

Slovik, Eddie D. 36896415

Company G, 109th Infantry

I, Pvt. Eddie D. Slovik, #36896415, confess to the Desertion of the United States Army. At the time of my Desertion we were in Albuff in France. I come to Albuff as a replacement. They were shilling the town and we were told to dig in for the night. The flowing morning they were shilling us again. I was so scared nerves and trembling that at the time the other replacements moved out I couldn't move. I stayed their in my fox hole till it was quite and I was able to move. I then walked in town. Not seeing any of our troops so I stayed over night at a French hospital. The next morning I turned myself over to the Canadian Provost Corp. After being with them six weeks I was turned over to American M.P. They turned me lose. I told my commanding officer my story. I said that if I had to go out their again I'd run away. He said their was nothing he could do for me so I ran away again AND I'LL RUN AWAY AGAIN IF I HAVE TO GO OUT THEIR.

Signed s/s Eddie D. Slovik
A.S.N. 36896415
Rocherat, Belgium
Oct 11, 1944

This statement is made in the presence of Lt. Col. Ross C. Henbest, 0237158, and 1st Lt. Wayne Hurd, O-463853.

I have been told that this statement can be held against me, and that I made it of my own free will, and that I do not have to make it.

Signed:
s/s Eddie D. Slovik

Above statement was signed in the presence of the undersigned:

s/s Ross C. Henbest

ROSS C. HENBEST
Lt Col Infantry

s/s Wayne L. Hurd

WAYNE L. HURD
1st Lt. Inf.

Slovik, Eddie D.

36896415

Company G, 109th Infantry

STATEMENT OF ACCUSED: (Sworn)

24 October 1944.

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

PLEASE REFER TO COMMENTS ON PAGE 24.

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WAR DEPARTMENT
Form 335
Approved by Comptroller of Treasury
July 25, 1919

WAR DEPARTMENT
PUBLIC VOUCHER
PERSONAL SERVICES

VOUCHER NO.

STAMP HERE
NAME, DESIGNATION, AND STATION
OF DISBURSING OFFICER

APPROPRIATION: 60-115 1241-01 ITEM No. 5.05
APPROPRIATION: _____ ITEM No. _____

THE UNITED STATES,
To 1/2 Lt John S. Glover (2285531), Dr.
Address 142 2nd Inf Div., 4th Co., U.S. Army

DATE		CHARACTER OF SERVICES	NUMBER OF DAYS	RATE	AMOUNT
From	To				
11 Nov	11 Nov	For Steno-graphic services - reporter for C. G. O. Under authority of <u>Law 2, of 171, Ex 2048, 1917</u> Dated <u>15 August</u> , 19 <u>19</u> Per attached certified statement, Form 335a, which is hereby made a part of this voucher whenever used. Less deduction for _____			5.05
NET AMOUNT OF THIS VOUCHER					5.05

I CERTIFY that the above bill is true and correct, and that payment thereof has not been received, or (that I am not related to the patient named on certificate).
(DO NOT SIGN IN DUPLICATE)

EXAMINED BY

In cases where certificate below does not apply, the Certifying Officer must sign proper certificate on reverse hereof, and enter the number of the certificate signed (.....).

The certificate thus accomplished becomes a part of this voucher.
I CERTIFY that the foregoing account is correct; that it appears from the records of my office that the person named thereon was legally appointed or employed; that he has performed the service required by law and the regulations of the War Department during the period mentioned; that such service, except as otherwise indicated on attached statement, has been performed under my supervision; that the person whose name appears in the foregoing voucher is not paid for any period of absence in excess of that allowed by law; that he is entitled to the amount of pay stated above, and that any detail is indicated on statement attached hereto.

APPROVED for \$ 5.05

(Title)

Date 15 December, 1919

Paid by check No. _____, dated _____, 19____, for \$ _____

OR—
Received _____, 19____, of _____, in CASH, the sum of _____ dollars and _____ cents, in full payment of the above account.

(DO NOT SIGN IN DUPLICATE)

\$ _____ GOVERNMENT PRINTING OFFICE 3-7671

(1) Reporter. (Certificate as applied to old Form 339.)

I CERTIFY that _____ was employed by me as a reporter for _____ under the attached authority, and that the account for his services as stated is correct. _____ is not prohibited by any provisions of law limiting the availability of the appropriation involved.

(2) Medical Attendance or Hospital Care and Treatment. (Certificate as applied to old Forms 353 and 355.)

I CERTIFY that the account as stated on the face hereof is correct; that the services were rendered and the medicines furnished in the care and treatment of the persons named; that they were necessary for the public service; that, of the said persons, the officers, enlisted men, contract surgeons, and nurses were on duty, the prisoners were in military custody, and the applicants for enlistment were held under observation at the time and place of treatment specified; that the services of a medical officer or contract surgeon of the Army could not be obtained because _____; or that treatment in civil hospital was necessary, no Army hospital being available, and was ordered by _____

(Official title)

(3) Examination and Vaccination of Recruits. (Certificate as applied to old Form 354.)

I CERTIFY that the account as stated on the face hereof is correct; that the services were rendered; that they were necessary for the public service; that the men examined were applicants for enlistment, and the men vaccinated were recruits enlisted and duly sworn, or applicants accepted for enlistment; and that the services of a medical officer or contract surgeon of the Army could not be obtained because _____

(Official title)

(4) Nursing. (Certificate as applied to old Form 356.)

I CERTIFY that the services of a nurse were indispensable to the proper care of the patient named on the face hereof; that the nurse was competent; that the services were rendered as claimed; and that the charges do not exceed those customary in this vicinity for competent nurses.

M. D.,
Attending Physician.

I CERTIFY that the account as stated on the face hereof is correct; that the patient named therein was (on duty) (in military custody) (held under observation) at the time and place specified; and that care in an Army hospital or by a properly qualified attendant of the Medical Department could not be obtained because _____

(Official title)

(5) Fitting Artificial Limbs. (Certificate as applied to old Form 374.)

I CERTIFY that the above examinations and fittings were necessary for the public service; that the records of this office show that they were made by the claimant; and that the fees claimed do not exceed those authorized by the Surgeon General for such service. This voucher is approved by order of the Surgeon General.

(Official title)

(6) Payment of Reward for Apprehension of Deserter or Escaped Military Prisoner. (Certificate as applied to old Form 349.)

I CERTIFY that the person named on the face hereof has arrested and this _____ day of _____, 19____, actually delivered to me the before-named _____ (an escaped military prisoner) or (a deserter from the military service) of the United States and is entitled to the authorized reward for said service, *and that _____ has no right to claim exemption from trial and punishment for desertion under the provisions of Article 39, Articles of War (39 Stat. 656).

(Signature of officer)

(Official designation)

This account is hereby approved for \$ _____, and the commander of the company or detachment to which the deserter belongs has been officially notified.

(Signature of approving officer)

(Official designation)

* Omit this clause if voucher is on account of an escaped military prisoner.

F 80

Form 335-A

To Be attached to Form 335
voucher 10.

WAR DEPARTMENT

Statement of Personal Services

The United States

To: S/Sgt John S. Clapper (20305031)

Date

From	To	Character of Services Rendered	Amount
1944	1944		
11 Nov	11 Nov	Stenographic services - transcribing notes of 5,405 words at 10¢ per 100 words General Court Martial case of Private Eddie D. Slovak, Company H, 109th Infantry. 1942-45 212/50425 63-115 1441-01	65.25

(This statement must be completely made out by payee before certification and attached to voucher. There must be no alteration or erasure.)

I certify that the above statement is true and correct, and that the amounts are the customary charges and not excessive.

John S. Clapper (20305031)
Hq 29th Inf Div, APO 23, U.S. Army

THIS IS SERGEANT JOHN S. CLAPPER'S BILL FOR RECORDING, TRANSCRIBING AND TYPING 17 PAGES OF THE "RECORD OF THE TRIAL PROPER" IT REPRESENTS LESS THAN 3 CENTS PER PAGE, WHICH WAS NOT MUCH MORE THAN THE COST OF THE PAPER UPON, WHICH IT WAS WRITTEN. *J.S.C.*

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WAR DEPARTMENT
MESSAGEFORM

Date 19 Nov 44

File No. 126

Telephone No Holiday 17

Office of origin Headquarters 28th Infantry Division Judge Advocate
(Arm or service) (Division) (Branch) (Section) (Symbol)

Address APO 28 U.S. Army

To: BRANCH OFFICE JUDGE ADVOCATE GENERAL
WITH ETO, APO 887, U. S. ARMY

PRECEDENCE

WIRE OR RADIO	ESSENTIAL MILITARY MAIL
Urgent.....	Air mail.....
Priority *.....	Special delivery.....
Routine.....	Ordinary.....
Deferred.....	Registered.....
Week end.....	

Any message not X'd for precedence will be sent "Deferred." Initial of officer assigning precedence

MESSAGE:

SOLDIER CONVICTED BY GENERAL COURT MARTIAL FOR DESERTION SENTENCED TO BE DISHONORABLY DISCHARGED THE SERVICE TO FORFEIT ALL PAY AND ALLOWANCES DUE OR TO BECOME DUE AND TO BE SHOT TO DEATH WITH MUSKETRY STOP IS ENTIRE SENTENCE LEGAL STOP CAN REVIEWING AUTHORITY APPROPRIATELY APPROVE SENTENCE AND FORWARD RECORD UNDER AW 48 OR SHOULD FINAL ACTION APPROVE SENTENCE EXCEPTING PORTION ADJUDGING DISHONORABLE DISCHARGE AND TOTAL FORFEITURES END

COTA
28TH INF DIV

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LAB V FAH NRSE - P P - - CONFIDENTIAL -

JASFC

FROM: EUROPEAN T OF OPNSH:753: 221500A
TO COMMANDING GENERAL 28TH INFANTRY DIVISION
INFO:

BT

E 66019 CONFIDENTIAL

DISHONORABLE DISCHARGE AND TOTAL FORFEITURES IMPOSED BY A GENERAL COURT MARTIAL IN ADDITION TO DEATH SENTENCE UPON CONVICTION FOR DESERTION IN VIOLATION OF ARTICLE OF WAR FIFTY EIGHT IS SURPLUSAGE AND VOID PD PAREN SIGNED EISENHOWER PAREN N SUCH SENTENCE IS SEPARABLE AND THE REVIEWING AUTHORITY MAY CMA PURSUANT TO ARTICLE OF WAR FORTY SEVEN M// CMA APPROPRIATELY DISREGARD THE VOID PART AND APPROVE ONLY SO MUCH THEREOF AS IS LEGAT BT 2013A

BT 221500A

AS CCNS: LST WD LINE 3 SURPLUSAGE IMI SURPLUSAGE

F.A.T. AR

LAB RD.....251835A WHH AR

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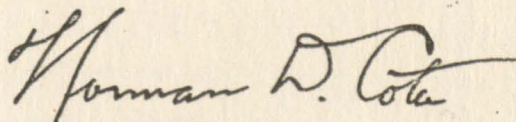
File in 260500

FOR THOSE UNTRAINED IN THE LAW, IN LEGAL PARLANCE
"LEGAT" MEANS "LEGAL" AND SURPLUSAGE, SUPERFLOOUS

E P H

HEADQUARTERS, 28TH INFANTRY DIVISION
APO 28, U. S. ARMY
27 November 1944

In the foregoing case of Private Eddie D. Slovik, 36896415, Company G, 109th Infantry, only so much of the sentence as provides that the accused be shot to death with musketry is approved and the Record of Trial forwarded for action under Article of War 48.



