the case manager is a good person who truly cared about the Gordon family, but his professional representation many times bordered on negligent at best. By October of 2013 things had gotten so bad that we had considered asking him to be removed as the case manager and then to open an investigation through a congressional office to see if his representation had been malfeasant or intentionally neglectful.

Being a case manager is understandably not an easy job but according to leadership at PCRBR it has been made harder by the structure and expectations placed on them by congress and Accounting Community leadership. In an October 17, 2013 email PCRBR leadership defended the case manager and said that he was never intentionally neglectful and there was no evidence of malfeasance but excuses for his performance were glaring. In the email it said the case manager "Is not always able to get answers with the time frames expected by the over 3,500 Families that he is responsible for. However, he does everything possible to get those answers and will not give up until those actions are complete." This obviously begs the question, why are we giving one person the responsibility of 3,500 cases? How can one person reasonably perform his

job adequately with a case load this high? The message also continued by saying “Please understand that the eight organizations that conduct this mission do not work for, or answer to, the Army Casualty Office. Our job is to provide you [the Gordon family] a single point of contact to coordinate and assist you in getting answers from all of these diverse organizations.” So now we have the perfect storm, the family is only allowed to go one place for answers, they get assigned to a poor or mediocre case manager at best, who has 3,500 cases, and then when he tries to get answers for the family the organizations he’s asking don’t have to answer him if they don’t feel like it. This certainly doesn’t inspire anyone to believe that we are truly interested in serving the families of our Missing.

The bottom line is conceptually it makes perfect sense to have one point of contact for the families of Missing if that group or organization can adequately do the job. It’s obvious at least in this case that there is a huge deficiency in PCRB’s ability to get the job done. Ultimately it is the family who is negatively affected the most, and if their needs are supposed to come before anyone else then the system needs an overhaul.

### **Problems:**

-PCRB is reportedly overloading its case managers with as many 3,500 cases or more which intentionally or unintentionally is creating a terrific log jam that prevents the families we serve from getting the answers they deserve. All of the rhetoric about serving families does not match performance and continued inefficiency.

-The PCRB does not have authority over the agencies it must request and obtain information from for families. This makes them no more than a glorified middleman with their hands tied behind their backs begging for meaningful answers to questions.

-The case manager for the Gordon family appeared to lack the training and understanding of how the Accounting Community worked. He seemed completely incapable of obtaining the necessary answers for the Gordon family. All too often the responses that were returned to the family were vague and outdated by the time they were received leading to a compounding effect of the problem.

### **Positives:**

-PCRB certainly showed great care and interest in assisting the family.

-Leadership at PCRB has a good reputation in the “MIA Community” and they seem to possess the moral and ethical foundation to make sure that the right thing is done which typically is not existent in the rest of the accounting community.

-The handling of PFC Gordon remains including the coordination efforts leading up to his return to the United States were done with the highest professionalism and the performance by the staff at PCRB in this regard was excellent.

## **Recommendations:**

-Case managers should have the appropriate training to understand the questions that families of the Missing have and the proper communication skills to communicate that to the appropriate organizations so that a timely and well-informed response is given to the families.

-Case managers should be given a reasonable case-load that they can successfully manage.

-PCRB should explain the complexity of the system up front to the families so they have understanding of how difficult the bureaucracy is to work within.

-If DoD wishes in the new accounting structure for SCO's to maintain their responsibility as the single point of contact, their authority should be elevated above the agencies they are requesting from. If the families of the Missing truly come first, then those who represent them should have the authority to get them the answers they seek in a timely and efficient manner.

-If DoD doesn't want to elevate the authority of the SCO's, then the families of the Missing should be notified who is the person working their case from the different agencies so they can ask them questions directly when they feel the case manager isn't doing an adequate job. There should be an emphasis in this situation to make sure the family can communicate with the historical analyst and also scientific specialist should the case move forward. To support this position here is part of an email that I received from a DPMO analyst "The most rewarding part of my job is being able to communicate to families what happened to their missing loved ones. Even if I am not able to provide someone with the answer he or she may have been hoping for, it is worth something to provide some closure if possible or to at least explain what we think happened." Considering the treatment we received from the case manager at PCRB one would assume that communicating with families was the worst part of his job so maybe it should be handled by a different agency.

## **Quotes from the family:**

"[Here is] the response I received. I'm not surprised at the vagueness of it." September 12, 2012

"While they answer the immediate questions, they certainly are not interested in sharing information. Nor do they appear willing to give enough information so that a person can determine what in fact they have reviewed. Hopefully the Germans are easier to deal with." - November 29, 2012

## **Note:**

The Past Conflicts Repatriation Branch was contacted directly and asked a series of questions to help understand the issues and problems that were encountered with PFC Gordon case. Unfortunately the PCRB office declined to provide any information and sadly turned the request over the DPMO public relations who never responded.

### **Defense Prisoner of War - Missing in Action Office (DPMO)**

The Defense Prisoner of War - Missing in Action Office (DPMO) is essentially the historical and research branch of the US Accounting Community and they have some overlapping functions with JPAC employees. Their website says "DPMO's mission requires a team of more than 100 civilian and military personnel who have expertise in the following areas: (1) Plans, policy, control and oversight; (2) Gathering and analyzing case-related information; and (3) informative and timely outreach to families and the public." Because JPAC continually declined to become involved in the PFC Gordon case, the majority of the Accounting Community interaction that we had was with DPMO, but that interaction didn't come through the traditional route. Around September 2012, the Gordon family and the volunteer research team became increasingly frustrated by the poor information being supplied by the service casualty office (SCO) which was detailed earlier in this report. With no other resources available within the Accounting Community the Gordon research team was left to try and find some other avenue to secure the information it was seeking. Thankfully for us, that avenue existed outside of the bureaucracy wheel of the Accounting Community and at the doorstep of Commander Renee Richardson (formerly of DPMO). Thankfully for our team, when we had issues with the SCO, we were able to get clear, understandable advice, and information from Mrs. Richardson, who was previously a Branch Chief in the WWII Division at DPMO (this assistance was provided unofficially, based on previous experience, and done in her spare time). It was around September 2012 that Commander Richardson, a former Navy intelligence officer, helped connect us directly with the case analyst from DPMO and the benefits were immediate. The case analyst in one early email was able to answer more questions and provide more information than the PCRB case manager had done in the previous six months. By eliminating the middleman who didn't understand what he was asking and who needed to route his request through countless streams of people, we were able to get the information directly from the person who was working on the case and therefore the answers were informative, forthcoming, timely, and extremely professional. We were extremely grateful to be introduced to the case analyst and think that other families should be afforded the same opportunity as well.

