



DEPARTMENT OF THE ARMY  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
WASHINGTON, D.C. 20310

REPLY TO  
ATTENTION OF:

DAJA-CL 1976/1694

25 FEB 1976

Mr. Edward P. Woods  
310 Greenwood Road  
Lansdale, Pennsylvania 19446

Dear Mr. Woods:

Your letter of 11 February 1976 regarding the case of Private Eddie D. Slovik was forwarded to this office by Mr. James D. Kemper.

I regret to inform you that the Office of The Judge Advocate General can provide only limited assistance in private research efforts such as the one in which you are engaged. With the hope that our files might contain material of assistance to you, I caused a search to be made but found nothing of any consequence.

It is not the province of this office to supplant normal appellate processes, as responding to your "personal review" would be. I trust you have found or will find sufficient library sources to permit completion of the legal aspects of your research.

Best wishes in your efforts.

Sincerely,

*Wayne E. Alley*

WAYNE E. ALLEY  
Colonel, JAGC  
Chief, Criminal Law Division

MY "PERSONAL REVIEW COMMENCING ON PAGE 23 IN  
NO SENSE OF THE TERM INDICATED THAT I WAS  
PRIMARILY INTERESTED IN WRITING A BOOK OR BEING  
AN HISTORIAN. IN IT'S CONCLUSION ON PAGE 23.  
IS SELF-EXPLANATORY" *EPW*

HEADQUARTERS  
THEATER SERVICE FORCES  
EUROPEAN THEATER

AGO 757, US Army  
29 January 1946

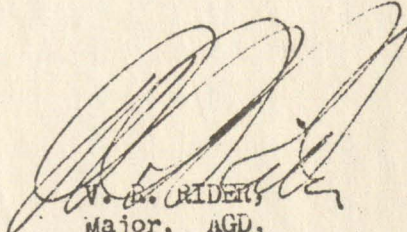
AG 201- Hawkins, James L. (Enl) AGP-E

Subject: Transmittal of Record of Trial.

Thru : Commanding General, US Forces, European Theater, APO 757, US Army.  
To : Assistant The Judge Advocate General, Branch Office The Judge Advocate General w/US Forces, European Theater, APO 887, US Army.  
(St. Cloud).

1. Transmitted herewith is the accused's copy of the Record of Trial in the case of General Prisoner James L. Hawkins.
2. Records this headquarters indicate that orders promulgating the sentence in the case of subject General Prisoner have been effected and he is no longer in this theater.

FOR THE COMMANDING GENERAL:

  
W. B. RIDER,  
Major, AGD,  
Asst. Adj. Gen.

1 Incl: a/s

Tel: FRANKFURT 3-1065

AG 201-Hawkins, James L. (Enl) AGPE-4 1st Ind.

Hq, US Forces, European Theater (Main), APO 757, 1 Feb 46.

TO: Branch Office, The Judge Advocate General with US Forces,  
European Theater, APO 887.

1 Incl: n/c

*Low*  
C.A.M.

*Previously*

THE HIGHEST HEADQUARTERS OF THE AMERICAN ARMY IN  
IN EUROPE KNOWS THE STATUS OF THIS SOLDIER, BUT NOT  
SLOVAK SHOT TO DEATH AS AN EXAMPLE.

## STATEMENT OF ACCUSED: (Sworn)

24 October 1944.

Accused reaffirmed statement previously made to Lt. Colonel Ross C. Herbest. However, he stated that he did not desert his unit at Elbeuf, France, but did not move out when other men left foxholes.

THIS PART OF THE RECORD OF TRIAL WAS NOT MADE AVAILABLE TO ME PRIOR TO THE TRIAL, NOR IS IT CONTAINED ANYWHERE IN THE RECORD OF TRIAL PROPER. THE DATE 24 OCTOBER 1944 COINCIDES WITH THE DATE OF THE INVESTIGATING OFFICERS REPORT.

IT SHOULD PROPERLY BEEN MADE AN INTERGAL PART OF SLOVIK'S WRITTEN CONFESSION. IF IT WAS NOT AND I HAD KNOWN OF IT'S EXISTENCE, I WOULD HAVE MOST ASSUREDLY INTRODUCED IN EVIDENCE AS AN EXHIBIT FOR THE DEFENSE.

HAD THIS BEEN AVAILABLE I WOULD HAVE POUNCED ON IT AND DEMANDED A FINDING BASED ON THE LESSER OFFENSE "ABSENCE WITHOUT LEAVE", WHICH IS NOT PUNISHABLE BY THE DEATH PENALTY.

SLOVIK'S VOLUNTARY WRITTEN CONFESSION WAS SUFFICIENTLY DAMAGING ON IT'S FACE TO WARRANT THE COURT'S FINDING OF "GUILTY" TO THE CHARGE AND THE TWO SPECIFICATIONS.

I CONFRONTED HIM WITH THE SERIOUS NATURE OF THE CONFESSION WHICH HE WOULD NOT REFUTE, WITHDRAW, OR MODIFY. HE DID not nor did anyone connected with the Trial mention this amendment.

THE NUMBERS "5555" IS THE OFFICIAL FILE DESIGNATION FOR THIS PARTICULAR COURT MARTIAL CASE. THEREFORE IT IS AN OFFICIAL PART OF THE TRIAL TRANSCRIPT, ALTHOUGH NOT SIGNED, AND MOST VAGUE AS TO WHOM IT WAS MADE.

IT WAS NEVER CITED BY THE INVESTIGATING OFFICER, THE STAFF JUDGE ADVOCATE OF THE 28TH INFANTRY DIVISION, THE TRIAL JUDGE ADVOCATE BEFORE, DURING OR AFTER THE TRIAL, NOR THE SEVERAL STAFF JUDGE ADVOCATES GENERAL ON GENERAL EISENHOWER'S STAFF.

IT FIRST CAME TO MY ATTENTION AFTER MY PERSONAL REVIEW COMMENCING ON PAGE 13. AND WAS NOT POSED AS ONE OF MY EIGHT QUESTIONS. IN MY OPINION IT WAS AS IMPORTANT AND POSSIBLY MORE SO THAN THE "EIGHT QUESTIONS".

FINAL INDORSEMENT

Hq. 4th Inf. (Company of detachment)

HPO d. 11 FEB 1945

To The Adjutant General:

SLOVIK, ERNIE D. 36 1415 (Last name) (First name) (Middle initial) (Army serial No.)

PVT CO. G, 109TH INF. (Grade) (Organization)

was separated from the service by reason of DEATH WITH DUTY (State specific cause. See par. 37a, AR 345-126)

on 31 JAN 45 at (Place) authority (Authority)

Retained in service days to make good time lost (A. W. 107). ETC. A DTG 23 JAN 45

Absent from duty 115 days subsequent to normal date of expiration of term of enlistment.

Retained in service days for convenience of the Government on account of

His character is FAIR

Efficiency rating as soldier UNSATISFACTORY

\*Final statement furnished. \*Paid on final pay rolls

\*Discharge certificate furnished, W. D., A. G. O. Form No. 55, 56, 57-

Due United States; if nothing, so state FORFEIT ALL PAY AND ALLOWANCES DUE C. TO BECOME DUE.

†Due soldier at date of DEATH: NOTHING

Address furnished for future references: 6110 (Number and street or rural route)

Peaborn (City, town, or post office) Pa. (State or country)

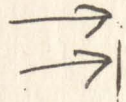
Receipt of Discharge Certificate is acknowledged.

Signature of Soldier: [Signature]

I have verified the foregoing entries:

Name signed: [Signature] Name typed or printed: NORMAN D. COTA (Grade and organization)

\*Strikes out words and figures not applicable. †Here enter any amounts due soldier and not paid to date, such as monetary allowance in lieu of quarters and subsistence; if nothing, so state.