NORMAN D. COTA
Major General, U.S.A.
Commanding

Follows page 17

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WAR DEPARTMENT
Headquarters, 28th Infantry Division
Office of the Staff Judge Advocate

MEMORANDUM to accompany the record of trial in the case of:

Private Eddie D. Slovik, 36896415, Company 3, 109th Infantry

who was tried at Rotzen, Germany

on charges alleging violation of: _____

<u>CHRONOLOGY</u>	<u>DATE</u>	<u>NO. OF DAYS</u>	<u>EXPLANATION</u>
1. Offense committed:	25 Aug 44; 8 Oct 44		
2. Accused confined:			
By civil authorities			
By military authority			
By military authority ordering trial	9 Oct 44	-	
Reconfined from escape			
3. Charges preferred:	19 Oct 44	10. . . .	Unit in combat; loss of personnel and difficulty in obtaining data on which to base charges prevented more expeditious handling.
4. Charges investigated:	24 Oct 44	5.	
5. Charges forwarded by C.O.:	25 Oct 44	1	
6. Charges received, J.A.:	26 Oct 44	1 Chgs referred to I.O 22 Oct 44.
7. Charges - action Staff J.A.:	28 Oct 44	2. . . .	Div Rear Ech involved in change of station.
8. Charges referred for trial:	29 Oct 44	1	
9. Trial had:	11 Nov 44	13. . . .	Trial scheduled for 3 and 4 Nov 44 but unit in combat and witnesses unavailable until 11 Nov 44.
<u>Total to trial</u>		<u>33</u>	
Less time in hospital		-	
Less delay at request of defense		-	
<u>Net total</u>		<u>33</u>	
10. Record of trial received:	14 Nov 44	3	
11. Review by Staff J.A.:	26 Nov 44	12. . . .	Review tentatively completed 18 Nov 44 but held pending receipt of opinion from BCJAG as to legality of sentence; opinion rec'd 26 Nov 44.
12. Action by Commanding General:	27 Nov 44	1	
<u>Total to Action C.G.</u>		<u>49</u>	
13. Mimeo. orders received:		-	
14. Record of trial mailed to CG, ETO XXXXXX. under AW 48 :	30 Nov 44	3	
<u>Total</u>		<u>52</u>	

Date 20 November, 1944.
Remarks:

43

Henry J. Sommer
Henry J. Sommer
Lt Col., JAG
Division Judge Advocate

All delays must be fully explained.
Disregard first day; count day action taken.

2004

(LEAVE THE SPACE ABOVE THIS LINE FOR BINDING)

REVIEW OF THE STAFF JUDGE ADVOCATE

Staff Judge Advocate, Hq, 28th Inf Division, AFO 28, U.S. Army, 26 November, 1944

To: The Commanding General, 28th Infantry Division

1. The RECORD OF TRIAL BY GENERAL COURT-MARTIAL of the following named accused having been referred to me under the provisions of the 46th Article of War before action thereon by the reviewing authority, I submit herewith my review, with opinion and recommendation and reasons therefor, as required by paragraph 87 b of the Manual for Courts-Martial.

2. SYNOPSIS OF THE RECORD, AND OF THE OPINION AND RECOMMENDATION

Slovik Eddie D. 36806415 Private Co. G, 100th Inf

Tried at Rotgen, Germany on 11 November, 1944 Days awaiting trial 32

Age (nearest birthday): 24 8/12 years Color: White

Length of service : 9 months

Character of service : Poor

Previous convictions : None

Opinion of the Staff J.A. } Reversible errors, under 37th A. W.: None Findings of court legally sustained: Yes

DISHONORABLE DISCHARGE CONFINEMENT FORFEITURE, \$

Maximum punishment (Based on legally sustained findings) : Yes Death or life imprisonment U.S. Pen.

Sentence adjudged by court : Yes Death by shooting

Recommendation of Staff J.A. } (sentence): Yes Death by shooting

CHARGES

NOTE: DEATH WAS NOT MANDATORY. EOPD

Table with columns: Violation of A.W. No., Gist of Offense, Pleas, Findings, Legally sustained. Includes charges Sp 1 and Sp 2.

copy for A.G.O.

17 OCT 1945 5555

Slovik, Eddie D. 36826415 Company G, 109th Infantry

STATEMENT OF 2d Lt. Thomas F. Griffin.

At 0900, 9 October 1944, Private Eddie F. D. Slovik, Company G, 109th Infantry, surrendered to me at the Civil Affairs Detachment, 112th Infantry in Rocherath, Belgium.

Thomas F. Griffin
THOMAS F. GRIFFIN
2nd Lt, CIP

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Sheet No. 6

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Slovik, Eddie D. 36896415

Company G, 109th Infantry

HEADQUARTERS, COMPANY G
109TH INFANTRY
APO 28, U. S. ARMY

A F F I D A V I T

22 October 1944

I have been with Company G, 109th Infantry, since our landing in France. I was with the company when a group of replacements joined us at Elbeuf, France. Private Eddie D. Slovik was not one of those who joined us. The town was being heavily shelled and those replacements who did join us had a great deal of difficulty in finding us. Private Slovik did not join us until 8 October 1944.

John W. Ellis
JOHN W. ELLIS
S/Sgt., 20740764
Plat Guide, Co G.

Sworn and subscribed to before me
this 22 day of October 1944.

John E. McDonald
JOHN E. MCDONALD
WOJG, USA
Assistant Adjutant.

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Slovik, Eddie D.

36896415

Company G, 109th Infantry

HEADQUARTERS, COMPANY G
109TH INFANTRY
APO 28, U. S. ARMY

A F F I D A V I T

22 October 1944

I have been Communications Sergeant of Company G, 109th Infantry, since our landing in France. I was present when a group of replacements joined this company at Elbeuf, France, on or about 25 August 1944. Private Eddie D. Slovik was not with this group of replacements. The town was under heavy shelling and a few of our replacements were hit before they reached us. Private Slovik did not join this company until 8 October 1944.

Coysd A Fouts

COYD A. FOUTS
Sgt., 39199541
Commo Sgt, Co G.

Sworn and subscribed to before me
this 22 day of October 1944.

John E. McDonald
JOHN E. McDONALD
WOJG, USA
Assistant Adjutant.

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Sheet No. 8

Slovik, Eddie D.

36896415

Company G, 109th Infantry

HEADQUARTERS, COMPANY G
109TH INFANTRY
APO 28, U. S. ARMY

A F F I D A V I T

22 October 1944

I came from The 3rd Repl Depot on or about 25 Aug 44 with a group of replacements to join the 28th Division. At the Casual Co 28th Division about fifteen (15) of us were assigned to Company "G" 109th Infantry. Pvt. Slovik was one of the group, I had known Pvt. Slovik since about 25 July 1944. We were sent by trucks to our organization at Elbeuf, France. We detrucked at the edge of Elbeuf and we were led by a non-commissioned officer to a open lot and he told us to dig in. About 2300 we moved again into the city to join our company. There was a great deal of confusion in trying to join our outfit, due to shelling and other troop movements but we finally joined our organization the next morning.

The last time I saw Pvt. Slovik was during the confusion of the movement that night.

George F. Thompson
GEORGE F. THOMPSON
Pvt., 35244119
Co "G" 109th Inf.

Sworn and subscribed to before me
this 27 day of October 1944.

John E. McDonald
JOHN E. McDONALD
WOJG, USA
Assistant Adjutant

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Slovik, Eddie D.

36896415

Company G, 109th Infantry

HEADQUARTERS, COMPANY G
109TH INFANTRY
APO 20, U. S. ARMY

A F F I D A V I T

22 October 1944

On or about 24 August 1944, while coming in as replacements from the Third Replacement Depot, I got as far as the 28th Casual Company. We were then assigned to Company G, 109th Infantry, and sent into Elbeuf, France, on trucks. Private Eddie D. Slovik was one of the replacements. I had known Private Slovik since 25 July 1944, at Camp Meade, Maryland. Arriving there at about 1900, fifteen (15) of us were told to follow some non-commissioned officer into town and join our unit.

During that movement, the column was broken by enemy fire and some of us got lost, I was one of them. That evening, the town was shelled and I dug in and stayed there that night and the next morning, only. The next thing I knew, when I moved onto the road that morning, there were Canadian troops in town. Therefore, I attached myself to the Canadian Provost and stayed with them. After being with them for three (3) days, until on or about 28 August 1944, I wrote to the 109th Infantry, asking them what I should do. I met Private Slovik on the third day and he also stayed with the Canadian Provost Corp. One week later, about 4 September 1944, the Canadian Provost Commanding Officer wrote to the 109th Infantry, asking them what he should do with us. Meanwhile, we were under their command and we cooked and drove and done odd details, including assisting with the prisoners. One day they got a new Commanding Officer and he asked why the Provost Corp had "Yanks" with them.

The Canadians explained to the Commanding Officer that we, Private Slovik and I, were awaiting a reply from the 109th Infantry. He explained that he would make the necessary arrangements to get us to our outfit.

Two days later, we were transported to Brussels, Belgium. We stayed there two nights and were then sent to Spa, Belgium on 7 October 1944, where we joined an American IP Detachment.

On 8 October 1944, we arrived in Rocherath, Belgium, and joined Company G, 109th Infantry.

John P. Tankey

JOHN P. TANKEY
Pvt., 36897867

Sworn and subscribed to before me
this 22 day of October 1944.

John E. McFarland
JOHN E. MCFARLAND
MAG, USA
Assistant Adjutant.

