

**APPLICATION FOR CORRECTION OF MILITARY OR NAVAL RECORD
UNDER THE PROVISIONS OF TITLE 10, U.S. CODE, SEC. 1552**
(See instructions on reverse side BEFORE completing application.)

Form Approved
Budget Bureau No. 22-R009

BRANCH OF SERVICE

ARMY NAVY AIR FORCE MARINE CORPS COAST GUARD

1. NAME (Last-first-middle initial)(Please print) SLOVIK D. EDDIE	2. PRESENT RATE, GRADE Private DECEASED	3. SERVICE NUMBER ASN36896415	4. SOCIAL SECURITY ACCOUNT NUMBER UNKNOWN
5. TYPE OF DISCHARGE (If by court-martial, state type of court.) General Court-Martial	6. PRESENT STATUS, IF ANY, WITH RESPECT TO THE ARMED SERVICES (Active duty, retired, reserve, etc.) Executed 1/31/45	7. DATE OF DISCHARGE OR RELEASE FROM ACTIVE DUTY 1/31/45	
8. ORGANIZATION AT TIME OF ALLEGED ERROR IN RECORD Company G, 109th Infantry Regiment, 28th Infantry Div.		9. I DESIRE TO APPEAR BEFORE THE BOARD IN WASHINGTON, D.C. (No expense to the Government.) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

10. NAME AND ADDRESS OF COUNSEL (If any)
Bernard Edelson, Esq. 115 N. Jackson St. Media, Penna. 19063

11. I REQUEST THE FOLLOWING CORRECTION OF ERROR OR INJUSTICE: **Redress of wrongs -- Life insurance proceeds and all other benefits due or to become due.**

12. I BELIEVE THE RECORD TO BE IN ERROR OR UNJUST IN THE FOLLOWING PARTICULARS:
See Addendum

13. IN SUPPORT OF THIS APPLICATION I SUBMIT AS EVIDENCE THE FOLLOWING: (If Veterans Administration records are pertinent to your case, give Regional Office location and Claim Number.)

None

14. a. THE DATE OF THE DISCOVERY OF THE ALLEGED ERROR OR INJUSTICE WAS **See Addendum** b. IF MORE THAN THREE YEARS SINCE THE ALLEGED ERROR OR INJUSTICE WAS DISCOVERED, STATE WHY THE BOARD SHOULD FIND IT IN THE INTEREST OF JUSTICE TO CONSIDER THIS APPLICATION.

See Addendum

15. APPLICANT MUST SIGN IN THE SPACE PROVIDED. IF THE RECORD IN QUESTION IS THAT OF A PERSON WHO IS DECEASED OR INCOMPETENT, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY APPLICATION. IF APPLICATION IS SIGNED BY SPOUSE, WIDOW OR WIDOWER, NEXT OF KIN OR LEGAL REPRESENTATIVE, INDICATE RELATIONSHIP OR STATUS IN APPROPRIATE BOX.
 SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER (Specify)

16. I MAKE THE FOREGOING STATEMENTS, AS PART OF MY CLAIM, WITH FULL KNOWLEDGE OF THE PENALTIES INVOLVED FOR WILFULLY MAKING A FALSE STATEMENT OR CLAIM. (U.S. Code, Title 18, Sec. 287, 1001, provides a penalty of not more than \$10,000 fine or not more than 5 years imprisonment or both.)

17. COMPLETE ADDRESS, INCLUDING ZIP CODE (Applicant should forward notification of all changes of address.)
115 North Jackson St. P.O. Box 525, Media, Pa. 19063
Attorney for applicant

DOCUMENT NUMBER
(DO NOT WRITE IN THIS SPACE)

18. DATE
12/23/1976

19. SIGNATURE (Applicant must sign here.)
Eddie Slovik

AC 77-02357

INSTRUCTIONS

- For detailed information see:
Air Force Regulation 31-3
Army Regulations 15-185
Coast Guard, Code of Federal Regulations
Title 33, Part 52
Navy, NAVEXOS P-473, as revised
- Submit original only of this form.
- Complete all items. If the question is not applicable, mark--"None".
- If space is insufficient, use "Remarks" or attach additional sheet if necessary.
- Various veterans and service organizations furnish counsel without charge. These organizations prefer that arrangements for representation be made through local posts or chapters.
- List all attachments or inclosures.
- ITEMS 9 and 10. Personal appearance of you and your witnesses or representation by counsel is not re-

- quired to insure full and impartial consideration of applications. Appearances and representations are permitted, at no expense to the Government when a hearing is authorized.
- ITEM 11. State the specific correction of record desired.
- ITEM 12. In order to justify correction of a military or naval record, it is necessary for you to show to the satisfaction of the Board, or it must otherwise satisfactorily appear, that the alleged entry or omission in the record was in error or unjust. Evidence may include affidavits or signed testimony of witnesses, executed under oath, and a brief of arguments supporting application. All evidence not already included in your record must be submitted by you. The responsibility for securing new evidence rests with you.
- ITEM 14. 10 U. S. C. 1552b provides that no correction may be made unless request is made within three years after the discovery of the error or injustice, but that the Board may excuse failure to file within three years after discovery if it finds it to be in the interest of justice.