For the Gordon family and the research team, the introduction to the case analyst/historian was a breakthrough and a welcome change to the dark we had been left in by PCRB. Early communication between the case analyst and the research team discussed the difficulties and process that needed to be followed to move forward on any case affiliated with an Unknown set of remains in an ABMC Cemetery. A September 16th email from the Gordon family expresses their feelings "It is indeed very invigorating to receive a message that actually lays out what we are facing. I had no idea why the Army was so reluctant to act on this matter." At that early time the initial investigative

interest for the Gordon team was a set of remains known as Gorrion X-6. This interest and focus was the result of records in the Individual Deceased Personnel File (IDPF) of PFC Gordon. The records showed a possible association to these remains and therefore our investigation began there. But from the very beginning the odds and amount of historical research needed was overwhelming. We were informed that before anyone would consider DNA testing or much less even moving forward on this case, someone at DPMO would have to go through 3,298 IDPF's, each IDPF averages about 40 pages. This means that to even see if it's worth pursuing a case an analyst would have to sort through almost 132,000 pages of IDPF documents just to create a "short list" and then from there they would have to continue to whittle down the list into something manageable, and then it would have to be submitted to JPAC for further evaluation. It was estimated that this process would take about one year to complete. So in summary, to move forward on one WWII Unknown buried in an American Cemetery a case analyst would have to spend a years worth of time sorting through 132,000 pages just to see if it's worth further pursuit. That approach just doesn't make sense when you have DNA testing available and when nuclear DNA can eliminate 99.99% of the possibilities in a few weeks. Again the system here is designed to fail.

With DPMO hard at work looking through 132,000 pages of IDPF's in relation to Gorrion X-6 the Gordon research team continued to look at other leads and the focus of the investigation soon shifted to Gorrion X-3/X-356. While the Gordon research team had always been aware of Gorrion X-3/X-356, it assumed that the US Accounting Community and its professed commitment to the "fullest possible accounting" would pursue the case of Gorrion X-6 with efficiency and an honorable commitment. It became painfully obvious very early on that Accounting Community leadership had no interest in pursuing cases of WWII Unknowns. In our first communication with PCRB they stated that "While very important, the unidentified that are buried in U.S. Cemeteries (considered United States soil) clearly are a lower priority." The only thing that became clear about this statement is that lower priority meant they would try and all costs not to work on this case if they didn't have to.

The sad reality is that it is unrealistic and cruel to give countless families hope that their loved ones might be identified as one of the 8,000-10,000 Unknowns when in reality DoD has no desire to work those cases. From what I have witnessed, it appears that the idea of no man left behind was abandoned decades ago, and the farce that is being played out is no more than Department of Defense legerdemain done with "smoke and mirrors" in an effort to stall the issue until it dies a natural death just like the dwindling number of WWII veterans we have left.

While the Gordon research team continued to explore the possibilities that Gorrion X-3/X-356 might be PFC Lawrence S. Gordon we ran into one glaring problem, the US Government retained no records for Gorrion X-3/X-356 because when he had been determined to be a "German soldier" then those records were given to the Germans. DPMO was very aware of the Gordon family's interest in pursuing Gorrion X-3/X-356 but offered no advice for obtaining records or how to further the case. So once again we turned to Commander Renee Richardson who no longer works at DPMO but was willing

to provided assistance in her spare time. When asked about the records for Gorrion X-3/ X-356 Commander Richardson stated during one phone call, "Oh that's easy, just call Michael Duerr at the Deutsches Dienststelle in Berlin, he can help you with that." And strangely enough, it was that easy. After trying to Google Deutsches Dienststelle and having no success I reached out to DPMO for assistance. In a positive show of support on November 28, 2012, DPMO's Germany analyst was able to secure the files for X-3/ X-356 after we provided her with the information from Commander Richardson. While our team had certainly hoped that DPMO's current staff would have provided the information that we had to secure from Commander Richardson, a former employee, we were nonetheless grateful for their cooperation in this instance.

For a sense of Commander Richardson's contribution I have included text from a November 28, 2012 email:

*Dear Renee-*

*I just wanted to send you a quick note and say thank you. There is so much new information that has come in this week that I'm still buried up to my neck in work but it was really important for me to take a moment and recognize your time, advice, compassion, and the overwhelming amount of kindness that you have shown to myself and the Gordon family over the last year. Your warm spirit, patience for my many phone calls, calm understanding, and your clarity for moving forward has made this such a rewarding experience. Without people like you and Wes[Johnston] I would be completely lost in a deep sea of bureaucracy, a mountain of paperwork, and a confusing path of uncertainty. I am also fully aware that the reason we have the Gorrion X-3 file is because of the work and suggestions that you made and for that I thank you. You have also helped foster many important and significant relationships and I'd hate to think of where we'd be at without your assistance. As a writer and someone who has benefited tremendously from your time, I'm sad to say that thank you just doesn't feel like enough. I just hope you know that even though you're not working at DMPO anymore I salute the honor, respect, and care you have shown to our Missing. I hope you can take great pride in knowing how much you've helped families of the Fallen, especially the Gordon family. Please accept my warmest appreciation for everything that you've done.*

After months of research the family of PFC Gordon notified DPMO, JPAC, and PCRB that they intended to pursue the remains known as Gorrion X-3/X-356 as the most probably match for their family member. In a January 10, 2013 email Mr. Gordon requested the help and support of the Accounting Community. "As the designated primary next of kin (PNOK) I feel very strongly that the remains known as Gorrion X-3 (American)/X-356(German) are those of my uncle PFC Lawrence S. Gordon and because of that I am asking for your support. I have booked a flight to Frankfurt, Germany arriving Feb 28, 2013 and intend to proceed to Kassel, Germany for the purpose of trying to locate the person within the Volksbund organization that has the authority to allow DNA testing of the remains. I would appreciate any support you can offer." While this email was acknowledged no form of support or willingness to be helpful was ever offered.