I TRIED TO CONTACT PRIVATE JOHN P. TANKEY THROUGH THE DIVISION AMERICAN RED CROSS REPRESENTATIVE, BUT TO NO AVAIL PRIVATE TANKEY HAD BEEN SERIOUSLY WOUNDED AND EVACUATED, AND HIS WHEREABOUTS UNKNOWN.

PRIVATE TANKEY WAS AWARDED THE PURPLE HEART FOR HIS WOUNDS AND A BRONZE BATTLE STAR. HE WAS NOT TRIED FOR BEING ABSENT WITHOUT LEAVE. I MET HIM JUST BEFORE HIS RETIREMENT AS A PURCHASING AGENT FOR THE CHRYSLER CORPORATION IN DETROIT. HE IS A VERY FINE PERSON AND WELL RESPECTED

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(LEAVE THE SPACE ABOVE THIS LINE FOR BINDING)

Private Eddie D. Slovik (Summary of Evidence, continued)
(name of accused)

STATEMENT OF ACCUSED

The accused, after full explanation of his rights and privileges in accordance with paragraph 35a, M.C.M., made in substance the following statement:¹

statement attached - (See sheet one (1), following)
Additional Statement - (See sheet two (2), following)

DOCUMENTS, MATERIAL EVIDENCE, AND OTHER MATTERS

The following documents, material evidence, and other matters have been considered.²

- Extract SO 94, Hq 3rd Repl Depot, 19 Aug 44 - (See sheet 3, following)
- Extract SO 183, Hq 28th Inf Div, 26 Aug 44. (See sheet 4, following)
- Extract Morning Report, Co G, 109th Inf, 9 Oct 44. (See sheet 5, following)
- Extract SO 132, Hq 109th Infantry, 30 Aug 44 (See sheet 6, following)
- Extract Provost Marshall List No. 6, 1st US Army, 11 Oct 44
(See sheet 7, following)

THE FIRST SERGEANT OF COMPANY G, 109TH INFANTRY WAS EVACUATED AS A CASUALTY. HE HAD THIS REPORT ON HIS PERSON AT THE TIME. IT PROBABLY SHOWED THE NOTATION THAT PRIVATE SLOVIK'S STATUS WAS THAT OF BEING ABSENT WITHOUT LEAVE, WHICH SLOVIK ADMITTED IN HIS CONFESSION.

G. J. [Signature]

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¹ If "None", so state. If attached on a separate sheet, make reference here: e.g. "See Sheet _____ following". Accused should be permitted to sign his statement and to swear to it if he so desires, but should not be required to do either.

² List documents first (referring to "Sheet _____ following" where original or acceptable copy is attached). Next list material evidence considered, indicating its custody or where it may be found. Finally add comments and other matters which may be relevant (see Instructions). Use additional sheets, as necessary.

Attach each document to a separate sheet of this size (if the document itself is not of this size), mark at top with name of accused, and number at bottom.

103d Ch. Stat.
APO SF.

26 October 1944
Belgium

Informal Memorandum:

I have this date interviewed Pvt. Eddie D. Slovik, 36896415 Co. D, 109th Inf. & find him to show no evidence of mental disease at this time & I consider him sane & responsible for his actions at this time.

From his story there is no evidence that he was other than sane & responsible at the time of his alleged offenses. He has never sought medical attention regarding any physical or nervous complaints by his own admission.

Arthur Burke
Captain
Res. Neuro-psychiatrist

I KNEW CAPTAIN BURKE QUITE WELL AND CONSIDERED HIM MY FRIEND. ALTHOUGH I AM NOT A PHYSICIAN I CONCURRED IN HIS FINDINGS. I HAD FIRST HAND EXPERIENCE IN OBSERVING MANY OFFICERS AND SOLDIERS WHO WERE HIGHLY EMOTIONALLY STRESSED, BEFORE DURING AND AFTER COMBAT. IN MY OPINION PRIVATE SLOVIK FROM OUR FIRST OF SEVERAL MEETINGS BEFORE THE TRIAL, DURING THE TRIAL WAS MENTALLY EMOTIONALLY AND PHYSICALLY CAPABLE FOR COMBAT

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Sheet No. 11

EDP

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Slovik, Eddie D. 36896415

C ompany g, 109th Infantry

HEADQUARTERS
THIRD REPLACEMENT DEPOT
APO 153

SO 94

19 August 1944

E X T R A C T

30. Following named replacement EM are reld fr atchd-unasgd this
orgn and are trfd to 28th Inf Div. Auth: VCOG, GFRS and Unit Req 18,
15 August 1944.

*	*	*	*	*	*	*	*
Slovik, Eddie D.		Pvt	36896415	745			
*	*	*	*	*	*	*	*

By order of Colonel PIRTLE:

G. K. GIFFORD,
Major, AGD,
Asst Adj Gen.

/s/ G. K. Gifford,
/t/ G. K. GIFFORD,
Major, AGD,
Asst Adj Gen.

A TRUE EXTRACT COPY:

David D White
DAVID D. WHITE,
Captain, AGD,
Asst Adj Gen.

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~~Prosecution Exhibit~~ + 68N
11 Nov 44
pc

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Slovik, Eddie D. 36896415

m Company G, 109th Infantry

SPECIAL ORDERS)
NUMBER 183)

HEADQUARTERS, 28TH INFANTRY DIVISION,
APO 28, U. S. ARMY.

26 August 1944.

EXTRACT

1. The following named personnel having rptd this hq per SO 94 Hq 3d Repl Depot dtd 19 Aug 44 are asgd to units indicated:

109TH INF

*	*	*	*	*	*	*	*	*
Pvt Eddie D Slovik	36896415	745						
*	*	*	*	*	*	*	*	*

By command of Brigadier General COTA:

CHARLES H. VALENTINE,
Colonel, GSC,
Chief of Staff.

P. M. KIENZLE,
Lt Colonel, AGD,
Adjutant General.

A TRUE EXTRACT COPY:

David D White
DAVID D. WHITE,
Captain, AGD,
Asst Adj Gen.

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~~Procurement Exhibit #2~~
" now 44
PC -4-

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Slovik, Eddie D.

36896415

C ompany G, 109th Infantry

R E S T R I C T E D

SPECIAL ORDERS)

NUMBER 132)

HEADQUARTERS 109TH INFANTRY
APO 28, U. S. ARMY
30 AUGUST 1944

* * * * *

3. Having r ptd to this hq in compliance with par 1 SO 183
Hq 28th Inf Div dtd 26 Aug 44 Pvt Eddie D Slovik 36896415 MOS 745
is hereby assigned to Co G.

* * * * *

By order of Colonel BLANTON:

CARL L. PETERSON
Lt. Colonel, Infantry
Executive Officer

OFFICIAL:

E. L. McLEOD
Captain, Infantry
Personnel Officer

CERTIFIED A TRUE COPY:

E. L. McLeod
E. L. McLEOD
Captain, Infantry
Personnel Officer

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Rescued in Exhibit 3
"Nov 44"
CC
EON

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Slovik, Eddie D.

36896415

Company G, 109th Infantry

COPY

COPY

~~CONFIDENTIAL~~

HEADQUARTERS
FIRST UNITED STATES ARMY
APO 230

11 October 1944

PROVOST-MARSHALL LIST NO. 6

EXTRACT*****EXTRACT*****EXTRACT

<u>NAME</u>	<u>GRADE</u>	<u>ASN</u>	<u>UNIT</u>	<u>APPREHENDED BY</u>	<u>DATE</u>
Burns, Joseph P	Sgt	20302217	109th Inf Regt	509th MP Bn	8 Oct
Simon, Paul J	Pvt	15059578	109th Inf Regt	509th MP Bn	8 Oct
Gardner, Lester H	Pvt	Unknown	110th Inf Regt	509th MP Bn	8 Oct

* * * * *

TURNED OVER TO

Conklyn, Frederic E	Pvt	31410365	110th Inf Regt	507th MP Bn	7 Oct
Clugston, Alfred R	Pfc	33510629	110th Inf Regt	507th MP Bn	7 Oct
Slovak, Eddie D	Pvt	36896415	109th Inf Regt	507th MP Bn	7 Oct

* * * * *

CERTIFIED A TRUE COPY

E. L. McLeod

E. L. McLEOD
Captain, Infantry
Personnel Officer

-7-

~~CONFIDENTIAL~~

5555

5555

-7-

E-5 (i)

(WRITE NOTHING ABOVE THIS LINE)

(Signature of accuser)

Ralph O. Grotte

RALPH O. GROTTÉ
Captain, Infantry
Cmdg Co G, 109th Inf.

(Grade, organization, or form of service)

AFFIDAVIT

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above-named accuser this 19th day of October, 1944, and made oath that he is a person subject to military law and that he personally signed the foregoing charges and specifications, and further that he* has personal knowledge of the matters set forth in specification/

1 and 2 of the Charge and the Charge

(Indicate by specification and charge numbers)

forth in specifications

(Indicate by specification and charge numbers)

are true in fact, to the best of his knowledge and belief.

(Signature)

John E. McDonald

JOHN E. McDONALD
WOJG, USA, Assistant Adjutant
109th Infantry

(Official character, as summary court, notary public, etc.)

NOTES.—At (*) strike out words not applicable.

If the accuser has personal knowledge of the facts stated in one or more specifications or parts thereof, and his knowledge as to other specifications or parts thereof is derived from investigation of the facts, the form of the oath will be varied accordingly. In no case will he be permitted to state alternatively, as to any particular charge or specification, that he either has personal knowledge or has investigated.

If the oath is administered by a civil officer having a seal, his official seal should be affixed.

1st IND.

Headquarters 28th Infantry Division, APO 28, U.S. Army, 29 October, 1944
(Place) (Date)

Referred for trial to 1st Lt. John I. Green, JAGD, Hq 28th Inf Division, Trial
(Grade, name, and organization of summary court, or trial judge advocate)

Judge Advocate of GENERAL court-martial appointed by paragraph 1, Special Orders No. 174
(Summary) (Trial judge advocate of special or general)

Headquarters, 28th Inf Division, 16 August, 1944 *

By command of Major General COTA
(Command or order) (Grade and name of commanding officer)

016-27760-1

P. M. Kienzie

P. M. KIENZIE,
Lt. Colonel, A.G.D.,
Adjutant General

Adjutant.

* as amended by paragraph 12, Special Orders No. 204, Headquarters, 28th Inf Division, 25 September 1944.