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW

ARMY	NAVY AND MARINE CORPS	COAST GUARD	AIR FORCE
Army Board for Correction of Military Records Department of the Army Washington, D.C. 20310	Board for Correction of Naval Records Department of the Navy Washington, D.C. 20370	U.S. Coast Guard ATTN: Senior Member Board for Correction of Coast Guard Records Washington, D.C. 20591	USAFMPC (AFPMdraib) RANDOLPH AFB TEX 78148

REMARKS

see yqdegnim

I DESIRE THE RECORD TO BE IN ERROR OR CORRECT IN THE FOLLOWING MANNER:

I REQUEST THE FOLLOWING CORRECTION OF ERROR OR INJUSTICE: **ERRORS OF MONTHS -- 1955**

REASON FOR ERROR: **112 IN "RECORDS OF" MONTH "JUNE" 1955**

NAME OF SERVICE MEMBER: **EDDIE**

DATE OF DISCHARGE (If NA CHECK "NONE")

TYPE OF DISCHARGE (If NA CHECK "NONE")

BRANCH OF SERVICE: ARMY NAVY U.S. COAST GUARD AIR FORCE AIR NATIONAL GUARD AIR RESERVE

UNDER THE PROVISIONS OF TITLE 10 U.S. CODE SEC. 1552 APPLICATION FOR CORRECTION OF MILITARY OR NAVAL RECORD

1127

A. FAILURE TO PROVIDE SLOVIK WITH RECORD OF TRIAL

From the records available, it appears that the Record of Trial was not furnished to Private Slovik. The failure to furnish him with the record, as provided by law, prevented Private Slovik from attempting to obtain legal counsel and other help to represent him after the Court-Martial. The fact that the Record of Trial was reviewed by several levels of the military, satisfies neither the requirements of due process nor of substantial justice. The fact that every person who reviewed Slovik's military record and his civilian record was a member of the system which convicted him, ordered his execution and carried it out, indicates that no one ever was able to assist Slovik to try to present the favorable aspects of Slovik's background which favorable background might well have resulted in clemency being extended to him. The fact that no member of his family nor his wife was notified of his trial or sentence is a further indication that Private Slovik was not given the opportunity to enlist help both from within the military and without to prevent his unjust execution.

B. LACK OF ADEQUATE PSYCHIATRIC EVALUATION

The psychiatric evaluation by Dr. Burks appears to be the only psychiatric evaluation available to the various people who considered the clemency question. Under any concept of justice, a more thorough psychiatric evaluation should have been pursued in order to determine whether it was a just and proper sentence that Private Slovik

be executed for his actions.

C. FAILURE TO GIVE EFFECT TO MODIFICATION OF SENTENCE REGARDING INSURANCE BENEFITS

It appears that Private Slovik paid premiums at the rate of \$6.70 per month for a \$10,000.00 life insurance policy starting in January of 1944 and that this life insurance policy was in effect at the time of his death (see trial record). The sentence of the Court as originally passed at the time of the Court-Martial was: "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."

General Cota, indicated that, "...only so much of the sentence as provides that the accused be shot to death with musketry is approved..." It appears that it was General Cota's intention that the modification of sentence would enable Slovik's next of kin to receive the proceeds of the life insurance. It is expected that author William Bradford Huie may testify at the hearing that those were General Cota's intentions and assumptions when he so modified the sentence.

D. IMPROPER CONSIDERATION OF SLOVIK'S RECORD

The record reflects that Private Slovik was the only member of the Armed Forces to be executed for desertion in over 100 years. The record further reflects that during World War II of the forty-nine approved death sentences for desertion, his was the only one carried out. This conclusion is inescapable that Private Slovik's record as

a civilian prior to his induction and his record while in the service prior to the first alleged desertion were considered by those whose duty it was to consider clemency.

(1) MILITARY RECORD

The final endorsement indicates that a notation as to his character was "fair" and that his efficiency rating as a soldier was "unsatisfactory". The reasons for these ratings are not articulated and nothing in the record suggests that prior to the first alleged desertion he was anything but a good soldier. To the contrary, Arnold C. Shaw, Private Slovik's commanding officer during his 17 weeks of basic training at Camp Wolters, Texas, indicates that "he was popular with the troops, non-coms and officers, but badly cast as an infantryman". Mr. Shaw's letter of November 18, 1976, is attached hereto and marked "Exhibit B". It is expected that Mr. Shaw will testify at the hearing.