Again on January 23, 2013 we informed DPMO that the Gordon family indeed wanted to move forward and explore the possibilities that Gorrion X-3/X-356 was in fact PFC Gordon. We asked for their support and explained that we would like the Accounting Community to do the testing of the remains if allowed. In a response that same day I was told that according to JPAC "A disinterment from a German cemetery of remains that were found (erroneously perhaps) to be German is not anything that concerns them." In February of 2013 we again reminded DPMO of our upcoming meeting with the German War Graves Commission and asked that at a minimum if they weren't willing to make an introduction that they at least provide us with a statement that said the remains were "German" and they had no standing or interest in them. This request was ignored and a response was never generated and no explanation for why was ever provided.

From March 1st, 2013 when the Gordon family received permission from the Germans until February 24<sup>th</sup>, 2014 there was little contact with DPMO and most of the communication was attempting to get responses out of JPAC because the case had moved from the historical stage to the scientific stage. DPMO was once again engaged in February of 2014 when DNA testing from the French came back identifying PFC Gordon and the German War Graves Commission consented to turn the remains directly over to the Gordon family. At that time the Deputy Assistant Secretary of Defense had to make a decision on how he wanted to proceed. Media coverage of the story painted the Accounting Community as being callous and internal emails from DPMO show an internal struggle. One high level DPMO employee said they were unable to understand why DPMO was making things unnecessarily difficult and said the handling of the case was simply "embarrassing".

### **Problems:**

-In our experience DPMO did not even remotely come close to living up to any of its core values (Commitment, Integrity, Open Communication, and Compassion).

-Constantly throughout the two years while we attempted to work with DPMO I heard that they were unable to be helpful because of policy. For an organization that makes policy, DPMO seems to be the worst at making sure the right policies are in place to get the job done or they are just unwilling to change anything. If a policy doesn't fit within an organizations professed mission statement then obviously it should be changed. People made policy so people can change policy, but it seems the prohibitive effects of the policies fit the intentions of DPMO and the rest of the Accounting Community.

-There is no clear policy for disinterments of Unknowns and no commitment at all to work those cases. **If we can't even identify the remains we have, even though the technology exists to do so, then why are going and searching for more?**

-Access to historians/analysts could only be established through non-standard channels, particularly former employees.

-Steps for processing and approving disinterments of X-Files require an almost impossible burden of proof.

-DPMO uses policy as an excuse when it doesn't want to do something but over the last two years we found instances where DPMO ignored policy when it suited their own needs.

### **Positives:**

-I can't say enough great things about the DPMO analysts/historians that we interacted with, they were all wonderfully helpful when they weren't constrained by policy or leadership.

-DPMO leadership did meet with us and took unprecedented steps to identify PFC Gordon understanding that a nuclear DNA-led system can help with the identification of our Missing and may be a much better system than the one in place.

### **Recommendations:**

-If the Accounting Community or the new organization is so interested in public/private partnerships then I'd recommend starting with a review of the plan put in place by Commander Renee Richardson when she was a Branch Chief at DPMO. Since DPMO already paid someone to come up with the idea, it makes no sense to reinvent the wheel. For those naysayers who don't believe in her system or don't think it can work, all I can tell you is the Gordon family and our team followed it and it worked for us.

-Greater access to historians/analysts should be allowed to families.

-DPMO leadership needs to work as a team and eliminate factions within its own organization. Internal emails leaked to our team show internal struggles and a lack of respect for the leadership's decisions. This means either the leadership is making poor decisions or they've lost control of team members who have been disillusioned by the bureaucracy and the lack of leadership.

-If DPMO is committed to working with others then it needs to be a two way street. During a March 19, 2014 meeting with DPMO leadership, they asked me to work with them in the future to make the system better but when asked to answer questions for this report they declined. Leadership cited initiation of their own internal review as the reason for not participating in a cooperative manner.

-DPMO should make use of the volunteer services agreements. To date I'm not sure if anyone has ever been signed up.

-If DPMO is going to consider itself a policy organization then it should make sure the right policies are in place to effectively do its job. We feel that any excuse that blames policy as preventing the accounting community from providing meaningful assistance to

the Gordon family and to others is not consistent with the mission. Considering the accounting community (particularly DPMO) falls under OSD Policy and it is a policy making organization this would appear to be just a convenient excuse for a lack of action. People make policy, which means people can change policy.

### **Quotes from the family:**

“The lack of communication between DPMO and JPAC was disturbing.” -September 27, 2012

“I can't see a thing they have done for us other than outline the process and effectively tell us that we haven't got a hope of getting anything from them...I certainly am not expecting anything from the US Army at this stage, other than lip service.” -January 23, 2013

### **Joint POW/MIA Accounting Command [Including CIL] (JPAC)**

When we started out almost two and a half years ago most of the members of our team had never heard of JPAC and knew very little about them. As the case progressed, we were hopeful that one-day we would get to work with the great staff they reportedly had. But as it turned out, that opportunity to work with JPAC staff never really came to fruition, mainly because they never had a desire or an interest in PFC Gordon's case. According to their own memos, JPAC appeared to be more interested in debating whether or not it was even their responsibility to take PFC Gordon's case because he was a Canadian, apparently somewhere down the line the American uniform he wore stopped meaning something to the honorable folks at JPAC. While it was completely disheartening and disillusioning that JPAC couldn't find the time or a reason to lift a finger for PFC Gordon, I can tell you now in hindsight that I am grateful. The antipathy demonstrated by leadership at JPAC can only be described as nothing less than sad. But as ashamed as I was by their unwillingness to help us, the positive was that it forced a bunch of inexperienced amateurs to once again do the accounting community's job for them. As a result, we put together some of the best scientists in the country to help identify PFC Gordon and I would argue that the team we assembled did a better job than the accounting community could have done even if they had tried. We also did it at a fraction of the cost, estimating that the entire project cost about \$25,000. Replication of this process would cost significantly less.

So now a little bit about our experience with JPAC. The first contact our team had with JPAC was back on December 6, 2011. A JPAC employee thanked me for contacting them about PFC Gordon and said the information would be passed on to “our historians” (JPAC Historians), no mention of DPMO. At that time, I didn't know how the system should work but now in hindsight I can see where JPAC is doing duplicative functions that should have been immediately passed to DPMO. JPAC also wasted no time in soliciting a Family Reference Sample, the December 6th email went on to say “By providing a Family Reference Sample, they and other family members are assisting in the identification process. We are honored in doing this mission and working in

bringing home their loved one.” This was completely misleading because it left me under the impression that the government would be willing to do DNA testing to help identify PFC Gordon. Instead what we got over the next couple years was piles of excuses about why you can’t use DNA until the very end to confirm an identity. When in reality once we were forced to find our own experts tests revealed with a 99.995% certainty that the remains were in fact related to PFC Gordon’s nephews and this information along with circumstantial evidence was enough to complete an identification. Essentially we did the process in reverse of the way JPAC currently does it (in most situations) and we found it was a better methodology and process.