F-5 (v)

(LEAVE THE SPACE ABOVE THIS LINE FOR BINDING)

Frieta Eddie D. Slavik
(name of accused)

(2nd Ind., continued)

9. I have considered the following personal data concerning accused:

Present age : 24 6/12
(verified by accused)
Length of service : 9 months.
Character of service: Poor
(prior to this offense)
Previous convictions: None

In my opinion he ~~should~~¹ be eliminated from the service

10. I recommend ~~Trial by General Court-martial.~~

Incls:

Charge Sheet
Summary of Evidence

William F. Traill
William F. Traill Investigating Officer.
Lt. Colonel, Infantry
3rd Ind.

Hq. 10th Infantry APO 28, U.S. Army 25 October, 1944

To: Commanding General, 5th Infantry Division, APO 25, Hawaii

1. The charges herewith against the above-named accused person over whom I exercise court-martial jurisdiction have been thoroughly and impartially investigated, as required by the 70th Article of War.

2. I have considered the Investigating Officer's report and recommendations, and I recommend ~~trial by General Court-Martial.~~

Incls:

No change.

Daniel B. Strickler
DANIEL B. STRICKLER Commanding.²
Lt. Colonel, Infantry

HIS CHARACTER SHOULD HAVE READ "GOOD" AND "FAIR" FROM HIS SERVICE RECORD. *E.P.P.*

1 Enter "should" or "should not". Add statement of reasons, e.g. "because of moral turpitude involved", or other appropriate comment in explanation of opinion and recommendation.
2 This indorsement must be signed, personally, by the officer exercising court-martial jurisdiction over the accused, and not by an adjutant or other subordinate. State reasons as desired, using space below and additional sheets as needed.

5555

INSTRUCTIONS

(Numbers refer to paragraphs of Investigating Officer's Indorsement)

(1) This is a statement that the detailed Notes for Investigating Officers (locally supplied) have been followed throughout the investigation, to the extent applicable. It is especially important that the explanations to the accused there indicated be made carefully and fully.

(2) The Summary of Evidence will be entered on the form provided, in accordance with the instructions thereon.

(3, 4, 5, 6) The charges and specifications affected will be listed by numbers only, e.g. Sp. 1, Ch II, or as "The Sp." or "The Ch." or "The Ad. Ch." (The Additional Charge), if there be but one. In a proper case enter "None".

(4) Examples: "AWOL instead of desertion charged in Ch. II"; "wrongful conversion' instead of embezzlement charged in Sp. 2, Ch. I".

(5) If the additional charge indicated is logically within the scope of the investigation ordered (e.g., a larceny charged appears on investigation to have been actually an embezzlement, or the evidence in a desertion case indicates a breach of arrest not charged which is pertinent as evidence of intent to desert) the Investigating Officer should draft such additional charge, have it sworn to (provided, of course, that the accuser is willing) and include it in his investigation and report.

(6) Minor changes, which may be made over the signature of the accuser, should be noted here. If minor charges are improperly joined with serious charges (See par. 27, M.C.M.) this should be noted, with appropriate recommendation. Add other comment as may be appropriate. If "none", so state.

(8) If this statement is not correct, do not use this form, but make a special report to the commanding officer, stating the ground for your belief, with recommendations as contemplated in paragraph 35 c, M.C.M.

If accused is charged with desertion add in the space following a statement to the effect: "Report of physical examination, included in Summary of Evidence, indicates that accused is physically (fit) (unfit) for duty."

(9) If the offense charged (and of which accused appears to be guilty) does not involve moral turpitude, necessitating the elimination of the offender from the service in any event, make a brief estimate of accused's general worth to the service, based on inquiries extending beyond the scope of the formal investigation (e.g., informal conversation with the accused himself and with his organization commander). If it appears probable that the accused will ultimately be restored to an honorable duty status, even though convicted and sentenced to be dishonorably discharged, consideration should be given to the advisability of trying him by inferior court-martial.

Include in this paragraph any further special comment that the case may appear to merit.

THIS WAS NOT DONE BY THE INVESTIGATING OFFICER.

Before submitting your report arrange as follows:

(a) Separate the original copy from the carbon copies of the entire correspondence and inclosures;

(b) Arrange the original and carbon copies of the correspondence (separately) in the order prescribed in paragraph 52, AR 340-15, with the most recent indorsement (your report of investigation, with the carbon copies of the last sheet) at the top;

(c) Attach to the original copy of the correspondence the original charge sheet, followed by the original copy of the summary of evidence, including documents (e.g., extract copy of morning report, affixed to sheet of legal cap size) on consecutive numbered sheets, as indicated in the instructions on the printed forms;

(d) Insert accused's carbon copy of the summary of evidence (with notation of the absence of any document not available in duplicate) within the fold of his carbon copy of the charge sheet, and mark "For Accused".

THIS WAS NOT DONE BY THE INVESTIGATING OFFICER

18

E-7 (5)

(LEAVE THE SPACE ABOVE THIS LINE FOR BINDING)

ADVICE OF STAFF JUDGE ADVOCATE

Staff Judge Advocate, No. 28th Inf Division, AFO 28, U.S. Army, / 28 October 1944

To: The Commanding General, 28th Infantry Division

1. The attached charges have been referred to me for consideration and advice under the provisions of the 70th Article of War and par. 35 b of the Manual for Courts-Martial. I have carefully examined and considered the charges and accompanying papers, including the report of the investigation made in compliance with the 70th Article of War, and submit herewith my report and recommendations.

2. a. PERSONAL DATA concerning the accused, as shown by the records:

Slovik Eddie D. 36896415 Private Co G, 100th Infantry
(Last name) (First name and middle initial) (Army Serial No.) (Rank) (Organization)

Age (nearest birthday) : 24 8/12 years

Length of service : 9 months

Character of service (prior to this offense) : Poor

Previous convictions : None

Restoration probable? (if convicted and sentenced to be dishonorably discharged) : No

b. SUMMARY OF THE CHARGES. Each specification alleges, in correct form, an offense under the Article of War alleged to have been violated.

Violation of A.W. No.

Gist of Offenses

Ch - 58

Sp 1: Did at Elbeuf, France, 25 August 1944, desert with intent to avoid hazardous duty and to shirk important service, to wit: action against the enemy, and did remain in desertion until delivered to United States military authorities by Canadian military authorities at Brussels, Belgium, 4 October 1944.

Sp 2: Did at Rocherath, Belgium, 8 October 1944, desert with intent to avoid hazardous duty and to shirk important service, to wit: action against the enemy, and did remain in desertion until he surrendered himself at Rocherath, Belgium, 9 October 1944.

c. A great deal of difficulty has been encountered in obtaining information as to the facts in this case. The accused's company lacks morning report entries relative to him. The First Sergeant has been evacuated as a casual and took some of the papers with him and the accused has been in and out of numerous military organizations which have failed to forward reports on him. On 13 October 1944, this office drafted partially completed charges on the basis of an almost unintelligible mass of papers submitted by the Regimental Personnel Officer. Since then further investigation has provided additional information.

d. The charges have been redrafted at this office since investigation to incorporate minor changes necessary to make them conform with the testimony.

HIS CHARACTER SHOULD HAVE READ "GOOD" AND "FAIR" FROM HIS SERVICE RECORD

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(1) "MISSING MORNING REPORT" (SEE PAGE 40. 49 (2) THIS WAS NOT A "MINOR REDRAFT" BUT A MAJOR ONE REFER TO MY PERSONAL REVIEW PAGES 13 AND 14, paragraph 2.

E7C

3. EVIDENCE.

a. Competent evidence of all details of the offenses alleged is included in the summaries submitted by the investigating officer.

b. The accused, enroute to join his unit as a replacement, 25 August 1944, deserted by remaining in his fox hole when the rest of the replacements moved out at Elbeuf, France, 25 August 1944. He surrendered to, or was apprehended, by Canadian military police who held him until about 4 October 1944 when they turned him over to some United States military authority at Brussels, Belgium. Upon reaching his company 8 October 1944, he asked to be court-martialled for desertion and inquired whether if he went absent again it would be desertion. Assured that it would be, he immediately went absent without leave again, surrendering the following day to the Regimental Military Government officer of the 112th Infantry. He has stated in writing and repeated, that he ran away and would run away again if he has to "go up there".

4. OPINION.

The charges are appropriate to the evidence and are sustained thereby, warranting trial by court martial.

5. RECOMMENDATION.

All officers through whose hands these charges have passed recommend trial by General Court Martial and the undersigned concurs.

Henry J. Sommer
Henry J. Sommer
Lt Col., JAGD
Division Judge Advocate

THIS WAS UNFAIRLY TAKEN OUT OF CONTEXT TO THE PREJUDICE OF THE ACCUSED.

COLONEL SOMMER WAS FINE OFFICER AND GENTLEMAN AND AN EXCELLENT DIVISION JUDGE ADVOCATE. HE PERSONALLY COUNSELED SLOVIK, WHICH WAS ABOVE AND BEYOND THE REQUIREMENTS OF HIS POSITION.

COLONEL SOMMER, UNDERSTANDABLY AT THIS POINT LOST PATIENCE WITH SLOVIK AND KNOWINGLY OR OTHERWISE "THREW THE BOOK" AT SLOVIK. *ESW*

CHARGE : Violation of the 58th Article of War.

Specification :

Specification 1: In that Private Eddie D. Slovik, Company G, 109th Infantry did, at or near Elbeuf, France, on or about 25 August 1944, desert the service of the United States by absenting himself without proper leave from his organization, with intent to avoid hazardous duty, to wit: action against the enemy, and did remain absent in desertion until he surrendered himself to the 507th IP Battalion at or near Brussels, Belgium.

Specification 2: In that Private Eddie D. Slovik, Company G, 109th Infantry did, at or near Rocherath, Belgium, on or about 8 October 1944, desert the service of the United States by absenting himself without proper leave from his organization, with intent to avoid hazardous duty, to wit: action against the enemy, and did remain absent in desertion until he surrendered himself to military authorities at or near Rocherath, Belgium, on or about 9 October 1944.

CHARGE: violation of the 58th Article of War.

Specification 1: In that Private Eddie D. Slovik, Company G, 109th Infantry did, at or near Elbeuf, France, on or about 25 August 1944, desert the service of the United States by absenting himself without proper leave from his organization, with intent to avoid hazardous duty and to shirk important service, to wit: action against the enemy, and did remain absent in desertion until he was delivered to United States military authorities by Canadian military authorities at or near Brussels, Belgium, on or about 4 October 1944.