25 AFTER THEY SHOOT SLOVIK HIS CHARACTER IMPROVES FROM "POOR" TO "FAIR". THE NOTATION "TO FORFEIT ALL PAY OR TO BECOME DUE" IS AN ERROR AS THIS PORTION OF THE SENTENCE WAS REMITTED BY THE Convening AUTHORITY MAJOR NORMAN D. COTA REF: PAGE 83

T H E R E A D E R S R E V I E W

PAGE	PLEASE CHECK IN THE APPROPRIATE SQUARE YOUR ANSWER TO THE QUESTIONS	YES	NO	?
22	DOES COLONEL ALLEY EVADE THE REAL ISSUE "UNDUE PROCESS OF THE LAW?"			
24	DID THE ABSENCE OF THIS STATEMENT PREJUDICE THE DEFENSE AND ACCUSED?			
25	DOES THIS DOCUMENT INDICATE THE ACCUSED WAS DENIED ANY FORM OF DISCH?			
28	DID THE CHARACTER "POOR" PREJUDICE THE DEFENSE AND THE ACCUSED?			
29	DID THE ABSENCE OF THE STATEMENT BY THE INVESTIGATING OFFICER MATTER			
41	WAS THIS REPORT FAVORABLE TO THE DEFENSE OR THE ACCUSED?			
47	DID THE CHARACTER "POOR" PREJUDICE THE DEFENSE AND THE ACCUSED?			
48	DID THE ABSENCE OF THE STATEMENT BY THE I. G. OFFICERS REPORT MATTER			
49	WAS THIS A MAJOR REDRAFT OF THE ORIGINAL AS CHARGED SPECIFICATIONS?			
50	WAS THIS TAKEN OUT OF CONTEXT TO PREJUDICE OF THE ACCUSED.			
51	DID THIS REDRAFT OF 2 ORIGINAL SPECIFICATIONS INCLUDE A "NEW OFFENSE			
54	DOES THE ABSENCE OF THE ACCUSED'S SIGNATURE AND THE ADMISSION BY THE LETTER ON PAGE 21 PROVE THAT PVT SLOVIK DID NOT RECEIVE HIS COPY OF THE "RECORD" AS GUARANTEED HIM BY THE ARTICLES OF WAR?			
57	DO YOU BELIEVE THAT THERE WERE POLITICAL CONSIDERATIONS IN THE ARMY?			
58	DID THE ACCUSED SPECIFICALLY REQUEST A COPY OF THE "RECORD"?			
62	THIS OBJECTION WAS LATER SUSTAINED AS VALID BY A REVIEWING AUTHORITY			
63	THIS OBJECTION WAS JUST AS VALID AS THE ONE ON PAGE 62, BUT WAS NOT ADDRESSED BY ANY OF THE SEVERAL REVIEWING AUTHORITIES.			
69	DO YOU AGREE WITH THE FINDINGS OF THE COURT OF "GUILTY"?			
69	IN SPITE OF HIS CONSTITUTIONAL RIGHT TO REMAIN SILENT WITHOUT PREJUDICE, THAT THIS DID IN FACT PREJUDICE THE COURT'S DECISION?			
70	WAS THE GRAVITY OF THE ACCUSED'S ALLEGED DESERTION SUFFICIENT TO WARRANT THE COURT'S SENTENCE OF "DEATH"			
88	DID THE ACKNOWLEDGED LEADING OF HIS WITNESSES HARM THE DEFENDENT?			
89	DID THIS "HEARSAY EVIDENCE" UNFAIRLY PREJUDICE THE ACCUSED? (HERE, THE DEFENSE IS UNFAIRLY LEADING YOU, THE READER)			
90	DO YOU NOT AGREE THAT THIS IS AN UNFAIR STATEMENT BY THE HEAD OF THE LEGAL DEPARTMENT OF THE 28TH (BE CAREFUL YOUR BEING "LEAD AGAIN" TO ANSWER "YES")			
99	DO YOU FEEL, AS I DO THAT GENERAL EISENHOWER HAD NO FIRST HAND NO FIRST HAND PERSONAL KNOWLEDGE OF PRIVATE SLOVIK OR THE CASE OR OF THE DEATH SENTENCE. (CAREFUL BEFORE YOU ANSWER, YOUR BEING "LEAD AGAIN."			
130	DO YOU BELIEVE THAT PRIVATE SLOVIK WAS DENIED CLEMENCY AT EVER LEVEL OF COMMAND?			

PLEASE SEND A COPY OF YOUR ANSWERS TO P. O BOX 705  
 LANSDALE, PA. IF YOU CARE TO HAVE A COMPOSITE BOX  
 SCORE OF THE ANSWERS, PLEASE ENCLOSE A SELF-ADDRESSED,  
 STAMPED ENVELOPE.

T H E R E A D E R S R E V I E W

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130	DO YOU BELIEVE THAT PRIVATE SLOVIK WAS DENIED CLEMENCY AT EVERY LEVEL OF COMMAND?			

PLEASE SEND A COPY OF YOUR ANSWERS TO P. O. BOX 705  
 LANSDALE, PA. IF YOU CARE TO HAVE A COMPOSITE BOX  
 SCORE OF THE ANSWERS, PLEASE ENCLOSE A SELF-ADDRESSED,  
 STAMPED ENVELOPE.

★

There is a general belief that no American soldier since the Civil War was actually court-martialed and executed for cowardice. Now William Huie, the former editor of Mercury, has written a book about such a case—a Detroit soldier in World War II . . . Duell, Sloan & Pearce will publish it in April.

★

can we get two crow's.



From Joe Keweenaw of Toledo, Ohio formerly of Co. A, 109th Regt., 28th Inf., regarding an item here concerning W. B. Huie's new book, "The Execution of Private Slovak": "But for the difference of one stripe (~~Only private~~ and Pfc's are chosen for firing squads). I would have been on that squad. The member of my company who was on this squad was a good soldier. He was sent home shortly after because the ordeal or shooting someone he believed to be innocent sickened him.



"I could find no one in my company, and many others in the regiment, who would accuse the victim of anything more than conscientious objection. Many of these men knew him from basic training. It is difficult to determine whether a man is a conscientious objector or a coward. But a man who stands before a firing squad and dies claiming to be a conscientious objector is no coward."

APR 7 1954



SLOVIK, EDDIE D.

36 896 415

*Recd 31 Jan 45*

SLOVIK, EDDIE D.

36 896 415

*Sub 201*

*CRD-14607*

EXEC

" UNCLASS - NOTORIETY "

EXEC BY MUSHETAY & BOOKS HAVE BEEN  
WRITTEN ABOUT FACT THAT HE WAS ONLY ONE  
EXPECTED THIS WAY SINCE CIVIL WAR

C.C. Sent

101

NPRC V 0 000 043

SLOVIK EDDIE D

AR 036 89 6415

✓

**SECRET**

and reported bullet wounds of entry at the following points:

- 2 - In the left subclavicular region, 2.5 cm. apart.
- 1 - 2.5 cm. above left nipple.
- 1 - 2.5 cm. to right of left nipple.
- 1 - Adjacent to sterno-manubrial junction, left side.
- 1 - Lower right sternum.
- 1 - Just below 5th interspace, 6 cm. from sternum, left side (probably fatal wound).
- 1 - Just under 9th cartilage, near sternum.
- 1 - 7th interspace, right side, about 4 cm. from sternum.
- 1 - Graze of deltoid region, left shoulder.
- 1 - Through left upper arm, shattering the bone.
- 11 - Total live rounds.

The Medical Officers further reported that there had been no sound of heartbeat during any part of their examination following the firing and that in their opinion the movements of the body were involuntary muscular reflexes. They concluded that the condemned had died at 1003 and so certified by certificate attached hereto as Exhibit F.

14. The Graves Registration Officer receipted for the body of the condemned by certificate attached hereto as Exhibit G. The Medical Officers completed the Emergency Medical Tag which was delivered to the Graves Registration Officer.

15. By 1045 the body of the condemned had been removed by the Graves Registration Officer and the execution party left the scene of the execution, a detail of the 103d Engineer Combat Battalion remaining to remove and dispose of the post and boards.

*Henry J. Sommer*  
HENRY J. SOMMER, 0321396  
Lt. Colonel, JAGD  
Division Judge Advocate  
Recorder.

- 3 -  
**SECRET**

C E R T I F I C A T E   O F   M E D I C A L   O F F I C E R S  
A S   T O   D E A T H

We the undersigned certify that we were present and witnessed the execution by shooting of Private Eddie D. Slovik, 36896415, Company G, 109th Infantry at St. Marie aux Mines, France, 31 January 1945; that we last saw him alive on that day; that death occurred at 1008 hours the same day as the result of gun shot wounds of the heart inflicted by the firing squad and that we then and there pronounced him dead.

*Robert E. Rougelot*  
ROBERT E. ROUGELOT  
Major, MC O-333793  
Hq 28th Inf. Div.

*Marion B. Davis, Jr.*  
MARION B. DAVIS JR.  
Capt., MC O-441358  
109th Inf. Regt.

*Charles E. Galt*  
CHARLES E. GALT  
Capt., MC O-387153  
103d Medical Bn.

THE ONLY ONE OF THESE MEDICAL OFFICERS I KNEW WAS MAJOR ROUGELOT. A VERY COMPASSIONATE SOUTHERN GENTLEMEN. HE NOR THE OTHERS, I'M SURE RELISHED THIS ASSIGNMENT.