Another early and very obvious problem with JPAC was communication. While many reasons for this can be speculated upon, it is apparent to us that the greatest issue was with the External Relations office of JPAC. In many cases there is proof that information from the Gordon team reached the office of External Relations but a response was never generated. There is also proof of responses from other JPAC/CIL offices that were intended for our team but they went to External Relations and never any farther. In all situations, JPAC External Relations was consistently unwilling to provide information unless a congressman’s office started calling and then answers and phone calls came within 24 hours with news that was miraculously and readily available. This behavior demonstrates bad faith and the willingness to waste the time of congressional offices in an attempt to stall or ignore legitimate requests from families of the Missing and members of the public.

The majority of the communication issues with JPAC began in March of 2013 when the Gordon research team asked DPMO for a liaison to JPAC. In response to that request JPAC responded; “We certainly appreciate your considerable efforts. We also understand your interest in getting the best information to accelerate the process. In terms of the technical matters, I will facilitate the conversation with our scientific staff. Our principal concern at this stage is to help everyone understand what is being proposed, how it will be undertaken, and how to safeguard the efforts to establish identification. We also must preserve the due honor and benefits for the service member. I am working to ensure that everyone concerned within my organization will be able to assist providing you with the specific information and consideration that will help guide us to the result we all seek.” While communication with our JPAC liaison was good for a couple weeks after that there was complete radio silence despite repeated messages asking for a response. In approximately three months there was no less than five follow up attempts to obtain information and all of them were ignored until a congressional office intervened. Rumors surrounding the radio silence pointed at a gag-order placed on the liaison by JPAC’s External Relations office, this certainly fit with our assessment as well.

In the absence of requested information, the PFC Gordon team became increasingly frustrated by the lack of professionalism and JPAC’s desire to keep us in the dark, despite repeated pleas for assistance and information. In March/April the main reason for engaging JPAC was to determine the appropriate chain of custody procedures as well as what scientific methods JPAC preferred so that they would accept the

identification of PFC Gordon. One must keep in mind that the only reason we needed JPAC to assist with this was because they had so far declined to participate, meaning we had to do all of the testing on our own. It was the Gordon family's wish to have full military honors for PFC Gordon, so we wanted to make sure we did everything above JPAC standards to insure there were no problems. Even former Deputy Assistant Secretary of Defense Charles Ray said in a January 2014 interview "I think asking the government to provide a description of the proper identification procedures so there is no question of the results is reasonable and I don't remember these procedures being classified." So it essentially took five months and a congressional inquiry for JPAC to provide scientific experts from the University of Wisconsin with their "Evidence Handling Procedures and DNA Sampling Procedures".

In August of 2013, after months of requesting information and assistance from JPAC we would learn through the back door that an email existed that said CIL staff had answered our questions within weeks of our request and had forwarded their response onto External Relations where it sat collecting dust for months. Meanwhile a group of amateurs who had accepted the responsibility to do JPAC's job for them grew increasingly frustrated as the months passed with no information. It was infuriating to learn almost four and half months later that the CIL had actually agreed to participate in the testing (with unachievable stipulations attached) but for some reason JPAC failed to relay the information to the Gordon team despite at least five documented follow up attempts with accounting community staff. The April 1, 2013 email said in part " At the current time, this case does not meet the criteria set by DoD Policy for disinterment; however, if the family unilaterally has the remains exhumed, the CIL will analyze and conduct forensic testing on the remains if the family wishes." It is also not clear what DoD Policy is being referred to because according to a recent Inspector General [draft] report **there is no policy on disinterment**. By this time (August 14) which was one month away from the examination of the remains at German war Cemetery, Mont du Huisnes, the Gordon team had been ignored for so long that they had already secured the services of two labs for testing and the mistrust and bad faith presented by JPAC made their "offer" appear to be nothing more than an empty statement intended to cover their ass. If JPAC was really willing to do the DNA testing then it seems they would have been willing to send someone to conduct the DNA sampling but in the same message they declined to be involved in that. "We will not be able to send anyone from JPAC for the extraction of DNA on 13 September. Thank you for the invitation." This makes one ask themselves the question, if JPAC was willing to test the remains then wouldn't they have to be there during the examination to ensure where the samples came from and maintain the chain of custody?

From August of 2013 until January of 2014 there was very little communication with JPAC. That silence changed after I spent a couple of days in Washington DC in a mid-January meeting with congressional offices, complaining about the treatment we had received from JPAC and their complete disinterest in identifying PFC Gordon. Before I even left Washington DC JPAC leadership sent a message through DPMO that they wanted to talk to me. Why they didn't just call directly is unknown. In a phone conversation on January 17, 2014, JPAC leadership asked if the French lab (INPS)

would be willing to provide JPAC with a sample to DNA test. This is the same sample JPAC said back in August that it wasn't interested in. Again it's one more example of JPAC not caring about the family or an individual case but trying to look good when congressional leaders start asking questions. To make matters worse, JPAC staff then began to insinuate that if they didn't do the testing that PFC Gordon would not be eligible for military honors. Those are rights earned by a soldier who loses his life on the battlefield, but to JPAC they were just a bargaining chip that the Accounting Community tried to hold over the head of Gordon family in an effort to reinsert itself in a process they wanted nothing to do with from day one.

On February 24, 2014 the Accounting Community was notified that the French national crime lab l'Institut National de Police Scientifique (INPS) had in fact identified PFC Gordon and they were provided with a legal court document from the French courts confirming the identification. Now it appeared that the Accounting Community's worst fears were coming true. For almost a year JPAC's "experts" kept saying that X-3/X-356 couldn't be PFC Gordon and even as late January 28, 2014 JPAC leadership said "As you know, both our scientists and historians believe that neither forensic nor historical evidence is sufficient to validate the interred remains being PFC Lawrence Gordon." These statements lead one to wonder if there is a problem with their personnel, culture, and/or their methodology, or all of the above.