Specification 2: In that Private Eddie D. Slovik, Company G, 109th Infantry did, at or near Rocherath, Belgium, on or about 8 October 1944, desert the service of the United States by absenting himself without proper leave from his organization, with intent to avoid hazardous duty and to shirk important service, to wit: action against the enemy, and did remain absent in desertion until he surrendered himself at or near Rocherath, Belgium, on or about 9 October 1944.

THIS IS COLONEL SOMMER'S MINOR REDRAFT"
PLEASE REFER TO PAGES 13, 14, and 49

(Additional sheets, if necessary, for charges and specifications will be attached here. Ordinary 8 by 12½-inch paper will be used for additional sheets)

(2)

(WRITE NOTHING BELOW THIS LINE)

c16-27700-1

B 52

I have served a copy hereof on (each of) the above-named accused, this 30th day of October, 1944

(Signature) John L. Green, Trial Judge Advocate.
1st Lt. Hq. 28th Infantry Division
(Grade and organization)

(SPACE FOR USE WHERE TRIAL IS BY SUMMARY COURT)

CASE No.

SPECIFICATIONS AND CHARGES	PLEAS	FINDINGS	SENTENCE OR ACQUITTAL AND REMARKS

Place _____, Date _____, 19_____

(Signature, grade and organization) _____ Summary Court.

Headquarters _____, 19_____

(Place and date)

(Action of reviewing authority)

(Signature, grade and organization) _____, Commanding.

Entered on service record in cases of conviction _____
(Initials of personnel adjutant)

(4)

(WRITE NOTHING BELOW THIS LINE)

e16-27700-1 U. S. GOVERNMENT PRINTING OFFICE

54 J-1A

EXHIBITS, ETC., APPENDED

Description	Number	Page where introduced
True Extract copy of SC 94, Headquarters Third Replacement Depot, pertaining to Slovik	1	8
True Extract Copy of Special Orders No. 183, Headquarters 26th 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 <u>place</u> and <u>date</u> →	, 19__
Slovik sign here →	(Signature of accused)

THE TWO VERTICAL LINES ON THE LEFT ARE PHOTO COPIES OF STAPLES.

THE ARROWS WERE TWO SEPARATE SHEETS OF PAPER.

VERY OBVIOUSLY PRIVATE SLOVIK NEVER DID SIGN THIS RECEIPT OR ANY RECEIPT.

HE SPECIFICALLY REQUESTED A COPY OF THE RECORD PLEASE REFER TO PAGE 18, Paragraph 7 and to page 58.

E.P.H.

55
J I. A

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. 182, Headquarters 109th Infantry, pertaining to Slovik	3	8
Written confession of Private Eddie T. 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 Geine 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

CAPTAIN JOHN IRA GREEN WAS A FINE OFFICER AND FRIEND. WHEN IN COURT NEITHER OF US ASKED OR EXPECTED ANY QUARTER.

HE WAS A CREDIT TO THE LEGAL PROFESSION WHEN I LEARNED OF HIS DEATH, THROUGH A MUTUAL FRIEND, JUST A FEW MONTHS AGO, I CRIED.

IN MY ADULTHOOD, COMMENCING AT AGE 18, I CRIED TWICE BEFORE FOR MOTHER AND FATHER WHEN THEY DEPARTED.

2 B

EP 7

J-2A

PROCEEDINGS OF A GENERAL COURT MARTIAL

which convened at Reitzgen, Germany pursuant to the following orders:

SPECIAL ORDERS)
NUMBER 174)

HEADQUARTERS 28TH INFANTRY DIVISION,
APO 28, U. S. ARMY.
16 August 1944.

E X T R A C T

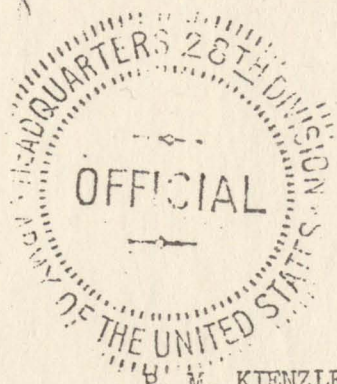
1. A General Court Martial is aptd to meet at Headquarters, 28th Infantry Division, APO 28, U. S. Army, or such other place as is convenient on 16 August 1944 or as soon thereafter as practicable for the trial of such persons as may properly be brought before it:

DETAIL FOR THE COURT

- ✓ LT COL GUY M WILLIAMS 0145910 FD Hq 28th Inf Div
- ✓ MAJ ORLAND F LEIGHTY 0274040 DC Hq 28th Inf Div
- ✓ MAJ HERBERT D WHITE 0278151 AGD Hq 28th Inf Div
- ✓ MAJ JAY M NAKEN 01693382 MC Hq 28th Inf Div...Law Member ✓
- ✓ MAJ ROBERT D MONTONDO 0435926 Inf Hq 28th Inf Div
- ✓ CAPT BENEDICT KIMMELMAN 0351208 DC Med Det Special Troops
- ✓ CAPT ARTHUR V PATTERSON 0347318 IGD Hq 28th Inf Div
- ✓ CAPT STANLEY H FRENCH 01534016 MAC Hq 28th Inf Div
- ✓ CAPT CLARENCE W WELCH 0445749 Inf Hq 28th Inf Div
- ✓ 1ST LT JOHN I GREEN 02051818 JAGD Hq 28th Inf Div...Trial Judge Advocate
- ✓ 1ST LT HAROLD C PATRICK 01002705 AGD Hq 28th Inf Div...Asst Trial Judge Advocate
- ✓ CAPT EDWARD P WOODS 0415575 Inf Hq Sp Tps.....Defense Counsel
- ✓ CAPT JOHN M COOKENBACH 0461636 FD Hq 28th Inf Div.Asst Defense Counsel

By command of Brigadier General COTA:

CHARLES H. VALENTINE,
Colonel, GSC,
Chief of Staff.



P. M. KIENZLE,
Lt Colonel, AGD,
Adjutant General.

DISTRIBUTION: Special
Plus 50 - JA

considered

AS THE DATE INDICATES, VERY SHORTLY AFTER ASSUMING COMMAND OF THE 28TH INFANTRY DIVISION, GENERAL COTA CREATED THE GENERAL COURT PER THESE ORDERS. IT HEARD ALL CASES BROUGHT BEFORE IT, ABOUT 25 IN NUMBER. I WAS THE DEFENSE COUNSEL IN ALL, CAPTAIN COOKENBACH WAS PRESENT AT MOST IF NOT ALL, EXCEPT THE "SLOVAK CASE" JOHN DEFENDED IN ONE OR MORE CASES.

GENERAL THOMAS LINUS HOBAN WAS MY COMMANDING OFFICER, AND I WAS HIS EXECUTIVE OFFICER OF HQ. SPECIAL TROOPS & HIS ASST HEADQUARTERS COMMANDANT. He IS MORE COMPETENT TO DEFEND IN ALL MILITARY OFFENSES, AND I CONCUR. I WOULD NOT AND DID NOT DEFEND AN ACCUSED OF "MURDER--SODOMY, OR GRAND LARCENY.

GENERAL HOBAN ACTED AS SPECIAL COUNSEL IN THESE THREE CASES. BUT I WAS STILL "THE DEFENSE COUNSEL. GENERAL HOBAN WAS ON OFFICIAL LEAVE DURING THE WAR AS "PRESIDENT JUDGE OF THE COMMONWEALTH OF PENNSYLVANIA 45th JUDICIAL DISTRICT, SCRANTON, PENNSYLVANIA

3

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EJN

J-VB

~~RESTRICTED~~

SPECIAL ORDERS)
SER 204)

HEADQUARTERS 28TH INFANTRY DIVISION,
APO 28 U.S. Army, 25 September 1944.
28TH - ROLL ON!

EXTRACT

12. 1ST LIEUTENANT BERLARD ALTMAN, 01319708, Infantry, Hq Co 28th Inf Div is detailed as law member of the General Court-Martial appointed by par 1 SO 174 Headquarters 28th Infantry Division 16 August 1944 vice MAJ JLY M NAMEN C1693382 MC Hq 28th Inf Div held as member and law member.

By command of Major General COTA:



CHARLES H. VALENTINE,
Colonel, GSC,
Chief of Staff.

P. M. KIENZLE,
Lt Colonel, AGD,
Adjutant General.

DISTRIBUTION: Special, plus 40 cys JA

~~RESTRICTED~~

4 5555

MAJOR NAMEN WAS A SPECIALIST IN FORENSIC MEDICINE, I'M NOT SURE WHETHER HE WAS ALSO A LAWYER, BUT I ASSUME HE WAS.

5555

MAJOR NAMEN WAS REMOVED FROM THE COURT FOR WHAT I FEEL WERE POLITICAL CONSIDERATIONS.

PRIOR TO A TRIAL, A LETTER WAS READ BY THE PRESIDENT OF THE COURT. IT WAS FROM A HIGHER HEADQUARTERS, EITHER CORPS OR ARMY.

THE JIST OF THE LETTER WAS THAT ALL GENERAL COURTS, NOT NECESSARILY THE 28TH INFANTRY DIVISION WERE TOO SOFT IN THEIR DETERMINATIONS OF THE SENTENCES.

THIS PARTICULAR TRIAL WAS HELD IN A FIELD, SOMEHERE IN NORMANDY. I STRENUOUSLY OBJECTED TO THE READING OF THE LETTER, BECAUSE I CONTENDED IT WAS PREJUDICIAL TO MY PRESENT AND FUTURE CLIENTS.

MAJOR NAMEN SUSTAINED MY OBJECTION AND WAS PROMPTLY REPLACED.

EPH

58

Jr. C.

Rotgen, Germany ✓
11 November 1944 ✓

ORGANIZATION OF THE COURT

The court, met pursuant to the foregoing orders at 10:00 o'clock, A.M.

PRESENT

✓ LT COL GUY M WILLIAMS ✓	0145910°	FD	Hq 28th Inf Div
✓ MAJ ORLAND F LEIGHTY ✓	0274040°	DC	Hq 28th Inf Div
✓ MAJ HERBERT D WHITE ✓	0278151°	A7D	Hq 28th Inf Div
✓ MAJ ROBERT D MONTOIDO ✓	0435926°	Inf	Hq 28th Inf Div
✓ CAPT BENEDICT KINSELMAN ✓	0351208°	DC	Med ret Special Troops
✓ CAPT ARTHUR V PATTERSON ✓	0347318°	I3D	Hq 28th Inf Div
✓ CAPT STANLEY H FRENCH ✓	01534016°	KAC	Hq 28th Inf Div
✓ CAPT CLARENCE W WELCH ✓	0445749°	Inf	Hq 28th Inf Div
✓ 1ST LT BERNARD ALTMAN ✓	01319708°	Inf	Hq Co 28th Inf Div....Law Member
✓ CAPT JOHN I GREEN ✓ (Formerly 1st Lt)	02051818°	JAGD	Hq 28th Inf Div...Trial Judge Advocate
✓ 1ST LT HAROLD G PATRICK ✓	01002705°	A3D	Hq 28th Inf Div...Asst Trial Judge Advocate
✓ CAPT EDWARD P WOODS ✓	0415575°	Inf	Hq Sp Trps.....Defense Counsel

ABSENT

X ✓ CAPT JOHN M COCKENSACH ✓ 0461636° FD Hq 28th Inf Div...Asst defense Counsel
Excused by verbal order of the Commanding General because of assignment to other military duties away from station.