THERE IS A SLIGHT DISCREPANCY AS TO THE EXACT MINUTE OF DEATH. BUT IN FORENSIC LAW THIS WOULD BE THE OFFICIAL TIME.

EXHIBIT F

*E. O. Z.*

38

TWX

Priority \_\_\_\_\_

31 JANUARY XXXX 1945

TO: COMMANDING GENERAL, EICUSA

FROM: HQ 28TH INF DIV, APO 28 U.S. ARMY (J.A. SECTION)

PURSUANT TO GCMO 27 HEADQUARTERS EICUSA 23 JAN 45, PRIVATE EDDIE D. SLOVAK, 35896415, FORMERLY COMPANY G, 109TH INFANTRY, WAS SHOT TO DEATH BY A FIRING SQUAD AT 1005 HOURS, 31 JAN 45 AT ST. MARIE AUX MINES, FRANCE, DESIGNATED AS AN AREA OF 109TH INFANTRY FOR THE PURPOSE OF THE EXECUTION BY SPECIAL ORDERS THIS HEADQUARTERS.

COTA

THE ABOVE IS NOT IN CODE BUT BARELY  
READABLE, SO I WILL DECIPHER IT *EOH*

TWX

Priority \_\_\_\_\_

31 January XXXX 1945

TO: COMMANDING GENERAL ETOUSA

FROM: HQ 28TH INF DIV, APO 28 U.S. ARMY (J.A. SECTION)

PURSUANT TO GCMO 27 HEADQUARTERS ETOUSA 23 JAN 45, PRIVATE EDDIE D. SLOVAK, 36896415, FORMERLY COMPANY G, 109th INFANTRY WAS SHOT TO DEATH BY FIRING SQUAD AT 1005 HOURS, 31 JAN 45 AT ST MARIE AUX MINES, FRANCE, DESIGNATED AS AN AREA OF THE 109TH INFANTRY FOR THE PURPOSE OF THE EXECUTION BY SPECIAL ORDERS THIS HEADQUARTERS. *14*

COTA

Certified a True Copy

*E. P. Woods*  
Edward P. Woods

EXHIBIT A

170

R E C E I P T F O R B O D Y

This is to certify that on 31 January 1945 the undersigned witnessed the execution by shooting of Private Eddie E. Slovik, 36896415, Company G, 109th Infantry, and received the dead body of the said Private Eddie E. Slovik from Major William Fellman II, Provost Marshal, 28th Infantry Division, at the scene of execution, St. Marie aux Mines, France, for burial.

James E. [Signature] 1st Lt. [Signature]  
0-1313602  
46<sup>th</sup> Q.M. G.R. Co.

47  
EXHIBIT G

WAR DEPARTMENT  
CLASSIFIED MESSAGE CENTER  
INCOMING CLASSIFIED MESSAGE

~~CONFIDENTIAL~~ CUM

PRIORITY

45-35-69  
290498

✓	FOR
✓	SECURITY
✓	INTELLIGENCE
✓	LOGISTICS
✓	PERSONNEL
✓	TRAINING
✓	RECORDS & COMM.
✓	LEGAL COUNSEL
✓	CHIEF OF STAFF
✓	ASST. CHIEF OF STAFF
✓	ADJUTANT GENERAL
✓	CHIEF OF BRANCH
✓	ASST. CHIEF OF BRANCH
✓	CHIEF OF SECTION
✓	ASST. CHIEF OF SECTION
✓	CHIEF OF UNIT
✓	ASST. CHIEF OF UNIT
✓	CHIEF OF POST
✓	ASST. CHIEF OF POST
✓	CHIEF OF PLATOON
✓	ASST. CHIEF OF PLATOON
✓	CHIEF OF COMPANY
✓	ASST. CHIEF OF COMPANY
✓	CHIEF OF BATTAL
✓	ASST. CHIEF OF BATTAL
✓	CHIEF OF REGIMENT
✓	ASST. CHIEF OF REGIMENT
✓	CHIEF OF BRIGADE
✓	ASST. CHIEF OF BRIGADE
✓	CHIEF OF DIVISION
✓	ASST. CHIEF OF DIVISION
✓	CHIEF OF CORPS
✓	ASST. CHIEF OF CORPS
✓	CHIEF OF ARMY
✓	ASST. CHIEF OF ARMY

FROM: Headquarters Communications Zone European Theater  
of Operations US Army Paris France

To : War Department

NR : E 29200

*This should read WAR 63536*  
*Robert*  
5 April 1945

Reference your cable WAR 63436. E 29200 signed Eisenhower.

As of this date only 1 sentence of death imposed for desertion has been executed in this theater. Such sentence executed involved Pvt Eddie D Slovik, 36896415, General Court Martial Orders number 27, 23 January 1945, Headquarters European Theater of Operations.

End

NOTE : WAR 63436 not identified in WDCMC.

ACTION: ASF

INFO : OPD

CM-IN-4584

(5 Apr 45)

DTG 051205Z

~~CONFIDENTIAL~~  
CORN DIV  
ENL BR  
INFO  
JAG  
ACTION

*File Ho.*

COPY NO.

19  
14

THE MAKING OF AN EXACT COPY OF THIS MESSAGE IS FORBIDDEN

EIC SLOVIAK, EDDIE D., PVT. (Response to Mail 63537)



RETURN THIS RECEIPT IMMEDIATELY TO:

POSTAL  
Registry No.

290498

C. H. Records Branch, JAGC, Washington, D.C.

Date June 12, 45.

Serial No.  
File No.  
or Subject

Board of Review Opinion on Eddie D. Slovik

With: \_\_\_\_\_ inclosure(s)

\_\_\_\_\_ indorsement(s)

Addressee:

Brigadier General Edward S. Greenbaum,  
Room 3E-724, Pentagon,  
Washington 25, D.C.

Receipt for communication(s) described above is hereby  
acknowledged by:

*M. Samlin*  
(Signature of official)

*Sec. to Gen. Greenbaum*  
(Rank and organization)

(TRIPLICATE)

6/12/45

(Date received)

W. D., A. G. O. Form No. 996, 16 July 1943 (See AR 380-5).

CLASSIFIED DOCUMENT RECEIPT

16-36304-1 U. S. GOVERNMENT PRINTING OFFICE

WAR DEPARTMENT

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID  
PAYMENT OF POSTAGE, \$300  
16-36304-1

TO:

THE JUDGE ADVOCATE GENERAL  
WAR DEPARTMENT  
WASHINGTON 25, D. C.

C O P Y

HEADQUARTERS  
UNITED STATES FORCES  
EUROPEAN THEATER

AHC/SMP/cb

(Rear) APO 387  
9 July 1945

AG 1161 HMGGA

SUBJECT: Publication of General Court-Martial Orders.

TO : Commanding General, Communications Zone, US Forces, European Theater.

1. Reference is made to the inclosed copy of letter to Assistant The Judge Advocate General, Branch Office of The Judge Advocate General with the US Forces, European Theater, Subject: "Publication of General Court-Martial Orders", dated 9 July 1945.

2. In all cases referred to in paragraph 3 of reference letter, after Article of War 50 $\frac{1}{2}$  has been complied with and the record of trial transmitted to you, you are authorized and directed to order execution of sentences in such cases by publication of appropriate general court-martial orders.

BY COMMAND OF GENERAL BRADLEY:

A.H. CORLEY, JR.,  
Lt Col, AGD  
Asst Adjutant General

1 Incl: As stated

Dist:

G-1

JA

USFET (Main)

Records

DRAFT

JAGJ CM 290498

SUBJECT: Eddie D. Slovik

TO: PID  
Rm 2D-630  
Pentagon  
ATTN: Captain Davis

FROM: OJAG  
MIL Justice Div  
Rm 3B-336, Pentagon

DATE: ?

COMMENT NO. 3  
Lt Davis 55975

The records of this office reveal that during the period 1 January 1942 through 30 June 1948, 2,864 Army personnel were tried for desertion with intent to avoid hazardous duty. Of these, forty-nine were sentenced to death. Only one was executed.

FOR THE JUDGE ADVOCATE GENERAL:

  
C. ROBERT BARD, Colonel, JAGC  
Chief, Military Justice Division

1 Incl  
N/c

JAGJ 1948/5733  
CM 290438

6 AUG 1948  
Your File: CSLLD/250.4-507  
(14 July 48)

MEMORANDUM FOR: CHIEF, LEGISLATIVE AND LIAISON DIVISION, CSLLD,  
Attn: Colonel John P. Dinamore, Special Assistant to the Chief,  
Room 3C-836, The Pentagon.