With one DNA test already done, and two others to follow soon, it appears that JPAC began to get desperate for information that they had no interest in prior to the identification. On March 14, 2014 leadership from PCRB wrote to the primary next of kin (PNOK): "I agreed to pass on an additional request to you [on behalf of JPAC], fully realizing that this matter is quite sensitive. However, I try convey this to you in the most respectful manner possible (i.e., please don't shoot the messenger). JPAC CIL respectfully requests your permission to allow a DNA sample be sent to the Armed Forces DNA Identification Laboratory (AFDIL), at no cost to you. JPAC CIL seeks this as another test that will corroborate the original findings. It's your choice to inform me of your decision, or contact Dr Byrd to discuss further. Appreciate your consideration." It should be noted for the record that we begged for JPAC's assistance prior to 2014 to assist with DNA testing and they essentially spit in our face every time by ignoring us. Then months later after we spent all the time having to assemble our own experts they were suddenly interested in the case and wanting to do their own testing. This also contradicts a January 28, 2014 email from JPAC leadership where they said "If the experts in place now can meet the task, then the additional lab effort would not be necessary." It's hard to express into words how difficult and stressful it was as first-timers/amateurs to assemble a team of experts that could do all the identification work but JPAC unfortunately left us with no options. In the end I think we proved that our experts can do an even better job than the accounting community. So while the folks at JPAC will try to claim that they wanted to help, the facts are they were only interested in helping after PFC Gordon had already been identified and some congressional leaders wanted to know why they didn't do anything.

To make matters even worse, JPAC seemed to dislike not getting a full report from the French lab despite not being interested in working with them. In an effort to compromise and make sure JPAC got to all the identification information they needed, we invited them to observe the testing that would be done at the University of Wisconsin starting in late March or April but apparently that wasn't good enough for JPAC. They insisted instead that they get the full report from the French and a sample for themselves to test. In response to PCRB on March 17th Mr. Gordon, the primary next of kin (PNOK) said "Under no circumstance will I allow JPAC CIL/AFDIL to take a sample and conduct their own DNA tests. With the utmost respect, I find this request to be insulting to those that have worked on this matter from the outset. It appears to me to be a statement that only JPAC CIL/AFDIL has the ability to do a proper DNA test. Forgive me if I have it wrong, but if they are only wishing to once again reaffirm the DNA analysis, then I find it to be a total waste of time and materials." It should also be remembered that on January 28, 2014 JPAC leadership said "If the experts in place [INPS] now can meet the task, then the additional lab effort would not be necessary."

Now to make things horribly worse, after clearly being told that the Accounting Community was given everything they were going to get from the French lab, and if that wasn't good enough then JPAC was welcome to observe the University of Wisconsin's testing being done by Dr. Joshua Hyman. Instead of being grateful that we offered the Accounting Community access to the UW's testing, according to emails obtained by the Gordon team, JPAC staff hatched a plan to go behind the families back to try and obtain additional French reports despite the Gordon family's clear wishes and instructions. And if this didn't work they hoped to weasel their way into getting the reports from the UW during their visit there. These actions were obviously in clear violation of the family's wishes but in a show of arrogance JPAC staff investigated and/or pursued the venture anyway.

Despite all of JPAC's bad actions and lack of cooperation they were still welcomed to observe the University of Wisconsin's DNA testing. On April 7, 2014 before DNA testing had even been started at the UW, JPAC elected to send an anthropologist and a dentist. Our team questioned why JPAC chose to send an anthropologist and a dentist rather than a DNA specialist but we were grateful that the Accounting Community was finally willing to participate in the identification of PFC Gordon. When the anthropologist and dentist arrived they were given a tour of the DNA Sequencing Facility and had an opportunity see photos of PFC Gordon's remains taken by French lab INPS on September 13, 2013 and also see the actual DNA samples provided by INPS. JPAC scientists were also given the opportunity to meet with our anthropologist Dr. Leslie Eisenberg and our odontologist, Dr. Donald Simley, who would be doing the examination in June of 2014.

Also on April 7th, Bode Technology, a leading provider of forensic DNA services and products, in collaboration with the University of Wisconsin was able provide results in eight days that showed a positive nuclear and mitochondrial DNA match to PFC Gordon's nephews. So before leaving on April 8th, the JPAC scientists were informed of Bode Technology's results and that the DNA testing being preformed by Dr. Joshua

Hyman would begin within a few weeks and they were invited to come back to observe that. In an April 10, 2014 email, the Deputy Assistant Secretary of Defense said "I am delighted to hear that things appear to be on track. Thank you, again, for your willingness to allow the government the opportunity to be a part of this historic event/activity."

Shortly after Bode's announcement and before the University of Wisconsin began its testing we were notified by DPMO that their leadership was willing to accept Bode Technology's DNA results and officially account for/identify PFC Gordon. At that time we asked the leadership at DPMO to let the UW complete their testing before we provided our identification packet to them since this was a collaboration between public and private institutions. On Wednesday May 21, 2014 the Deputy Assistant Secretary of Defense was provided the DNA results performed by Bode Technology and the University of Wisconsin. Six days later in the absence of any anthropological review, odontological review, and the fact that no scientist from the US Accounting Community had ever even seen the remains, the DASD found sufficient proof to conclude that PFC Lawrence S. Gordon had been identified and officially removed him from the "Unaccounted for" list.

So in less than 30 months, four amateurs, in their spare time, with the cooperation of the Gordon family, and with almost no help whatsoever from the US Accounting Community were able to do everything that it took to identify a US soldier (Canadian citizen) who was mistakenly buried in a German cemetery in France almost 70 years ago. This includes but is not limited to: genealogy, family outreach, historical research, diplomacy, DNA testing, anthropology, odontology, obtaining a death certificate, and repatriation. While all of us who worked on this project will admit it wasn't easy we also hope that it shows how much more we could, and should do for the thousands of other soldiers buried as Unknowns who could be identified by a nuclear DNA test that costs less than \$1,000. We would also like this case to be an example to all the naysayers who were more interested in looking for excuses than they were willing to look for reasons to achieve the "fullest possible accounting" that they so proudly stand behind.