From all that appears, there was absolutely no attempt by anyone to determine the extent to which Private Slovik was a good or bad soldier prior to the alleged first desertion. The failure to do so resulted in a failure to consider the entire background of Private Slovik which was an injustice.

(2) CIVILIAN RECORD

Major Bertolet observed in his review of the record for General Eisenhower with respect to Private Slovik's problems prior to his induction into the Army, "...these prior offenses are not of sufficient gravity to influence my recommendation in the instant

case.... If the death penalty is ever to be imposed for desertion it should be imposed in this case, not as a punitive measure nor as retribution, but to maintain that discipline upon which alone an Army can succeed against the enemy." It is clear that he and all others in the course of their respective reviews were in fact influenced by Private Slovik's civilian record for General McNeil wrote, ..."his unfavorable civilian record indicates that he is not a worthy subject of clemency".

An examination of Slovik's criminal record prior to his induction into the Army indicates that it was essentially one of non-violence. Eddie Slovik was to some extent a victim of the times in which he was born and certainly did have considerable problems in his early years. The fact is that he apparently benefited from his early brushes with the law because at the time of his induction he had married, was working steadily and complying with all provisions of his parole and on the way to becoming a good citizen. It certainly seems unfair for the Army to have taken the position that his prior record was of such inconsequential nature that he be considered for service and then hold it against him at the time when it determined that he alone should be executed for desertion.

E. FAILURE OF ARMY TO ASSIGN SLOVIK TO DUTY WITHIN HIS CAPABILITIES

Private Slovik should never have been put into a combat situation because the Army knew that he could not handle this situation as can be seen in Mr. Shaw's letter "Exhibit B"... "We tried every means

to get his discharge; failing this, we tried to get him transferred to a non-combat unit. Here again, we failed. As a last resort, we tried to remove his fear of weapons and simulated combat conditions. Tragically, we failed again."

The people who worked with Private Slovik when he was at the Reformatory in Ionia, Michigan also knew that Slovik was not emotionally equipped to handle a combat situation. See letter from Philip E. Bannan, Director of Operations, Pennsylvania Bureau of Correction, attached hereto and marked "Exhibit C".

Notwithstanding the need at the time of Private Slovik's induction and assignment to a combat situation, those assigned the job of determining whether there were extenuating circumstances and whether clemency should have been extended, failed to make any effort to determine whether or not his emotional and psychological make-up were such that he would become paralyzed by fear in a combat situation. If that were so, and we urge that it was, his inability to perform in a combat situation was something beyond his control and certainly warranted consideration such that he should not have been the only one executed for desertion in the last 100 years.

F. ENTITLEMENT TO LIFE INSURANCE PROCEEDS

The review by Bertolet and Betts suggested that the death penalty in this case was imposed neither as a punitive measure nor as retribution but to maintain discipline. If that were so, then Eddie Slovik was chosen out of the thousands who deserted and the many convicted and sentenced to death solely as an example to others. If his death was not "as a punitive measure" then it was not inflicted as "lawful punishment for crime" such as to prevent his widow from receiving the proceeds of the service insurance carried by him.

To correct the injustice that occurred and to effecutuate what General Cota and Colonel Sommers expected and wanted, Antoinette Slovik should receive the proceeds of the life insurance policy plus interest to date.

13.

14. Although more than three years have elapsed since the alleged error and/or injustice was discovered, in the interest of justice the Board should consider this application because Antoinette Slovik has been living under an assumed name in a nursing home because of ill health and the notoriety resulting from being the widow of the only man executed for desertion. Not until this time has she been able to enlist the help and support necessary to present this application. It is urged that to remove the stigma and dishonor to her and to the Polish-American community, of which she is a member, at this late date, it is in the interest of justice to consider this application and grant

the relief requested.

ADDENDUM

11. I request that the following correction of error or injustice: Redress of wrongs and determination that the proceeds of Private Slovik's National Service Life Insurance policy in the face amount of \$10,000.00 plus interest from the date of his death, January 31, 1945 be payable to his widow, Antoinette Slovik, and such other benefits as may be or have been due.

12. I believe the record to be in error or unjust in the following particulars:

This application is prepared on behalf of Antoinette Slovik, widow of Eddie D. Slovik, who was executed January 31, 1945. The application is also prepared on behalf of Edward P. Woods who was appointed Defense Counsel at Private Slovik's General Court-Martial. Mr. Woods having thoroughly examined the record of trial has raised and raises several points, eight in number, of military and constitutional law which contend that Private Slovik was denied full due process of law at the time of the General Court-Martial. These eight questions and exhibits are attached hereto and marked for identification purposes "Exhibit A" consisting of nine pages.