SUBJECT: Court-Martial Convictions for Cowardice in the Face of the  
Enemy.

1. The records of this office show that since 7 December 1941, only one American soldier has been executed pursuant to the sentence of a general court-martial following conviction of a military offense. This soldier was found guilty of two offenses of deserting the service to avoid hazardous duty and shirk important service, to wit, combat with the enemy (German), in violation of Article of War 58. The evidence of record fully supports the findings of guilty and the sentence.

2. Prior to the execution of this sentence and as required by the statutes of the United States, the record of trial was examined by the convening authority and his Staff Judge Advocate, by a Board of Review in a branch of this office with the European Theater of Operations and by the Assistant Judge Advocate General in charge of that branch office, and by the confirming authority and his Staff Judge Advocate. All persons who were charged with the review of the case found the record of trial legally sufficient to sustain the findings and sentence and to warrant confirmation thereof. Any statement that the execution of this death sentence was a matter of chance dependent upon a lottery is categorically refuted by the facts in the case as shown by the record of trial.

FOR THE JUDGE ADVOCATE GENERAL:

WILLIAM P. CONNALLY, Jr.  
Colonel, JAGC  
Assistant Judge Advocate General

PRIVATE SLOVIK IS NOT MENTIONED OR IDENTIFIED,  
BUT THERE IS NO DOUBT TO WHOM THEY ARE REFERRING.

I CATEGORICALLY REFUTE THE REFUTATION IN THE LAST  
SENTENCE.

CM ETO 5555

---

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U N I T E D S T A T E S	)	28TH INFANTRY DIVISION
vs.	)	Trial by GCM, convened at
Private EDDIE D. SLOVIK	)	Roetgen, Germany, 11 November 1944.
(36896415), Company G.	)	Sentence: To be shot to death with
109th Infantry	)	musketry.

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A PERSONAL REVIEW, COMPILED AND EDITED BY PRIVATE  
EDDIE D. SLOVIK'S ARMY APPOINTED DEFENSE COUNSEL

---

MAJOR EDWARD PATRICK WOODS,  
INFANTRY, ARMY OF THE  
UNITED STATES, (RETIRED)

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RECEIVED

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1980 JUN 13 AM 10 33

ARMY HEADQUARTERS  
WASHINGTON, D.C.

OFFICE OF THE  
SECRETARY OF THE ARMY  
WASHINGTON, D.C. 20315

EDDIE D. BLOAK, 3 YEARS ASSIGNED DEFENSE COUNSEL  
V PERSONAL MATTER COMPLETED AND FILED BY BUREAU

10800 INDEPENDENT  
(202) 316-1234  
ATTENTION: EDDIE D. BLOAK  
AS  
OFFICE OF THE SECRETARY

PERSONAL  
MATTERS TO BE FILED IN THE  
OFFICE OF THE SECRETARY  
OF THE ARMY  
WASHINGTON, D.C. 20315

ON 13 JUN 1980

THIS DOCUMENTATION IS THE CULMINATION OF ALMOST FIVE YEARS OF CONTINUOUS EFFORT BY MAJOR EDWARD P. WOODS AND MYSELF, PRIMARILY TO SECURE FINANCIAL HELP FOR THE WIDOW SLOVIK.

MAJOR WOODS WAS THE PERMANENTLY APPOINTED DEFENSE COUNSEL FOR THE GENERAL COURT, FOR ALL CASES BROUGHT BEFORE THE COURT. PRIVATE EDDIE D. SLOVIK WAS BUT ONE OF APPROXIMATELY TWENTY-FIVE PREVIOUS CLIENTS.

AFTER THE SLOVIK CASE, HE DEFENDED ONE OTHER SOLDIER, ON A CHARGE OF "LOOTING". HE PETITIONED FOR, AND WAS GRANTED, A DIRECTED VERDICT OF "NOT GUILTY". THIS WAS HIS FOURTH ACQUITTAL.

HIS MILITARY CAREER AND DEFENSE COUNSEL DUTIES WERE INTERRUPTED BY THE "BATTLE OF THE BULGE", WHICH COMMENCED BY THE GERMAN FORCES PRECISELY AT 5:30 A.M., 16 DECEMBER, 1944. DURING THIS BATTLE, HE WAS WOUNDED ON DECEMBER 19TH AND WAS AWARDED THE "PURPLE HEART". HE WAS AWARDED THE BRONZE STAR MEDAL WITH VALOR DEVICE, FOR HEROISM IN GROUND COMBAT FOR HIS ACTIONS IN GERMANY, DECEMBER 18TH AND 19TH FOR LEADING THE REMNANTS OF THE 28TH INFANTRY DIVISION ENCIRCLED IN WILTZ, LUXEMBOURG, SINCE THE FIRST DAY OF THE BULGE. MAJOR WOODS LEAD A COLUMN OF APPROXIMATELY 50 VEHICLES AND SEVERAL HUNDRED OFFICERS AND SOLDIERS. HIS JEEP HIT A LAND MINE AND EXPLODED. HE WAS SUBSEQUENTLY CAPTURED BY THE MEMBERS OF THE AFRICA CORPS, IN THE EARLY MORNING OF 23 DECEMBER, 1944. HE WAS AMONG THE LAST OF THE DIVISION TO BE CAPTURED, JUST TWO DAYS BEFORE CHRISTMAS. THIS COINCIDED WITH THE DATE THAT GENERAL EISENHOWER ORDERED PRIVATE SLOVIK'S CASE INTO ITS FINAL REVIEW. THE PLACE OF CAPTURE WAS AT ORTHEUVILLE, BELGIUM. THIS WAS TWELVE MILES NORTHWEST OF BASTOGNE. WHEN AT WILTZ, HE WAS THE LAST AMERICAN OFFICER IN COMMAND OF ANY ORGANIZED AMERICAN FORCES CLOSEST TO BERLIN. WHEN CAPTURED, HE WAS 12 MILES CLOSER TO PARIS THAN THE FAMED "BASTARDS OF BOLOGNE", THE "NUTS DIVISION". HE WAS FORCE MARCHED THROUGH ALL OF GERMANY, AND IMPRISONED IN OFLAG 64Z, NOT FAR FROM POSEN, POLAND. WITH THE ADVENT OF THE LONG OVERDUE EASTERN FRONT, BY THE RUSSIANS, HIS GERMAN CAPTORS DECIDED TO DESERT OFLAG 64Z AND TRY TO GET THEM SELVES AND THEIR PRISONERS BACK TO BERLIN. THIS WAS ON JANUARY 21, 1945. HE HAD BEEN IN THIS CAMP, WHICH WAS A HUNTING LODGE FOR THE FAMED GERMAN GENERAL PAUL VON HUNDENBURG, FOR BUT SEVEN DAYS. HIS GERMAN CAPTORS ABANDONED

AC 77-02357A

HIM AND A GROUP OF ABOUT 45 AMERICAN OFFICERS, ON THE 29TH OF JANUARY, IN WUGARTEN, GERMANY. THE NEXT DAY, THE ADVANCE FORCES OF THE RUSSIANS ARRIVED. HE AND TWO OTHER OFFICERS WERE TAKEN PRISONER BY THE RUSSIANS, AS SUSPECTED GERMAN AGENTS. ON THE DAY OF PRIVATE SLOVIK'S EXECUTION, HE WAS STILL UNDER HOUSE ARREST BY THE RUSSIANS, WHO CONSIDERED HIM, IN RUSSIAN, A NEMEDSKI (PHONETIC - GERMAN).

THE BALANCE OF MAJOR WOODS' MILITARY AND CIVILIAN EXPERIENCES WILL BE THE SUBJECT OF FUTURE VOLUMES.

APOLOGIES ARE OFFERED FOR THE SOMETIMES POOR REPRODUCTIONS OF THE ORIGINAL RECORDS. THE READER MUST REMEMBER, THAT THEY WERE REPRODUCED BY MIMEOGRAPH. PHOTOCOPY MACHINES WERE NOT AVAILABLE AT THAT TIME. ALSO, APOLOGIES FOR MAJOR WOODS REMARKS IN THE BLOCKED SQUARES. OUR PRESS TIME WAS LIMITED, AND DID NOT PERMIT TIME FOR REWRITE, OR EXTENSIVE REVISION. THE PRINTER IS NOT RESPONSIBLE FOR THESE ERRORS.

THE FORMAT IN WHICH THIS IS PRESENTED, WAS SUGGESTED IN A LETTER TO ME, DATED SEPTEMBER 15, 1975, BY AMERICA'S FOREMOST AUTHOR, MR. JAMES A. MICHENER, FOR WHICH WE ARE MOST HUMBLY GRATEFUL.