And if you didn't think things with JPAC could get any worse, I'm sorry to admit they did. Even though the DASD accounted for PFC Gordon without receiving an identification packet from JPAC there was still one big unresolved issue. No anthropologist or odontologist had ever examined these remains and no one could be sure that there wasn't additional remains that didn't belong to PFC Gordon inside the casket. So again JPAC staff was notified well in advance that Dr. Eisenberg and Dr. Simley would be conducting an examination of PFC Gordon's remains and they were welcome to come and work with our experts. It should be noted that Dr. Eisenberg is accredited by the American Board of Forensic Anthropology, which is the same accreditation as JPAC's scientific director as well as most of their staff anthropologists and Dr. Simley is also a diplomate of the American Board of Forensic Odontology. In late May one of JPAC's anthropologists started coordinating with Dr. Eisenberg to be present for the examination of PFC Gordon's remains on June 12th. We were also informed that JPAC would also be sending a dentist and everyone was excited to collaborate with one

another. Then on May 27th we received word from JPAC's anthropologist saying "I just received word from the CJAC [Commander of JPAC] that we are to pull out of any trips to Wisconsin at this time, until we receive additional guidance." This note conveniently came on the same day that the DASD accounted for PFC Gordon based on our identification packet and absolutely nothing from JPAC. So once again, the accounting community is asked to participate in the process and once again, they are a no show. All the while the biggest buzzwords around the accounting effort these days are public, private, partnerships and working with third party groups. From my experience no one is interested in this stuff, it just sounds like the right thing to say just like all those fancy slogans that we don't live up to.

### **Problems:**

-Internal e-mails show that JPAC staff deliberately tried to go around the Gordon family's back in an attempt to obtain reports that they didn't have access to because they failed to get involved in the process. These emails show an attempt was underway even though PCRB staff had been told explicitly by the Gordon family that they couldn't have the reports, but attempts were made anyway. This information was also communicated to multiple people within DPMO leadership the day before I was scheduled to meet with them and in that meeting they denied having any knowledge of the backdoor attempts. This is just one example of bad faith acts by JPAC when it all could have been avoided if they would have just simply done their job to begin with.

-JPAC has an absolutely horrible reputation within the "MIA Community". In the last two and a half years that I've been working on this case I have never once heard one good thing about JPAC. Dealing with JPAC is typically likened to working in a snake pit.

-If JPAC finds the need to continue to have an External Relations office then efforts should be made to make sure that the office improves communication drastically and does not continue to act as a black hole for information. It's ridiculous to waste a congressman's time to get answers to questions that the staff obviously already has.

-In my experience with JPAC it was harder to find someone there who was willing to help then it was to find a WWII soldier missing for 70 years in a German cemetery in France. And thank God for public/private institutions and good scientists who are willing to do the right thing and can do it better than JPAC and AFDIL's staff.

### **Positives:**

-Those of us on the Gordon team are thankful and appreciative of the efforts of the JPAC liaison that was appointed to work with us. He was highly regarded by my trusted advisors and I believe he did his best to help the Gordon family. We are very appreciative of the work that he does and the efforts that he made.

-We are also grateful for the professionalism showed by the scientists that visited the University of Wisconsin and those that I met in Washington DC.

## **Recommendations:**

-JPAC is an absolute mess with obvious internal feuds dominating decision-making. Leadership weaknesses are at the heart of this mess.

-Culture at JPAC can be compared to the behavior of a spoiled little rich kid who is never held accountable. Leadership at JPAC realize that the military must continue this program and in many ways its similar to the AIG government bailout, JPAC has become too large to fail and therefore a culture and attitude of ignorance and arrogance permeates through every aspect of its daily activities.

-The process and criteria for disinterments of Unknowns needs to be created and defined.

-A nuclear DNA-centric approach must be adopted if the true goal is the “fullest possible accounting”. No one from our team discounts the value of work done by anthropologists and odontologists: we truly feel that it is an essential part of the identification process, but in almost all cases it should be done concurrently or after the nuclear DNA testing rather than using it as a method for prohibiting nuclear DNA testing. Until the accounting community focuses and adopts a nuclear DNA-centric approach we will continue to leave Soldiers in unmarked graves around the world or in cardboard boxes on shelves at JPAC.

-Caution should be used when scientists are using dental charting to deny DNA testing or further action. The PFC Gordon case is a perfect example of how professionals were not used to chart teeth during WWII and so dental charting can only be used as circumstantial evidence. The information in dental charting can be used as suggestive but unless there is better evidence such as X-rays it only holds a certain amount of weight.

## **Quotes from the family:**

We have gotten this far without their help. We can also bring this matter to its conclusion without their help. -March 17, 2014

“A grade one child has a greater moral compass...Thank God Uncle Lawrence was not in their system. He’ll be brought home and we’ll finally have some closure.”

## **DoD Public Affairs [Including DPMO/JPAC PA]**

DoD Public Affairs, which includes the public affairs staff at DPMO and JPAC, is nothing more than a black hole where requests go so they can die a slow death under the instruction of “please be patient we are working on a response.”

In my 15 plus years in the media business I can honestly say that the Department of Defense's Public Relations staff showed the worst level of professionalism that I have ever seen.

One example is an email that I received that was also sent to my congressional representation in Wisconsin: "I am working on 119 documentaries where most, if not all, the requesting producers believe their documentary request should be my priority. My staff consists of me, myself, and I, and we are working them as fast as we are able to do so." This doesn't really sound like an office that is really staffed appropriately to get the job done and I presume that's intentional.

### **Problems:**

There is no true desire to answer questions or requests. The office is a mere charade intended to be there because such an office is considered "necessary" and legitimate requests can be dumped there to never be answered.

### **Recommendations:**

It is prudent to pull your head out of the sand every once and a while.

### **Additional Agencies**

A chapter of this report should also be dedicated to agencies who work outside of the Accounting Community but at times find themselves as a part of it or in the case of PFC Gordon those agencies see it as a way to establish more of a role in the accounting process. Shortly after news broke of the French's positive DNA test, reporters from both the Stars and Stripes and also the Milwaukee Journal Sentinel were contacted seeking to be put in touch with myself (Jed Henry) or the Gordon family so that those organizations didn't have to through the appropriate DoD channels to reach us. In an interest to see what these other organization(s) wanted I reached out to them using the contact information provided from the reporters emails. When speaking with these groups the messages were very simple; those groups didn't think JPAC was doing a very good job and they promised that if they were in charge that they would have provided PFC Gordon's family with the proper assistance. They were willing to take over and provide assistance if we followed what they wanted to do. During these discussions I was also encouraged to initiate congressional inquires into the matter by a government/military employee and they also offered coaching on how to write them in the most effective manner.