The court proceeded to the trial of Private Eddie D. Slovik, 36896415, Company G, 109th Infantry, who, on appearing before the court, was asked by the trial judge advocate whom he desired to introduce as counsel.

The accused stated he desired to be defended by the regularly appointed defense counsel, Captain Edward P. Woods.

Staff Sergeant John S. Clapper was sworn as reporter.

Prosecution to accused, Private Slovik: Do you want a copy of the record?

Private Slovik: Yes sir.

The trial judge advocate then announced the names of the members of the court present and absent.

Prosecution:

The general nature of the charge in this case is a violation of the 58th Article of War. There are two specifications. The first specification alleges that the accused deserted the service of the United States on or about 25 August 1944 at Elbeuf, France with intent to avoid hazardous duty and to shirk

PRIVATE SLOVIK SPECIFICALLY ASKED FOR A COPY OF THE RECORD. THIS IS A COPY OF THE TRIAL PROPER, WHICH IS A PART OF THE "COMPLETE RECORD"

important service, to wit: action against the enemy, and remained absent in desertion until returned to U. S. military authorities on 4 October 1944. The second specification alleges that he deserted the service of the United States on 8 October 1944 with intent to avoid hazardous duty and to shirk important service to wit: action against the enemy, and did remain absent in desertion until he surrendered himself on 9 October 1944. The charges were preferred by Captain Ralph C. Grotte, Company G, 109th Infantry. The charges were investigated by Lieutenant Colonel William F. Train, 109th Infantry and forwarded by the commanding officer of the 109th Infantry; and no member of the court will be a witness for the prosecution. The records in this case disclose no grounds for challenge. If any member of the court is aware of any facts which he believes to be a ground for challenge by either side against any member, it is requested that he state such facts.

President: Apparently no member of the court has any ground for challenge to disclose.

Prosecution: The prosecution has no challenge for cause and has no challenge peremptorily.

Prosecution to accused: Private Slovik, you have the right to challenge any member or members of the court for cause, and any one member, other than the law member, peremptorily. Do you desire to challenge any member of the court for cause?

Defense: The accused has no challenge for cause.

Prosecution to accused: Do you wish to exercise the right to one peremptory challenge against any member except the law member? (The Law Member then explained in detail to Private Slovik his right to peremptory challenge.)

Defense: The accused has no peremptory challenge.

Prosecution to accused: Do you have any objection to any member of the court now present.

Accused: No sir.

The members of the court and the personnel of the prosecution were then sworn.

ARRAIGNMENT

The accused was then arraigned upon the following charge and specifications.

CHARGE: violation of the 58th Article of War.

Specification 1: In that Private Eddie D. Slovik, Company G, 109th Infantry did, at or near Elbeuf, France, on or about 25 August 1944, desert the service of the United States by absenting himself without proper leave from his organization, with intent to avoid hazardous duty and to shirk important service, to wit: action against the enemy, and did remain absent in desertion until he was delivered to United States military authorities by Canadian military authorities at or near Brussels, Belgium, on or about 4 October 1944.

Specification 2: In that Private Eddie D. Slovik, Company G, 109th Infantry did, at or near Rocherath, Belgium, on or about 8 October 1944, desert the service of the United States by absenting himself without proper leave from his organization, with intent to avoid hazardous duty and to shirk important service, to wit: action against the enemy, and did remain absent in desertion until he surrendered himself at or near Rocherath, Belgium, on or about 9 October 1944.

10

ARRAIGNMENT (Continued)

(Signature of accuser) Ralph O. Grotte
 (Name typed) ✓ RALPH O. GROTTÉ
 ✓ Captain, Infantry
 ✓ Cmdg Co 3, 109th Inf.

AFFIDAVIT ✓

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above-named accuser this 19th day of October, 1944, and made oath that he is a person subject to military law and that he personally signed the foregoing charges and specifications, and further that he has personal knowledge of the matters set forth in specification 1 and 2 of the Charge and the Charge, and that the same are true in fact, to the best of his knowledge and belief.

(Signature) John E. McDonald
 (Name typed) ✓ JOHN E. McDONALD
 ✓ WOJG, USA, Assistant Adjutant
 ✓ 109th Infantry ✓

1ST IND. ✓

Headquarters 28th Infantry Division, APO 28, U.S. Army, 29 October, 1944.

Referred for trial to 1st Lt. John I. Green, JAGP, Hq 28th Inf Division, Trial Judge Advocate of GENERAL court-martial appointed by paragraph 1, special Orders No. 174, Headquarters, 28th Inf Division, 16 August 1944 as amended by paragraph 12, special Orders No. 204, Headquarters, 28th Inf Division, 25 September 1944.

By command of Major General COHA:

(Signature) P. M. Kienzele, Adjutant
 (Name typed) ✓ P. M. KIENZELE,
 ✓ Lt. Colonel, A.G.D.,
 ✓ Adjutant General

The charges were served on the accused on 30 October 1944.

SPECIAL PLEAS AND MOTIONS: None.

The accused then pleaded as follows:

- ✓ To Specification 1 of the Charge: "Not Guilty"
- ✓ To Specification 2 of the Charge: "Not Guilty"
- ✓ To the Charge: "Not Guilty"

Prosecution: Is the accused prepared to proceed with the trial at this time?

Defense: The accused is ready to proceed with the trial at this time. ✓

Prosecution: Does the court desire any parts of the Manual or any other publication read at this time?

President: The court does not.

Prosecution: The prosecution does not desire to make an opening statement.

Prosecution: At this time it is stipulated by and between the prosecution, the accused, and the defense counsel that Prosecution Exhibits 1, 2, and 3 may be admitted in evidence without formal proof of the making, issuing, publication or distribution of the administrative Special Orders of which the exhibits are true extract copies. The Prosecution reminds the court that the extracts of the administrative orders showing an administrative transaction have no probative value to prove the accused's physical presence or transfer.

Defense: Defense joins in the stipulation.

Accused, Private Slovik: I consent to the stipulation.

Law Member: Subject to objection by any member, I rule that the oral stipulation will be accepted by the court and the three exhibits are admitted in evidence as Prosecution Exhibits 1, 2, and 3 respectively.

Defense: The number 745 refers to the accused's Army Specialty Serial Number which for the purpose of the record is Rifleman.

Prosecution: The prosecution calls as its first witness, Private George F. Thompson.

TESTIMONY FOR THE PROSECUTION

Private George F. Thompson, Company G, 109th Infantry, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

- Q. State to the court your full name, grade, and organization.
 A. George F. Thompson, Private, Company G, 109th Infantry.
- Q. Do you know this accused who sits by his counsel?
 A. Yes sir.
- Q. What is his name and organization?
 A. Eddie Slovik, Private, Company G, 109th Infantry.
- Q. When did you first make the acquaintance of Private Slovik?
 A. At Fort George Meade, Maryland.
- Q. When was that?
 A. The 25th of July, 1944.
- Q. Did you come overseas in the same group of replacements as Slovik?
 A. Yes sir.
- Q. Where did you come after you left the United States?
 A. We came through England and went from there to France.
- Q. Where did you land in France?
 A. At Omaha Beach.
- Q. What military organization did you go to after you landed in France?
 A. There were a couple different places. We finally wound up at the Third Replacement Depot.

IN THE ABSENCE OF LOST MORNING REPORTS THE TRIAL JUDGE ADVOCATE (THE PROSECUTION) HAD TO PROVE THAT PRIVATE SLOVIK WAS ACTUALLY ASSIGNED TO CO G 109th INF

Q. Was the accused with you all during this time at the places mentioned?
A. Yes sir.

Q. Where did you go from the Third Replacement depot?
A. To the 28th Division.

Q. When was that?
A. About 25 August 1944.

Q. Did the accused come to the 28th Division with you?
A. Yes sir.

Q. Were you assigned to some Company in the 28th Division?
A. Yes sir, Company G, 109th Infantry.

Q. About what date was that?
A. It was the same date.

Q. How did you get down to your company?
A. By trucks.

Q. Where was the company at that time?
A. They were located at Elbeuf, France.

Q. You actually joined your Company at Elbeuf, France?
A. Yes sir.

Q. To the best of your memory, this was around the 25th of August?
A. Yes sir.

Q. At the time you came to the 28th Division did some orientation officer or the officer in command give a talk to the group of replacements which you were in?
A. Yes sir.

Q. Was Private Slovik in that group?
A. Yes sir.

Q. Do you know what Company G, 109th Infantry was doing at the time that you joined it?
A. Not definitely sir. We just imagined that it was fighting.

Q. Was ammunition issued to you?
A. Yes sir.

Q. Where was it that the ammunition was issued to the replacements?
A. I think the ammunition was issued at Division.

Q. Did you replacements talk among yourselves as to where you were going, your new unit, and what you might expect?

Defense: The defense objects on the grounds that the question is incompetent, irrelevant, and immaterial.

Law Member: Objection overruled.

A. We talked some but we didn't know what to expect and didn't come to any definite conclusion about where we were going.

Q. Did you know whether or not the 28th Division was engaged with the enemy?
A. Well sir, we had a pretty strong suspicion that it was.

MY OBJECTION WAS VALID AND SHOULD HAVE BEEN SUSTAINED BY THE LAW MEMBER. PLEASE REFER TO PAGE 97 paragraph

7 b

E.P.H.

Q. Did some officer talk to you to orient you at the 28th Division before you were sent to your company?

A. Yes sir.

Q. Was it common knowledge among the group of replacements as to what unit you were joining, where Company G was and whether or not it was engaged in combat?