IN CONCLUSION, I ALSO WISH TO ACKNOWLEDGE THE TREMENDOUS HELP AND SUPPORT OF MY WIFE, MARGUERITE, AND THE PATIENT LOVING, UNDERSTANDING OF MAJOR WOODS WIFE, EMMA.

YOU SHOULD NOTE A DRASTIC CHANGE IN TONE BETWEEN THE BLOCKED REMARKS AND MAJOR WOODS ORIGINAL "PERSONAL REVIEW".

ORIGINALLY, WE WERE RESPECTFULLY REQUESTING FAVORABLE CONSIDERATION AND A SATISFACTORY CONCLUSION.

THIS POLITE COURSE OF ACTION, RESULTED IN LITTLE MORE THAN POLITE DETENTE FROM THE PRESIDENT, THE SENATE, AND THE HOUSE OF REPRESENTATIVES, THE UNITED STATES ARMY, AND THE UNITED STATES COURT OF CLAIMS.

NOW, WE ARE MILITANTLY DEMANDING IMMEDIATE JUSTICE IN THIS TRAVESTY FROM ALL OF THEM, TO, AND INCLUDING, THE UNITED STATES SUPREME COURT.

ROBERT N. DeFINIS



INFORMATION SHEET

EDDIE D. SLOVIK

Private Slovik was convicted by a General Court-Martial for absenting himself without proper leave from his organization to avoid hazardous duty and to shirk important service, that is, action against the enemy. He was sentenced to be shot to death with musketry. Although there were other executions during World War II, Private Slovik was the only individual executed for desertion.

When judgment was passed on Private Slovik, this nation was engaged in an all-out war with a power which was dedicated to enslaving the world. The lives of thousands, both those on the battlefield as well as those in the infamous prisons of the Third Reich, depended upon the rapid prosecution and termination of the fighting. Shortly after Private Slovik's trial, forces in Belgium became engaged in what became known as the Battle of the Bulge. Heavy American casualties were being sustained while the record of trial was under review; indeed the success of the Allied campaign was uncertain at the time. This undoubtedly had an effect on the officials who reviewed the sentence of one who refused to fight in the face of the enemy.

The specific reasons for approval of the sentence for Private Slovik are given in the attached indorsement signed on 6 January 1945 when the Army Assistant Judge Advocate General transmitted the Board of Review's decision in this case to General Eisenhower, who was then the Commanding General of the European Theater of Operations, for his consideration. The review and the subsequent approval of the sentence were made in full recognition that Private Slovik would be the first American soldier to be executed for desertion since the Civil War.

Private Slovik and several others who were executed overseas for serious crimes committed during World War II were buried in an isolated area which was available in the Oise-Aisne American Cemetery. To ensure anonymity, the graves were identified only by small, individually numbered grave markers. In an effort to protect the privacy of the relatives and friends of those buried there, a policy was established to restrict any publicity or visits to the plot. Periodically, this policy is reviewed, to date it has not been changed.

Because of the nature of the offense for which Private Slovik was convicted, Mrs. Slovik is not eligible for any benefits administered by the Department of the Army. Any benefits or assistance, which may be available to her from other agencies of the Federal Government, are determined by the specific agency involved. Specifically, questions on life insurance should be referred to the Administrator of Veterans Affairs, Veterans Administration, Washington, D. C. 20420.

(THIS IS THE OFFICIAL U. S. ARMY INFORMATION SHEET)

Doc #1

310 Greenwood Road  
Lansdale, Pa. 19446  
August 24, 1976

Dear Madam:

We are grateful to Miss Suzanne St. Pierre for making it possible to contact you. Please accept our wishes for a speedy recovery from your unfortunate accident. I was the Counsel for Edward Donald. This will explain my connection and interest.

You and his friend, John T. made a request for assistance in May, 1974. A friend and business associate, Mr. Robert DeFinis vowed that we would do everything possible to obtain the insurance for you.

Subsequently, this has been the subject of over sixty items of correspondence and several visits to Washington, D. C. The net result has been the same; sometimes sympathetic, but always negative.

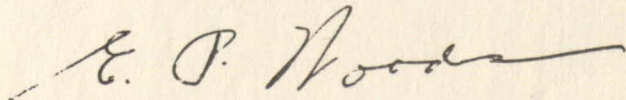
We feel it to be premature and presumptive to burden you with the details at this time. Every known administrative channel of redress has been explored. Miss St. Pierre has been supplied copies of all correspondence.

The final recourse is to institute suit in A United States District Court with a plea for a mistrial. If necessary this would be appealed as high as the U. S. Supreme Court. To do this would require your written consent. All attorney fees and Court Costs would be without expanse to you. Any and all awarded proceeds would be made to you.

Should you care to discuss this matter by phone, please call Mr. Robert DeFinis, Person to Person Collect at Area Code 215 855 2690 after 5 PM.

If you would prefer to write, please address your letter to me at the above address.

Sincerely Yours,



Edward P. Woods

Anne La Vasseur  
Allan Dee Nursing Home  
12950 West Chicago  
Detroit Michigan

Copy: Miss Suzanne St. Pierre

Doc # 2

L/BL/79 THIS LETTER IS ACTUALLY TO MRS.  
SLOVIK, WHO HAD ASSUMED THIS ALIAS.  
EDWARD DONALD WAS EDDIE D. SLOVIK  
JOHN T. WAS JOHN P. TANKEY  
MISS SUZANNE ST. PIERRE  
IS A STAFF EXECUTIVE PRODUCER OF  
COLUMBIA BROADCASTING SYSTEM'S  
TELEVISION SERIES "60 MINUTES"

Symbols: AUS—Army of the United States.  
DP—By direction of the President.  
AD—Active Duty.  
AAF—Army Air Forces.  
Special Orders )  
No. 228 )

WAR DEPARTMENT.  
Washington, 24 SEPT 48

**EXTRACT**

Par. 15. Announcement is made of the temp promotion of the following named officers to the grades indicated in the AUS with rank fr date of this order:

CAPT TO MAJ

EDWARD PATRICK BOODS

0418575

INF

By order of the Secretary of War:

Official: J. A. ULIO,  
Major General,  
The Adjutant General.

G. C. MARSHALL,  
Chief of Staff.

Doc #3.

December 12, 1974

General George Prugh  
Judge Advocates Office  
Department of the Army  
Pentagon  
Washington, D.C. 20310

Dear Sir:

I am requesting a copy of the trial transcript on the trial of Private Edward Slovic, November 11, 1944.

Edwards P. Woods, who was discharged from the Army as a Major, and was the Army appointed defence council for Private Slovic, is now writing a book and wants to document all the information about the trial and related incidents.

The transcript and any other available pictures and information will be gratefully appreciated.

Cordially,

*Robert (Rocky) De Finis*

Robert (Rocky) DeFinis

RF:jam



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
UNITED STATES ARMY JUDICIARY  
NASSIF BUILDING  
FALLS CHURCH, VIRGINIA 22041

JAAJ-CC CM 290498

17 December 1974

Mr. Robert (Rocky) DeFinis  
DeFinis Public Relations & Promotional Agency  
523 Edgemont Avenue  
Lansdale, Pennsylvania 19446

Dear Mr. DeFinis:

Reference is made to your letter dated 12 December 1974 addressed to General George Prugh, requesting a copy of the transcript of the record of Private Eddie D. Slovik's trial by general court-martial.

The cost for reproducing the record of trial has been computed as follows:

Verbatim record of trial and exhibits thereto: \$6.25,  
or  
Verbatim record of trial, exhibits thereto and allied papers: \$12.05

Upon receipt of a certified check or postal money order made payable to the Treasurer of the United States, arrangements will be made to reproduce that portion you desire.

Sincerely yours,

*V. M. McElroy*  
V. M. McELROY  
Clerk of Court

December 23, 1974

V. M. McElroy  
Department of the Army  
NASSIF Bldg.  
Falls Church, Virginia 22041

Dear Mr. McElroy:

We are requesting a copy of the trial transcript of Private Eddie D. Slovik, verbatim record of trial and exhibits thereto, and allied papers.

Enclosed is a postal money order for \$12.05, as you instructed.

Thank you very kindly for your prompt reply.