### **Supreme Allied Commander in Europe takes an Interest in the Gordon Case**

In February/March of 2014 there were rumors floating around that certain government/military entities had proposed that the US Military go to the German War Graves Commission (Volksbund) and ask for a unilateral turnover of PFC Gordon's remains to US custody. To the Gordon family this was nothing more then a hostile takeover of their

Uncle's remains that the Accounting Community had no interest in. After more than 27-months of hard work by the Gordon research team we finally found and identified PFC Gordon and now the US Government wants to do a hostile take over? It just didn't seem possible but then on March 26, 2014 I was notified by the German War Graves Commission (Volksbund) that someone contacted them and inquired about who would take PFC Gordon's body. When I asked who they had been contacted by, I was told it was the same person whose name had been given to me weeks earlier as the mastermind of the hostile take over scheme. While the intentions of those who hatched this plan may have been in good faith, they certainly did not consult the Gordon family and they were not acting in their best interest or following their wishes.

To make matters worse, I met with the Deputy Assistant Secretary of Defense (DASD) on March 19th and I explained to him exactly how the family wished for PFC Gordon's remains to be returned. Then the next day on March 20th the DASD accompanied me to a meeting at the French Embassy in Washington DC where we met with the Defense Attachés from France, Germany, and Canada. During that meeting all four Generals talked about how PFC Gordon's remains would be repatriated and what everyone's participation in the ceremonies would be. So less than a week after I met with the DASD and invited the Accounting Community to participate in the process, I find out about a group outside of the Accounting Community is trying to do a hostile takeover of PFC Gordon's remains. These actions led the Accounting Community to have their privileges and involvement suspended until we received a complete explanation of what was going on. In response, I was informed by the Deputy Assistant Secretary of Defense (DASD) that the planned hostile takeover of PFC Gordon's remains had been sanctioned by the Supreme Allied Commander in Europe. In further discussions with the DASD I was assured that one off communications would not happen again in the future. For the Gordon family it was hard to understand why the Supreme Allied Commander in Europe had taken such an interest in his Uncle's case and had approved activities that conflicted their wishes.

It should also be noted that the Supreme Allied Commander in Europe was invited to the ceremony on June 10th where the Volksbund would relinquish stewardship of PFC Gordon's remains but he failed to attend, instead electing to visit another German cemetery a few days prior so he could be a participant in a German ceremony. The Gordon family had hoped that since he had taken such a special interest in PFC Gordon's remains that he would support the family and attend the ceremony. Rumors also persisted during PFC Gordon's repatriation that the Supreme Allied Commander in Europe's subordinates encouraged members of the US Military not to attend the ceremony, once again citing the family's wishes, which were completely inaccurate. This reinforced the idea that agencies under the Supreme Allied Commanders command were interested in the PFC Gordon case as long as it furthered their own agenda but when that wasn't realized it became just a simple drain on resources.

Our experience over the last couple years has showed that all agencies entwined in the "accounting mission" are unable to work together for a common goal and often were willing to undercut "competing" agencies they were supposed to be working with in an

effort to gain greater power and influence within the Accounting Community even if it had a negative effect on the families. It appears that all of the agencies realize there is an opportunity to gain more power and influence in the “accounting mission” and most are willing to accomplish this at any costs all while the families of the Missing are simply just collateral damage or a convenient pawn in the chess game.

### **Using a Nuclear DNA lead approach**

The type of DNA testing most commonly used in the 1990s for the identification of skeletal remains was mitochondrial DNA (mtDNA) and was utilized to assist in the identification of the missing US service members from Vietnam. In Vietnam, many of the missing were in grave sites containing only a few individuals or in a single grave/crash site. This meant that a presumption of identity could often be formulated from surrounding evidence and/or documentation. As it was known which pilot was flying that particular plane, as well as if other Americans went missing in that particular region (to exclude all other Americans missing), it was often possible to determine the likely identity of the recovered remains. Thus, any remains found associated with the crash site may be those of the missing pilot.

For the amplification of DNA, current systems for testing degraded DNA increasingly focus on smaller fragment analysis than a decade ago (for degraded DNA, if you half the size of the template that is to be amplified, there are significant increases in the number of DNA molecules available for testing. Reducing the size of the amplification template from 600 bases in size to 300 bases can result in ~1,000 times more DNA of that size available for testing and this has helped to significantly increase the success rate in obtaining nuclear DNA profiles from skeletal remains. Standard DNA testing kits (for nuclear DNA) are available today that take advantage of the smaller fragment size and these were not available a decade ago.

Each person has one set of nuclear DNA; one chromosome from their mother and one from their father. Nuclear DNA (or what some call autosomal DNA) is located in the nucleus of the cell. Nuclear DNA is unique to an individual, except for identical siblings. Thus, nuclear DNA testing points to individuality, but there are far less copies of nuclear DNA per cell than mtDNA.

Testing performed is usually different between mtDNA and nuclear DNA. For mtDNA, the DNA is sequenced so that each base in the HV1 and HV2 region is profiled. There are kits for testing nuclear DNA that determines how many short tandem repeats (STRs) are present. This is not the same as sequencing and nuclear DNA testing is a far less costly option than mtDNA testing.

For detection, currently used methods look at each DNA base 2 to 4 times. For what is called Next Generation Sequencing, the size of the amplified DNA can be much smaller (helping with amplification of small fragments) AND each base can be tested thousands

of times. It takes a computer to look at the millions of sequences that are generated and then to combine them into the DNA sequence. This is where the next huge increase in sensitivity is taking place. This is in the validation stages for forensic work and is in the trouble problem solving stage. This technology is coming on line in the not too distant future.

### **Nuclear DNA Lead Approach for the PFC Gordon Case**

The DNA testing results from the PFC Gordon case demonstrates two areas where improvement can be made in the identification of our Missing service members. These areas fall into two main categories:

- 1) Initial investigations to determine which bodies may be those of a missing American service member and/or the creation of a presumptive identification and
- 2) The DNA science capabilities employed to assist in the identification process.

The initial investigations and document review, combined with circumstantial evidence led to the conclusion that X-3/X-356 was probably not PFC Gordon. In addition, initial dental review showed consistencies and discrepancies between the pre and post mortem dental records.