A. I would say it was.

Q. Was it generally known and talked about among the replacements?

A. I would say generally.

Q. When you started down to Company G, 109th Infantry in trucks did you see anything along the way?

A. We saw some damage, some burned out vehicles and shelled places.

Q. When you got closer to Company G did you see any action?

A. No sir.

Q. Tell just what happened after you entrucked to go to Company G.

A. Well, we got on the trucks at Division and sometime after that, I don't know how long, probably two or three hours, we stopped at some place which seemed to be more or less of a rest camp or something. We dropped our packs off there and got on the trucks again and went to Elbeuf where we again detrucked.

Q. When was the last time you saw Private Slovik?

A. We detrucked and moved along the edge of the city a way and then we dug in about 11:00 o'clock that night in an open lot. About 11:30 we moved into the city to join our company.

Q. Was Slovik with the group when you dug in at this place?

A. Yes sir.

Q. You saw him there?

A. Yes sir.

Q. About how many replacements were in your group that were assigned to Company G, 109th Infantry.

A. About fifteen of us sir.

Q. Did you see him any time after that?

A. We moved into the city about 11:00 o'clock to join our company. It took quite awhile because there was a lot of confusion. We moved around some but stayed close together so none of us would get lost. That's the last time I saw him.

Q. Was there any action at that place?

A. There was a lot of troop movements and shelling.

Q. Have you been present for duty with Company G since that time?

A. Yes sir.

Q. What has Company G been doing since August 25th, 1944?

Defense: The defense objects because it is immaterial and improper to show what the company was doing while the accused was absent from it.

Law Member: Objection overruled.

A. Well, we stayed at Elbeuf the next day and in the evening the Canadian troops took over and we moved on to Paris and from there on we went to France, Belgium and Luxembourg and the Siegfried Line.

NONE OF THE REVIEWING AUTHORITIES ADDRESSED THIS OBJECTION. I FEEL IT WAS JUST AS VALID AS THE OBJECTION CITED ON PAGE 62.

Q. In all those countries you mentioned was there more or less continuous enemy action against the 109th Infantry?

A. There wasn't too much. Every once in a while there was some.

Q. You then went on into the Siegfried Line?

A. Yes sir.

Q. Do you recall where you were on 8 October 1944?

A. Not at present sir.

Q. Has your company ever been near Rocherath, Belgium?

A. I don't know sir, because I wouldn't recognize the place by name.

Q. Up until the present time, has your company been generally fighting and campaigning in this invasion?

A. Yes sir.

Q. During any of that time since August 25th until the present time, to your knowledge has Private Slovik been present with his company for duty?

A. Not that I know of.

Q. Do you know one Private John P. Tankey, Company G, 109th Infantry?

A. Yes sir.

Q. Do you know what has happened to him?

A. I understand he was wounded and has been evacuated.

Q. Do you know whether or not he was with Company G at the time?

A. Yes sir, he was. He was wounded and would now probably be in the hospital.

CROSS EXAMINATION

Questions by defense:

Q. Did you see Private Slovik at the orientation lecture?

A. Yes sir.

Q. Did you see him when you were on the truck which was taking you down to your company?

A. Yes sir.

Q. You say that you last saw him at approximately 2300?

A. It might have been a little bit later.

Q. You saw him at Elbeuf?

A. Yes sir.

Q. Was that after 2300?

A. It was probably a couple of hours after that.

Q. It was dark. How do you know that he was actually there?

A. I know his voice.

Q. You did recognize his voice at Elbeuf?

A. Yes sir.

Prosecution: Does the court have any questions?

President: The court has no questions.

There being no further questions, the witness was excused and withdrew.

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First Lieutenant Wayne L. Hurd, 109th Infantry, a witness for the prosecution was sworn and testified as follows:

DIRECT EXAMINATION

Questions by Prosecution:

Q. State to the court your name, grade, and organization.

A. Wayne L. Hurd, First Lieutenant, 109th Infantry.

Q. Do you know the accused who sits by his counsel?

A. Yes sir.

Q. What is his name Lieutenant?

A. Private Eddie Slovik, Company G, 109th Infantry.

Q. Did you have occasion to see him on or about 11 October of this year?

A. Yes sir, I did.

Q. I hand you Prosecution Exhibit marked number 4 and ask you if your signature appears on that instrument?

A. Yes sir, it does.

Q. Do you know whose signature that is there?

A. Yes sir.

Q. Whose signature is that?

A. Private Slovik's.

Q. You saw him sign that did you?

A. Yes sir.

Prosecution: The prosecution offers in evidence, subject to objection by Defense Counsel, Prosecution Exhibit #4, purporting to be a confession of accused.

Defense: Defense has no objections to Prosecution Exhibit #4.

Law Member: Prosecution's Exhibit #4 is admitted in evidence.

Q. Lieutenant do you know any other facts or circumstances about this case that you wish to tell the court?

A. No sir, except I can just tell how Slovik happened to come into my notice. At that time I was appointed temporary MP officer. The platoon leader had been taken out of the company to be a liaison officer and I assumed his duty temporarily. It was at this time that Slovik turned himself over. I was standing in front of the orderly room at Rocherath, Belgium when Staff Sergeant Bronberg brought Slovik in. He had evidently been over to 112th Military Government Detachment and Lieutenant Griffin had told the sergeant to bring him over when he drove over to the orderly room. He brought him to the orderly room where I was and asked where I wanted him put. Slovik handed me a green slip of paper. I read the green slip of paper and told the sergeant to take Slovik to the MP's and I would call for him later. I took the green slip of paper which Slovik had handed me and gave it to the Adjutant and then turned it over to Colonel Henbest. Later on Colonel Henbest called me down and in Slovik's presence Slovik signed the slip and then Colonel Henbest signed and also me.

Q. This happened on or about 11 October 1944?

A. Yes sir.

Q. At Rocherath, Belgium?

A. Yes sir. Everything that appears on the green slip of paper was made very clear to the defendant.

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Defense: No questions.

Prosecution: Does the court have any questions?

President: The court apparently has no questions.

There being no further questions, the witness was excused and withdrew.

Captain Ralph C. Grotte, Company G, 109th Infantry, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q. State your full name, grade, and organization.

A. Ralph C. Grotte, Captain, Company G, 109th Infantry.

Q. What is your official military duty?

A. I am company commander.

Q. How long have you been company commander?

A. A month and a half.

Q. Do you know the soldier who sits by his defense counsel?

A. Yes sir.

Q. What is his name?

A. Eddie Slovik.

Q. Is he a member of your company?

A. Yes sir.

Q. When to your knowledge did Slovik physically join Company G and where was the company then located?

A. It was on October 8 but I do not remember the name of the city or town where we were located.

Q. What was your company doing at that time?

A. It was reorganizing.

Q. Were you in contact with the enemy?

A. Not at that time.

Q. Tell the court how you first made your acquaintance with this soldier.

A. Private Slovik reported to me. A Sergeant Major from the battalion brought Slovik to my C.P. and I assigned Slovik to the Fourth Platoon and turned him over to Lieutenant Owens who was the Platoon Leader. Lieutenant Owens took him over to his platoon and introduced him to the Squad Leader. I had forbade him to leave the company area unless he had permission from me.

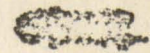
Q. What were the circumstances?

A. He had been absent without leave and had been returned to me through the battalion.

Q. As long as you were commanding officer of the company, had any permission been given Slovik to be absent?

A. No sir.

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- Q. If he wasn't present with the company, then there was none asked for him?
 A. No sir.
- Q. On October 8, 1944 did you give him any permission to be absent?
 A. No sir.
- Q. Did he ask for any permission to be absent?
 A. No sir.
- Q. Was he present for duty with Company G after October 8?
 A. He has never been present with the company for duty except on October 8 for a matter of one or two hours.
- Q. What happened then?
 A. He came to me and asked me if he could be tried for being absent without leave. I told him I would find out and had him placed in arrest and had him returned to his platoon area, and told him to stay in that area.
- Q. Did he remain there?
 A. No sir. He left me and was not seen in the company after that.
- Q. What did he do?
 A. About an hour later he asked me "If I leave now will it be desertion?".
- Q. When he asked "If I leave now will it be desertion?", what did you tell him?
 A. I said it would be.
- Q. Has he been present with your company for duty since that time? Since 8 October 1944?
 A. No sir.
- Q. What has your company been doing in reference to the enemy since you have had command of it?
 A. We have attacked once and have been in some pretty heavy fighting.
- Q. Would you say it has been campaigning generally since that time?
 A. Yes sir.
- Q. On occasions before and since 8 October 1944 has it been in close contact and fighting with the enemy?
 A. Yes sir.
- Q. Defense: No questions.

Prosecution: Does the court have any questions?

President: The court apparently has no questions.

There being no further questions, the witness was excused and withdrew.

Private William C. Schmidt, Military Government Detachment, 112th Infantry, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

- Q. What is your name, grade, and organization?
 A. William C. Schmidt, Private, Military Government Detachment, 112th Infantry.

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Q. Do you know this soldier who sits by his counsel here?

A. Yes sir.

Q. What is his name?

A. I don't know his name sir but I do recognize his face.

Q. When did he come into your notice?

A. I don't remember the date but it was the second day we were in Rocherath, Belgium.

Q. What were the circumstances?

A. I was detailed as a cook that day when about 8:30 this fellow came to the front door and handed me a green slip of paper with writing on it and said he had made a confession. I then asked him to come in and he came and I went on with my work. He came to the kitchen and asked for something to eat and so I gave him some and he helped wash dishes. I told the commanding officer about him and he came to the commanding officer and gave him the green slip of paper with the confession on it.

Q. How long was he around your detachment there before this?

A. About three hours.

Defense: No questions.

Prosecution: Does the court have any questions?

President: The court has no questions.

There being no further questions, the witness was excused and withdrew.

Second Lieutenant Thomas F. Griffin, Military Government Detachment, 112th Infantry, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q. State your full name, rank, and organization.

A. Thomas F. Griffin, Second Lieutenant, Military Government, 112th Infantry.

Q. Do you know this soldier who sits by his counsel here?

A. Yes sir.

Q. Do you know his name and organization?

A. His name is Slovik and he is from the 109th Infantry.

Q. Have you ever seen him before this time?

A. I have, at Rocherath, Belgium.

Q. What was the approximate date and the circumstances?

A. It was on the 29th of October around 11:00 o'clock in town where our headquarters was set up. I had returned around 11:00 o'clock in the morning and Private Schmidt who was cook that day told me that this Private Slovik had come in earlier that morning and said that he told him he thought we were MP's and wanted to surrender to us. I called the S-1 of the 109th Infantry and told him that we had one of his men who was absent without leave and would they send someone to get him. About 12:30 or a quarter until One the Sergeant came over and took him back with him.