Sincerely,

*Robert (Rocky) DeFinis*

Robert (Rocky) DeFinis

rmd

Enclosure



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY JUDICIARY  
NASSIF BUILDING  
FALLS CHURCH, VIRGINIA 22041

REPLY TO  
ATTENTION OF:

JAAJ-CC CM 290498

27 December 1974

Mr. Robert (Rocky) DeFinis  
DeFinis Public Relations & Promotional Agency  
523 Edgemont Avenue  
Lansdale, Pennsylvania 19446

Dear Mr. DeFinis:

Receipt is acknowledged of your letter of dated 23 December 1974 wherein you inclosed payment in the amount of \$12.05.

In accordance with your request, inclosed is a copy of the record of trial which you desire. Also inclosed is a receipt for this copy of the record which it is requested you date, sign and return to this office in the inclosed self-addressed envelope which requires no stamp.

Sincerely yours,

- 3 Incls  
1. Self-addressed envelope  
2. Form of Receipt  
3. Copy of RT

*Laura E. Hearrell*  
LAURA E. HEARRELL  
Deputy Clerk of Court

DEFINIS PUBLIC RELATIONS  
& PROMOTIONAL AGENCY  
523 EDGEMONT AVENUE  
LANSDALE, PA. 19446  
215-855-2690  
215-855-4966

December 1, 1975

Clerk of Court  
Honorable V. M. McElroy  
Department of the Army  
United States Army Judiciary  
Nassif Building  
Falls Church, VA 22041

The Honorable V. M. McElroy:

On December 23, 1974, I requested and received a copy of the trial transcript of Private Eddie D. Slovik 36896415, November 11, 1944, Roetgen Germany. Your kind consideration in this matter was greatly appreciated.

On behalf of Major Edward P. Woods, Private Slovik's military appointed defense counsel in his court martial trial, I am requesting you now send us the original transcript of the trial or a true copy of the same. The copy we received indicates that it was not taken from the original document. Equally as important, there is no evidence recorded that Private Slovik ever received and signed for a true copy of the trial proceedings, as was specifically asked for in the transcript of the trial. Please include the document that has his signature, indicating he personally received said documents.

Our first communication stated that Major Woods is writing a book on this matter, and other related World War Two incidents, all information that is used must be true and accurate for documentary purposes. In closing, please include any and all other information and pictures your files may have on Private Slovik's case and trial proceedings.

Enclosed is a check to the amount of (\$12.05) Twelve Dollars and Five cents, for the cost of the documents. Please inform me of any additional costs. My sincere thanks for your kind consideration in this matter.

Respectfully,

*Robert (Rocky) DeFinis*  
Robert (Rocky) DeFinis

P.S.: See Page 2.



DEFINIS PUBLIC RELATIONS  
& PROMOTIONAL AGENCY  
523 EDMONT AVENUE  
LANSDALE, PA. 19446  
215-855-2690  
215-855-4966

P.S.: Government Superintendent of Documents  
North Capital and H. Street  
Washington, D.C. 20401

Dear Sir:

A copy is being sent to your office in the event that your agency has custody of these records in the Private Eddie D. Slovik (36896415) matter.

Under the Freedom of Information Act, it is our belief we are now entitled to all information in this very important issue.

cc: Government Superintendent of Documents



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY JUDICIARY  
NASSIF BUILDING  
FALLS CHURCH, VIRGINIA, 22041

REPLY TO  
ATTENTION OF:

JAAJ-CC CM 290498

5 December 1975

Mr. Robert (Rocky) DeFinis  
DeFinis Public Relations & Promotional Agency  
523 Edgemont Avenue  
Lansdale, Pennsylvania 19446

Dear Mr. DeFinis:

This is in reply to your letter of 1 December 1975 addressed to V. M. McElroy, concerning the record of trial of Private Eddie D. Slovik.

The copy provided you last December was reproduced from the original record of trial and is, therefore, a true copy.

The original record of trial cannot be released but can be seen in my office, any business day, between the hours of 7:45 and 4:15. My office is located in the Nassif Building, Room 204C, 5611 Columbia Pike, Falls Church, Virginia.

On 15 November 1944, Private Slovik's copy of the record of trial was forwarded to the Seine Disciplinary Training Center to be served upon him. We are unable to determine at this date whether or not he ever received it; there is no signed receipt indicating he did. Over a year later, on 29 January 1946, Private Slovik's copy was returned to the Branch Office The Judge Advocate General, US Forces, European Theater.

Your money order in the amount of \$12.50 is returned herewith.

Sincerely yours,

JAMES D. KEMPER, JR.  
Clerk of Court

Incl  
MO





REPLY TO  
ATTENTION OF:

JAAJ-CC CM 290498

DEPARTMENT OF THE ARMY  
UNITED STATES ARMY JUDICIARY  
NASSIF BUILDING  
FALLS CHURCH, VIRGINIA, 22041

23 January 1976

Mr. Robert (Rocky) DeFinis  
DeFinis Public Relations & Promotional Agency  
523 Edgemont Avenue  
Landsdale, Pennsylvania 19446

Dear Mr. DeFinis:

Pursuant to your request, inclosed is an additional copy of the Slovik record of trial. Also inclosed is a receipt for this copy. Please sign and return in the envelope provided.

Sincerely yours,

A handwritten signature in cursive script that reads "James D. Kemper, Jr.".

JAMES D. KEMPER, JR.  
Clerk of Court

- 3 Incl  
1. Receipt  
2. Self-addressed  
envelope  
3. R/T



24 January 1976

DEFINIS PUBLIC RELATIONS  
& PROMOTIONAL AGENCY  
523 EDGEMONT AVENUE  
LANSDALE, PA. 19446  
215-855-2690  
215-855-4966

James D. Kemper, Jr.  
Clerk of Courts  
United States Judiciary  
Department of the Army  
NASSIF Building  
Falls Church, Virginia, 22041

Dear Mr. Kemper:

I received the documents of information I requested. Thank you very much for the prompt response. Enclosed you will find a Postal Money Order of \$15.95. for a complete copy of the Trial Transcript of the Private Eddie Slovik, 36689414 Case. Please be sure that where there is information on both sides of each document, that both sides are copied, including exhibits thereto and allied papers.

In addition, please search your files for official document allowing Bradford Huie permission to visit the Slovik grave, either from the Office of Public Information, as stated in his book, or from the Department of The Army. Also, any records of the last American Soldier executed for desertion by the United States, prior to Eddie Slovik (Who, Where, When, How? Huie states in his book about a soldier deserter, Bixby executed during the Civil War in Virginia, 1863. If you have any information, please send, or let me know where I can get it.

Mr Kemper do you have any information as to the whereabouts of the copy of the Trial Transcript, that was to be delivered to Pvt. Slovik. On your Dec. 5, 1975 communique the information stated it was returned to the Judge Advocates General's Office, is this its present location? Thank you for all your prompt and considerate cooperation.

Sincerely,

Signed Robert (Rocky) De Finis

ROBERT(ROCKY) DeFinis



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
UNITED STATES ARMY JUDICIARY  
NASSIF BUILDING  
FALLS CHURCH, VIRGINIA, 22041

JAAJ-CC CM 290498

3 February 1976

Mr. Robert (Rocky) DeFinis  
DeFinis Public Relations and Promotional Agency  
523 Edgemont Avenue  
Lansdale, Pennsylvania 19446

Dear Mr. DeFinis:

This is in reply to your letter of 24 January 1976 and to acknowledge receipt of your money order in the amount of \$15.95. As this amount covers the total cost for reproducing the record of trial, exhibits thereto and allied papers, including the copies of correspondence mailed to you by letter dated 21 January 1975, your money order in the amount of \$12.50 is returned herewith.

After thoroughly searching Private Slovik's record of trial, it is determined that the record does not contain a copy of any document giving Mr. Huie permission to visit the gravesite. Nor is there any indication of what might have happened to Private Slovik's copy of his record of trial. As the Clerk of Court is the custodian of only the original records of trial, accountability for, or disposition of, carbon copies is not required by this office. The Branch Office The Judge Advocate General, US Forces, European Theater, is no longer in existence.

Our card indexing system goes back only to World War I. The information you are seeking concerning the execution of Bixby during the Civil War might be available from the National Archives. You should direct your inquiry to the Director, Military Archives Division, National Archives and Records Service, Washington, D. C. 20408.

Sincerely yours,

JAMES D. KEMPER, JR  
Clerk of Court

1 Incl  
as



310 Greenwood Road  
Lansdale, Pa. 19446  
February 11, 1976

Mr. James D. Kemper, Clerk of Court  
Department of the Army  
United States Army Judiciary  
NASSIF Building  
Falls Church, Virginia 22041

Attention of: JAAF CM 290498

Dear Mr. Kemper:

Thank you for the courtesy you extended to me and Mr. Robert (Rocky) DeFinis on our visit to your office December 17, 1975.