According to Dr. Don Simley, D.D.S. and Diplomate of the American Board of Forensic Odontology for his opinion: "It is my opinion that this situation certainly merits further investigation. This is based on the dental evidence and the other circumstantial evidence. Regarding the dental evidence, there are consistencies in the dental records of PFC Gordon and the "Unknown X-3" (now "Unknown German X-356") in the number of teeth present and teeth missing and the spacing between some teeth. I know this is not a lot, but again, I certainly don't think that we can rule out the possibility that "Unknown American X-3/German X-356" is PFC Lawrence S. Gordon. I believe that DNA evidence could most certainly confirm or exclude this identification."

This statement was made when Dr. Simley was reviewing one body with the question of if the dentition was consistent with being that of PFC Gordon or not and the answer was inconclusive. To attempt to isolate and identify PFC Gordon from among thousands of other cases based upon dentition would be significantly more challenging.

DNA testing would later show a 99.995% match with the Gordon family relatives and this DNA match was later accepted by DPMO. Thus, there were conflicting conclusions drawn between the non-DNA and nuclear DNA evidence/testing, with the DNA results being recognized as sufficient to overrule the non-DNA, inconclusive identification evidence. In the case of PFC Gordon, nuclear DNA trumped other lines of evidence and this demonstrates the power of nuclear DNA testing in the absence, or even with conflicting, evidence.

Many within the Accounting Community have stated that it is extremely difficult or impossible to obtain nuclear DNA profiles from samples as old as WWII cases and that first-degree relatives must be available in order to utilize nuclear DNA testing. Both of these lines of reasoning were addressed with the PFC Gordon case and found to be inaccurate. Bode Technology was given two samples for the PFC Gordon case. One was from the same skeletal element from which the French lab obtained a mtDNA profile. The relatives available that were used for both the mtDNA and nuclear DNA testing were nephews, which are not first-degree relatives.

The amount of material received had been powdered at the French laboratory and was less than 1/10 the amount Bode prefers for testing. Quantification of the extract indicated DNA was present in testable quantities. Bode first performed mtDNA testing on this sample and confirmed the mtDNA results from the French lab. The mtDNA profile was consistent with the maternal relatives of PFC Gordon. Next, Bode successfully obtained a nuclear DNA profile from the same sample.

The combined mtDNA and nuclear posterior probabilities of a match were 0.99995.

Note – other concerns regarding the ability to obtain nuclear DNA profiles from skeletal remains that were addressed in the PFC Gordon case include small sample size and samples that have been exposed to harsh conditions, such as fire. First, the remains of PFC Gordon were known to have been exposed to extreme heat but still the femur that was tested produced both the mtDNA and nuclear DNA profiles despite having been exposed to harsh conditions. Next, the amount of material received for testing was 0.15 grams, which is less than 1/13 the amount normally requested for DNA testing. Thus, even a minute amount of skeletal material from a sample that showed exposure to harsh conditions produced both a mtDNA and nuclear DNA profile.

MtDNA testing was undertaken on the 2<sup>nd</sup> sample, which was also less than 1/10 the amount of starting material Bode normally requests. The mtDNA results from this sample showed two profiles, a major profile consistent with the mtDNA profile obtained from the first sample, and a minor profile consistent with a female scientist within the French lab. Based upon the mixed sequence, the same nuclear DNA testing was not performed on this sample as was done on the first sample. However, as the mtDNA contaminant may have originated from a female employee, Y-STR testing was attempted (females do not have Y-STRs). The Y-STRs results obtained were below Bode's reporting threshold and were thus not reportable. However, the Y-STR profile that was present, but could not be reported, was consistent with the paternal relatives of PFC Gordon.

The DNA results of the PFC Gordon case has shown the potential of nuclear DNA testing to identify our missing soldiers and how old perceptions regarding nuclear DNA testing are no longer correct. Incorporating both the new technologies as well as a new philosophy creating a nuclear DNA-Centric system will be a huge step forward toward providing the fullest possible accounting for our missing service members.

## Summary and Conclusions

In the end: The accounting community is no doubt made up of countless honest, hardworking people who are committed to this mission. Unfortunately for us, those individuals as well as cooperation were hard to find over the last two and a half years. We are all very patriotic people who understand that finding and returning missing soldiers is a difficult task, but from what we have seen and experienced this system has some serious flaws and shortcomings. After successfully doing every step of the accounting process I can assure you that we are making it harder than it has to be. I sincerely hope that someone, somewhere high enough, cares enough about this mission to finally get it right sometime in the near future. Until then, our Missing Heroes will continue to be forgotten and we will no longer be able to say we aren't leaving soldiers behind because undoubtedly we are. Risk aversion and poor leadership seem to be the key inhibitors that are stifling progress.



PFC Lawrence S. Gordon  
Killed in Action on Aug. 13, 1944



Flag draped coffin of PFC Lawrence S. Gordon, made possible by the French and German governments and a DNA-centric approach.

### Top Six Most Important Lessons Learned and Recommendations to Families

#1: If a family is interested in finding their Missing loved one from a past conflict it cannot be achieved without the support of a congressman. If you don't have the support of one you are wasting your time.

#2: Families of the Missing must be better educated than the Accounting Community or they will likely always find a reason not to work your case.

#3: No one within the Accounting Community will advocate for the families of our Missing. Your hopes and desires are not important unless it fits into the Accounting Community's matrix.

#4: The rhetoric about no man left behind is just that, it's rhetoric. It helps recruit young boys to join the military, so it will always exist.

#5: Public/Private partnerships and third parties offer the greatest hope to the families of the Missing for the foreseeable future.

#6: The US Government does not use DNA technology, the gold standard of human identification, to the level it should be used. A DNA-centric approach could help us identify thousands of our Missing and Unknowns. It is the fastest, cheapest, and most reliable tool we have but is still the most underutilized tool.

I leave you with the words of the hero of our story and the person that made PFC Gordon's homecoming possible.

"And we need to remember it is about the missing, it is about our history, and it is about the families." -Commander Renee R. Richardson USN(ret.) formerly of DPMO.

Respectfully submitted on the 28th day of July 2014, in honor of the men who served this country with honor, and especially for those Heroes who's names remain on Walls of Missing for whom we have a lasting obligation.

Jed Henry

Grandson of S/Sgt David L. Henry - Reconnaissance Company, 32nd Armored Regiment, 3rd Armored Division (WWII)