Q. In the statement which you made to the investigating officer, you have this date showing as the 9th of October, 1944?

A. Yes sir.

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Q. You said the 29th of October awhile ago.
A. It was the 9th instead of the 29th.

Q. Do you wish it corrected to show the 9th of October instead of the 29th?
A. Yes sir.

There being no further questions, the witness was excused and withdrew.
PLEASE SEE FOOTNOTE NUMBER 1

Prosecution: The prosecution rests.

The court then at 10:50 o'clock, A.M., took a recess until 11:00 o'clock, A.M. at which hour the personnel of the court, prosecution and defense, and the accused and the reporter resumed their seats as before.

Defense: Accused understands his rights as a witness and elects to remain silent but defense requests that the Law Member advise the accused as to his rights as a witness.

Law Member to accused: Private Slovik, it is my duty to explain to you that you have the legal right to: (1) be sworn as a witness and testify in your own behalf under oath like any other witness and be subject to cross-examination on the whole substance of any particular specification concerning which you testify in explanation or denial; (2) make an unsworn statement either written or oral. It may be made by you or your counsel or both. It will be taken for what it appears to be worth in explanation, denial, or excuse, and you will not be subject to cross-examination on it; or (3) remain silent in which case no inference of your guilt or innocence will be drawn by the court nor will the trial judge advocate comment upon your silence in his closing argument. Take time to confer with your counsel and decide what you intend to do.

At this point the accused conferred with his defense counsel.

Private Slovik: I will remain silent.

Defense: The defense rests.

The Prosecution made a closing argument.

The Defense made no closing argument. PLEASE SEE FOOTNOTE # 2

Prosecution: The prosecution has nothing further to offer.

Defense: The defense has nothing further to offer.

FINDINGS

Neither the prosecution nor the defense having anything further to offer, the court was closed, and upon secret written ballot, all of the members present at the time the vote was taken concurring in each finding of guilty, finds the accused:

Of Specification 1 of the Charge: "guilty"
Of Specification 2 of the Charge: "guilty" PLEASE SEE FOOTNOTE @3
Of the Charge: "guilty"

PREVIOUS CONVICTIONS, ETC.

The court was opened, and the trial judge advocate stated, in the presence of the accused and his counsel, that he had evidence of no previous convictions to submit.

(1) IT COULD APPEAR THAT THE DEFENSE COUNSEL WAS NOT AFFORDED THE RIGHT OF CROSS EXAMINATION OF THIS WITNESS. THIS WAS PROBABLY AN OVERSIGHT OF SGT. CLAPPER, THE COURT STENOGRAPHER AND COURT REPORTER. OTHERWISE THE TRANSCRIPT OF THE TRIAL BY SERGEANT CLAPPER WAS FLAWLESS. I PROBABLY WAS GIVEN THE OPPORTUNITY OF CROSS EXAMINATION. EVEN THEN I WOULD NOT HAVE CHALLENGED THIS YOUNG MAN'S TESTIMONEY. HE WAS A COMBAT VETERAN AND MY CHANCE TO PROVE MYSELF HAD YET TO COME DURING THE BATTLE OF THE BULGE.
(2) THERE WAS NOTHING TO SUMMATE. I COULDN'T PLEAD IMMATUREITY BECAUSE SLOVIK WAS ALMOST AS OLD AS HIS DEFENSE COUNSEL
69 (3) THE FINDINGS OF GUILTY CAME AS NO SURPRISE TO THE DEFENDENT OR HIS DEFENSE COUNSEL. E.P.J.

The trial judge advocate then read the data as to age, pay and service as shown on the charge sheet, and verified by the accused in open court, as follows:

Age 24 8/12 yrs, Pay \$60.00 per month. Class E Allotment to dependents, \$15.00 per month. Class F Deduction: \$22.00 per month. Government Insurance deduction \$6.70 per month.. /PLEASE SEE FOOTNOTE # 17

Data as to service: Inducted rd #3, Detroit, Michigan, 3 Jan 44; assigned D-59 Inf Tng Bn, Cp Wolters, Tex 31 Jan 44; attached GFRD #1 Ft Meade Md 11 July 44; attached to GFRS 14 Aug 44; attached to 3rd Replacement Depot 19 Aug 44; assigned to Co G, 109 Inf.

Data as to restraint of accused: Confined at Regimental Prisoner of War Incl., 9 Oct 44. Confined Division Prisoner of War Inclosure 26 October 1944.

SENTENCE

The court was closed, and upon secret written ballot, all of the members present at the time the vote was taken concurring, sentences the accused:

To be dishonorably discharged the service, to forfeit all pay and allowances due or to become due and to be shot to death with musketry.

The court was opened, and the president announced the findings and sentence.

The court then, at 11:40 o'clock, 11 November 1944, adjourned to meet at the call of the president. /PLEASE SEE FOOTNOTE # 27

AUTHENTICATION OF RECORD

Examined by defense Counsel before authentication, per par 45 b 1 (Initial of Def. Counsel) *[Signature]*

John I. Green
Capt. J.A.G.S.
Trial Judge Advocate

[Signature]
[Signature]
President

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- (1) THE DEFENDENT PAID HIS DUES, INCLUDING HIS NATIONAL SERVICE LIFE INSURANCE TO AND INCLUDING THE DAY HE WAS SHOT TO DEATH BY MUSKETRY. SEVERAL MEMBERS OF THE COURT HAVE ADMITTED PRIVATELY AND PUBLICALLY THAT THEY DID NOT FEEL THAT THE DEATH SENTENCE WOULD EVER BE CARRIED OUT. THIS WAS TOLD TO ME BY THE TRIAL JUDGE ADVOCATE CAPTAIN JOHN I GREEN.
 - (2) THE COURT, IN RETROSPECT, SHOULD NOT HAVE SENTENCED THE DEFENDET TO DEATH IF THEY DID NOT WISH IT CARRIED THROUGH TO IT'S TRAGIC CONCLUSION.
- I, HIS DEFENSE COUNSEL, AM NOT ENTIRELY WITHOUT BLAME. IMMEDIATELY AFTER THE SENTENCE AND CONCLUSION, IN GOOD FAITH ASSURED MY CLIENT "EDDIE THEY WILL NEVER CARRY OUT THE SENTENCE." IN THE MILITARY COURT AS THEN CONSTITUTED, I HAD NO RIGHT TO APPEAL. IT WAS HOWEVER, WITHIN MY PROVINCE TO RECOMMEND CLEMENCY WHICH I FAILED TO DO. -17-

Slovik, Eddie D. 36896415

C ompany G, 109th Infantry

HEADQUARTERS
THIRD REPLACEMENT DEPOT
APO 153

SO 94

19 August 1944

EXTRACT

30. Following named replacement EM are held fr atchd-unasgd this orgn and are trfd to 28th Inf Div. Auth: VOCC, GFRS and Unit Req 18, 15 August 1944.

*	*	*	*	*	*	*	*
Slovik, Eddie D.			Pvt	36896415	745		
*	*	*	*	*	*	*	*

By order of Colonel PIRTLE:

G. K. GIFFORD,
Major, AGD,
Asst Adj Gen.

/s/ G. K. Gifford,
/t/ G. K. GIFFORD,
Major, AGD,
Asst Adj Gen.

A TRUE EXTRACT COPY:

David D White
DAVID D. WHITE,
Captain, AGD,
Asst Adj Gen.

20

Prosecution Exhibit 1
11 Nov 44
JC

-3-

P

-3-

Slovik, Eddie D. 36896415

Company G, 109th Infantry

SPECIAL ORDERS)
NUMBER 183)

HEADQUARTERS, 28TH INFANTRY DIVISION,
APO 28, U. S. ARMY.

26 August 1944.

E X T R A C T

1. The following named personnel having rptd this hq per SO 94 Hq 3d Repl Depot dtd 19 Aug 44 are asgd to units indicated:

109TH INF

*	*	*	*	*	*	*	*	*
Pvt Eddie D Slovik				36896415				745
*	*	*	*	*	*	*	*	*

By command of Brigadier General COTA:

CHARLES H. VALENTINE,
Colonel, GSC,
Chief of Staff.

P. M. KIENZLE,
Lt Colonel, AGD,
Adjutant General.

A TRUE EXTRACT COPY:

David D White
DAVID D. WHITE,
Captain, AGD,
Asst Adj Gen.

21

Prosecution Exhibit # 2
11 Nov 44
PC -4-

5555
5555

Slovik, Eddie D.

36896415

C ompany G, 109th Infantry

R E S T R I C T E D

HEADQUARTERS 109TH INFANTRY
APO 28, U. S. ARMY
30 AUGUST 1944

SPECIAL ORDERS)
NUMBER 132)

* * * * *

3. Having r ptd to this hq in compliance with par 1 SO 183
Hq 28th Inf Div dtd 26 Aug 44 Pvt Eddie D Slovik 36896415 MOS 745
is hereby assigned to Co G.

* * * * *

By order of Colonel BLANTON:

CARL L. PETERSON
Lt. Colonel, Infantry
Executive Officer

OFFICIAL:

E. L. McLEOD
Captain, Infantry
Personnel Officer

CERTIFIED A TRUE COPY:

E. L. McLeod
E. L. McLEOD
Captain, Infantry
Personnel Officer

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*Prosecution Exhibit #3
"nos 44
PC*

74

I Pvt Eddie D. Slovik #36896415
 Confess to the Desertion of The
 United States Army. At The Time
 of My Desertion We Were in
 ALBUFF in France. I Come to
 ALBUFF as a Replacement. They
 Were Shelling The Town and We
 Were Told to dig in for The Night
 The Following Morning They were
 Shelling us again. I was so
 scared Nerver and Trembling
 that at The Time The other
 Replacements Moved out I
 Couldn't Move. I Stayed There
 in my Fox hole Till it was quite
 and I was able to move. I Then
 Walked in Town. Not seeing any of
 our Troops so I Stayed over night at
 a French hospital. The next Morning I
 Turned myself over to The Canadian
 Provost Corp. After being with them six
 weeks I was Turned over to American
 M.P. They Turned me loose. I Told my
 Commanding ^{Officer} My Story. I said that if
 I had to go out there again. I'd
 Run away. He said there was nothing he
 could do for me so I Ran away again
 AND I'll RUN AWAY AGAIN IF I
 HAVE TO GO OUT THERE. 5555
 Signed Pvt. Eddie D. Slovik
 A.S.N. 36896415

- 1 -

Prosecution Exhibit #4

" Nov 44

5555