When we embarked upon a project of writing my wartime memoirs almost two years ago, the Slovik incident was narrated without comment as to the fairness of the trial, the verdict, the sentence or the punishment.

Subsequently, two events took place that changed our opinion from neutrality to Pro-Slovik.

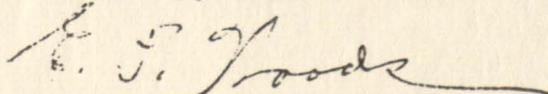
The first of these was the appearance of Mrs. Antoinette Slovik on the Lou Gordon TV Show from Detroit. Mrs. Slovik was a pitiful soul, appearing much more aged than her actual years. She said she was destitute and living in the Detroit Area under an assumed name. She mentioned that she had been denied the proceeds of her husband's (NSLI) insurance. We were aware that the circumstances of his death precluded such payment.

The second, was the advent of President Ford's Amnesty program for Deserters and Draft Evaders of the Viet Nam Conflict. We made a determined effort to have Slovik included in this program. This consisted of a series of telegrams and letters to the President, our local U. S. Congressman, two State Senators, Members of the President's committee on amnesty, and senators and congressmen directly concerned with the amnesty program. A few did not respond; none were negative; and more than a few sympathetic. A file of the various communications is attached.

After diligently pursuing the Democratic Legislative Process without definitive result, we are addressing your office to see what might be done for Slovik from a Military Legal Standpoint. The questions posed in the attached enclosure are in no way intended to discredit your Department or any branch or echelon of the Military.

Respectfully,

Edward P. Woods



Encl 2 a/s

Private Eddie Slovik

JAAJ-CC

Chief  
Criminal Law Division

JAAJ-CC

18 Feb 76  
Mr. Kemper/slb/756-1888

1. The attached letter and "Personal Review" by Mr. Edward P. Woods is forwarded to your office for whatever action you deem appropriate.
2. Mr. Woods, with the assistance of Mr. Robert DeFinis, Public Relations and Promotional Agent, is currently writing a book on the court-martial and execution of Private Eddie Slovik. Mr. Woods served as Private Slovik's appointed trial defense counsel. The undersigned has provided copies of the record of trial and various letters of correspondence to Mr. Woods, and assisted him to the extent my position would allow.
3. Because of my position as Clerk of Court, it would not be appropriate to give "legal opinions" on some of questions raised in Mr. Woods' "Personal Review." For this reason, I have taken the liberty to forward the attached request for information to your office.

2 Incl  
Copy of Record of Trial  
Ltr and "Personal Review"

JAMES D. KEMPER, JR.  
Clerk of Court

U N I T E D S T A T E S )

v. )

Private EDDIE D. SLOVIK )  
(36896415), Company G, 109th )  
Infantry )

28TH INFANTRY DIVISION

Trial by GCM, Convened At  
Roetgen, Germany 11 Nov 1944.  
Sentence: To Be Shot To Death  
With Musketry.

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PERSONAL REVIEW BY EDWARD P. WOODS  
COURT APPOINTED DEFENSE COUNSEL

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The record of trial in the case of the soldier named above has been examined. The following questions are raised:

1. Was the court legally constituted?

MCM 1928 P 3, par 4e. LAW MEMBER FOR GENERAL COURT-MARTIAL.--The authority appointing a general court-martial shall detail as one of the members thereof a law member, who shall be an officer of the Judge Advocate General's Department, except that when an officer of that department is not available for the purpose the appointing authority shall detail instead an officer of some other branch of the service selected by the appointing authority as specially qualified to perform the duties of law member. (A.W. 8.). MCM 1928 P 204-5.

Special Orders No. 174, Hq 28th Inf Div detailed 1st Lt. John I. Green, JAGD (Later Capt) as the Trial Judge Advocate. Neither the original Law Member or his replacement 1st Lt. Bernard B. Altman, Infantry were members of the JAGD. It is not mandated that the TJA or the Defense Counsel be a member of the JAGD. Therefore, Captain Green was available as the Law Member.

2. Was the accused tried for more than one offense in Specification 1, and Specification 2?



MCM 1928 P 19 par 29b. One specification should not allege more than one offense either conjunctively or in the alternative. Thus a specification should not allege that the accused "lost and destroyed" or that he "lost or destroyed" certain property.

Specifications 1 and 2 of the charge as originally drafted ~~specified~~ read in part that the accused absented himself without leave:

"with intent to avoid hazardous duty to wit: action against the enemy".

The Staff Judge Advocate, 28th Infantry Division, after receipt of the Investigating Officer's Report, amended the above quoted portions of the two (2) Specifications to read:

"with intent to avoid hazardous duty and to shirk important service, to wit: action against the enemy"

MCM 1928 P22 par 34 states in part "Obvious errors may be corrected and the charges may be redrafted over the signatures thereon, provided the redraft does not involve any substantial change or include any new person, offense, or matter not fairly included in the charges as received. corrections and redrafts should be initialed by the officer making them."

The portions cited in the original draft were valid, complete, and not in error. The addition to both specifications "and to shirk important service" was a new offense not fairly included IN THE CHARGES AS RECEIVED, AND INVESTIGATED.

Holding by Board of Review No. 1 CM ETO 555, 6 Jan 1945, pages 5, 6 and 7 examined in detail the addition of the words "and to shirk important service". It terminated on page 7 in the final portion of par 5. "The pleading of both specific intents left the prosecution free to prove either or both of the intents alleged (CMO 2432 Durie; CM ETO 2481, Newton; XMO ETO 3234, Gray), and in any event, as above inferred, it seems clear that the hazardous duty alleged, to wit: action against the enemy, necessarily involved ~~important service~~."

The above holding cannot fairly sustain that important service necessarily involves hazardous duty. Therefore, they are not one and the same. MCM 1921, which was not completely superseded by MCM 1928 specifically defines the two separately (a) hazardous duty or (B) Important Service

3. Was this a privileged communication? to wit: Federal Bureau of Investigation, United States Department of Justice Form T-2, FBI Number 1427489, dated November 15, 1944, signed by J. E. Hoover, Director. Imprinted: "NOTICE: THIS RECORD IS FURNISHED FOR OFFICIAL USE ONLY"

4. Did any member of the JAGD have the authority to request, review, comment upon or include in the official record of trial?

5. Its legality, notwithstanding, did the accused not have the constitutional right to be confronted with it and to be given the opportunity to defend himself from its incriminations?

Four of the seven Staff Judge Advocates who reviewed the case commented upon this document in terms prejudicial to the accused.

GM Form 9 Review of Staff Judge Advocate, Hq. 28th Inf Div; 26 Nov 1944, Sheet 5 par j, and sheet 6 par 4kl.

"J. The accused's criminal record from the Federal Bureau of Investigation is attached hereto. An analysis of the several entries indicates that the accused was put on one year probation on 5 different occasions by the Juvenile Court of Detroit between 1932 and 1938 for 5 offenses of breaking and entering and one of assault and battery. he was arrested by the Detroit Police 17 November 1937, convicted of embezzlement of \$49.46 and sentenced to imprisonment for a term of 6 months to 10 years. He apparently served something less than a year in the State Reformatory at Ionia because on 3 January 1939, he was again arrested by the Detroit Police, this time charged with and convicted of unlawful driving away auto. On this he was sentenced to serve from one to 5 years in the State Prison. He was transferred to the Ionia Reformatory where he was recorded as having a sentence of 2½ to 7½ years probably the result of additional time charged against him for violation of his first parole. it is understood from statements made by the accused to officers of this division, that there was a "shooting involved in the latter offense."

"4k(1). The death sentence is deemed appropriate in this case. The accused is a habitual criminal. He has never seen combat, has run away twice when he believed himself approaching it and avows his intent to run away again if he has 'to go out there'."

Review by SJA, Hq ETOUSA., 23 December 1944

"9. Clemency. The power to exercise clemency is a trust; it is not to be granted as a matter of course in any class of cases, but its exercise should depend upon the facts and considerations of military discipline. The record of the accused in civil life indicates that between 1932 and 1938 he was convicted five times and for one instance of assault and battery. In each case he was placed on parole. In 1937 he was sentenced to six months to ten years for embezzlement, and in 1939 was again confined for unlawfully driving away an automobile. The report of the Federal Bureau of Investigation attached to the record does not indicate how much time the accused actually served either in the reformatory or in the State Prison, but his own letter requesting clemency states that he was in jail five years. He was released from parole to be inducted into the military service. The prior offenses are not of sufficient gravity to influence my recommendation in the instant case. However, they indicate a persistent refusal to conform to the rules of society in civilian life, an imperviousness to penal correction and a total lack of appreciation of clemency; these qualities the accused brought with him into his military life. He has obstinately determined not to engage in combat, and on two occasions, the second after express warning as to the results, he deserted. He boldly confessed to these offenses and concluded his confession with "so I ran away again AND ILL RUN AWAY AGAIN IF I HAVE TO GO OUT THEIR." There can be no doubt that he deliberately decided that confinement was preferable to the risks of combat, and that he deliberately sought the safety of the guardhouse. To him and to those soldiers who may follow his example, if he achieves <sup>his</sup> end, confinement is neither deterrent nor punishment. He has directly challenged the authority the authority of the government, and future discipline depends upon a resolute reply to this challenge. If the death penalty is ever to be imposed for desertion it should be imposed in this case, not as a punitive measure nor in retribution, but to maintain that discipline upon which alone an army can succeed against the enemy. There was no recommendation for clemency in this case and none is hereby recommended."

1st Ind. War Department, Branch Office of The  
Judge Advocate General with the European Theater  
of Operations, 6 Jan 1945. TO: Commanding General  
European Theater of Operations, APO 887, U.S. Army

"2. This is the first death sentence for desertion which has reached me for examination. It is Probably the first of the kind in the AMERICAN Army for over eighty years, - there were none in World War I. In this case, the extreme penalty of death appears warranted. This soldier had performed no front line duty. He did not intend to. He deserted from his group of fifteen when about to join the infantry company to which he had been assigned. His subsequent conduct shows a deliberate plan to secure trial and incarceration in a safe place. The sentence adjudged was more severe than he had anticipated, but the imposition of a less severe sentence would only have accomplished the accused's purpose of securing his incarceration ~~and consequent~~ freedom from the dangers which so many of our armed forces are required to face daily. His unfavorable civilian record indicates that he is not a worthy subject of clemency."

6. Did Private Slovik's letter to General Eisenhower requesting clemency, dated Dec 9th 1944 receive consideration as promised?

Receipt acknowledged by letter, Hq. ETOUSA,  
APO 887 19 Dec 1944, s/R.A. McWilliams, Lt.  
Colonel AGD, Assistant Adjutant General

"3. Final action has not been taken upon your case, but you may be sure that the evidence in the record of trial and the matters which you have presented in your letter will be carefully examined and that your plea for clemency will be given every possible possible consideration before final action is taken."

The only other reference was one of negation and possible self-incrimination in the Review by Staff Judge Advocate, Hq ETOUSA, 23, December in par 9 quoted in full on page 4.

"9. Clemency.\*\*\*\*The report of the Federal Bureau of Investigation attached to the record does not indicate how much time the accused actually served either in the reformatory or in the State Prison, but his own letter requesting clemency states that he was in jail five years."\*\*\*\*

GCM RECORD CHECK SHEET, undated, initialed ECM (E.C. McNeil, AJAG and BFR (B. Franklin Riter, Chairman Board of Review)

The mimeograph form could indicate that the letter or the entire record of trial of which it was a part was not examined by a Clemency Section. This is evidenced by the absence of any legible initials pertaining to item 25.

7. If the accused was not furnished a copy of the Record of Trial, as required was he denied fully due process of law?

MCM 1928, P 33 par 41e and P 72 par 85b.\*\*\*\*  
And the Trial Judge Advocate of a General Court-Martial will furnish every person tried by the court who desires one a copy of the Record of Trial\*\*\*\*And a receipt for or (If not practicable to obtain a receipt) a certificate of delivery of each copy furnished under 41e.

Private Slovik specifically stated that he wanted a copy of the Record of Trial on page 5 thereof.

There is no copy of its receipt or a Certificate of Delivery.

It is apparant that the accused was not furnished a copy of the Record of Trial, as documented by the following:

- A. Affidavit by John I. Green, Capt. JAGD, Trial Judge Advocate, dated 29 November 1944 (Incl #1)
- B. Slovik's Receipt for Copy of Record unsigned and not containing a Certificate of Delivery (Incl # 2)
- C. Letter, Headquarters Theater Service Forces European Theater, 29 January 1946, Transmittal of accused's copy of Record of Trial in the case of General Prisoner Eddie E. Slovik (Incl #3)

8. Was the Staff Judge Advocate remiss in his duty by not advising General Eisenhower of an option available to him?

MCM 1928 P 77 par 87b. The authority competent to order the execution of a sentence of dismissal of an officer, or a sentence of death, may suspend such sentence until the pleasure of the President is known. (AW 51)

Neither the Theater Staff Judge Advocate, nor his several assistants that reviewed the case made any reference to the caption or to A.W. 51 MCM 1928 P 217.

Had General Eisenhower been advised of this provision, He could conceivably have requested the pleasure of the President of the United States, who in turn could have conceivably commuted the death penalty.

#### CONCLUSION

Nonconformity with the afore cited captions seriously prejudiced the substantial rights of the accused; and thereby denied the accused fully due process of law as provided by the Articles of War and the Constitution of the United States.

EXHIBITS, ETC., APPENDED

Description	Number	Page where introduced
True Extract copy of SO 94, Headquarters Third Replacement Depot, pertaining to slovik	1	8
True Extract copy of Special Orders No. 183, Headquarters 28th Infantry Division, pertaining to slovik	2	8
True Extract copy of Special Orders No. 132, Headquarters 102th Infantry, pertaining to slovik	3	8
Written confession of Private Eddie D. slovik (Accused)	4	12

RECEIPT FOR COPY OF RECORD

I hereby acknowledge receipt of a carbon copy of the above described record of trial, delivered to me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

\_\_\_\_\_  
(Signature of accused)

AFFIDAVIT

29 November 1944

I, John I. Green, Captain, JAGD 02051818, hereby certify that on 15 November 1944 a copy of the Record of Trial was forwarded to Seipe Disciplinary Training Center, APO 887, U. S. Army where the accused is presently confined, for service upon accused. To date no receipt has been received by this office. Upon receipt of same it will be forwarded for inclusion in the Record of Trial.

*John I. Green*  
 \_\_\_\_\_  
 JOHN I. GREEN  
 Capt., JAGD  
 Trial Judge Advocate  
 Office of Division Judge Advocate

(Incl # 1)

EXHIBITS, ETC., APPENDED

Description	Number	Page where introduced
True Extract copy of SO 54, Headquarters Third Replacement Depot, pertaining to Slovik	1	8
True Extract copy of Special Orders No. 185, Headquarters 28th Infantry Division, pertaining to Slovik	2	8
True Extract copy of Special Orders No. 132, Headquarters 109th Infantry, pertaining to Slovik	3	8
Written confession of Private Eddie D. Slovik (Accused)	4	12

RECEIPT FOR COPY OF RECORD

I hereby acknowledge receipt of a carbon copy of the above described record of trial,

Fill in place and date → \_\_\_\_\_, 19\_\_\_\_

Slovik sign here → \_\_\_\_\_  
(Signature of accused)

(Incl #2)

2910498

HEADQUARTERS  
THEATER SERVICE FORCES  
EUROPEAN THEATER

18 Aug, 45.

AP0 757, US Army  
29 January 1946

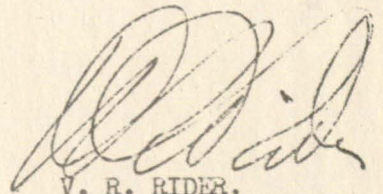
AG 201- Slovik, Eddie D. (Enl) AGP-E

Subject: Transmittal of Record of Trial.

Thru : Commanding General, US Forces, European Theater, APO 757, US Army.  
To : Assistant The Judge Advocate General, Branch Office The Judge Advocate General w/US Forces, European Theater, APO 887, US Army. (St. Cloud).

1. Transmitted herewith is the accused's copy of the record of Trial in the case of General Prisoner Eddie D. Slovik.
2. Records this headquarters fail to reveal the whereabouts of subject General Prisoner.

FOR THE COMMANDING GENERAL:

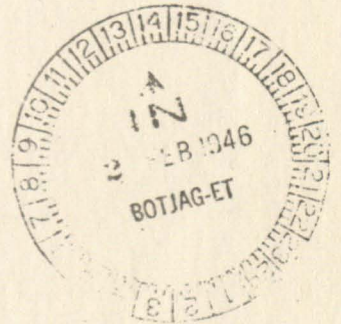


V. R. RIDER,  
Major, AGD,  
Asst. Adj. Gen.

1 Incl: a/s

Tel: FRANKFURT 3-1065

INCL # 3



5555  
9