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.

PERSONAL REVIEW BY EDWARD P. WOODS
COURT APPOINTED DEFENSE COUNSEL

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?

EXHIBIT "A"

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 ~~should~~ 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.

CM 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 ^{his} 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 4le 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 4le.

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

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 P. 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

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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)

290498

HEADQUARTERS
THEATER SERVICE FORCES
EUROPEAN THEATER

18 Aug, 45.

AP0 757, US Army
29 January 1946

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

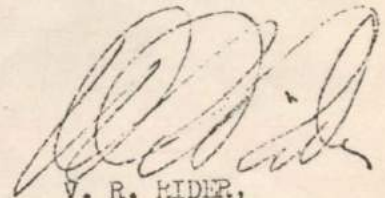
Subject: Transmittal of Record of Trial.

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

FINAL INDORSEMENT

Hq. 1st Div. (Company or detachment)
HPO. 2 (Place)
11 Feb 1945

To The Adjutant General:

SADVIK, ESTIE D. (Last name) (First name) (Middle initials) (Army Serial No.)
PIT (Grade) CO. 2 INF. INF.

was separated from the service by reason of DEATH WITH DIGNITY (State specific action) (Reg. 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

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

Retained in service days to make good time lost (Reg. 107)

Absent from duty 105 HSE 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 50%

*Final statement furnished. *Paid on final pay roll
*Discharge certificate furnished, W. D., A. G. O. Form No. 55, 56, 57

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

12.44

Due soldier at date of DEATH NOTHING

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

Peasbarn (City, town, or post office) (State or country)

Receipt of Discharge Certificate is acknowledged.

Signature of Soldier: (Signature)

I have verified the foregoing entries: (Signature)

Name signed: (Signature)

Name typed or printed: (Type name and organization)

(Type name and organization)

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

SHAW ADVERTISING

713/639-1488

1006 SHERWOOD ROAD

LUFKIN, TEXAS 75901

November 18, 1976

Gentlemen:

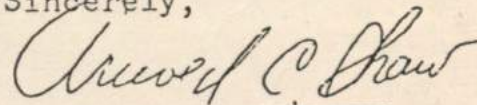
I sincerely hope this letter reaches you because I am deeply interested in the Private Eddie Slovik case. You see, I am the Lt. A. Shaw mentioned in William Bradford Huie's book, "The Execution of Private Slovik".

I was Eddie Slovik's C. O. during his 17 weeks of basic training at Camp Wolters, Texas, early in 1944. I didn't know his tragic fate until the book was published in 1954.

We recognized this man's total inability as a combat soldier, through no fault of his own. He was popular with the troops, non-coms and officers, but badly cast as an infantryman. We tried every means to get his discharge; failing this, we tried to get him transferred to a non-combat unit. Here again, we failed. As a last resort, we tried to remove his fear of weapons and simulated combat conditions. Tragically, we failed again.

If I can help in any way, please call on me.

Sincerely,



Arnold C. Shaw

— Since 1955 —

EXHIBIT "B"

WILLIAM B. ROBINSON
Commissioner

ERSKIND DERAMUS
Deputy Commissioner



PENNSYLVANIA BUREAU of CORRECTION
P. O. BOX 598
CAMP HILL, PENNSYLVANIA 17011
(717) 787-7480

November 15, 1976

Bernard Edelson, Esquire
115 North Jackson Street
Media, Pa. 19063

Dear Mr. Edelson:

I am writing to you in response to a recent article concerning your efforts to obtain a pardon for Eddie Slovak. I wish to commend you for this effort and offer my support.

I am very familiar with this case, as I am originally from Ionia, Michigan and my father worked at the Reformatory where Slovak was incarcerated. We discussed this case on a number of occasions following the publication of William Bradford Huie's book. It was my impression from these discussions that he should never have been in a combat situation in the first place, as he was not emotionally equipped to do so. Certainly this would be mitigating circumstances to be considered at his court martial.

Please feel free to call on me for whatever I can do.

Sincerely,

A handwritten signature in cursive script, appearing to read "P. E. Bannan".

Philip E. Bannan
Director of Operations

PEB/k

EXHIBIT "C"



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, D.C. 20310

SFMR/DAPC-MSP-PS

29 December 1976

Antoinette Slovik
115 North Jackson St.
P.O. Box 525
Media, PA 19063

Dear **Mrs. Slovik:**

This is to acknowledge receipt of application for correction of military records.

Please be advised that much time is involved in obtaining military records and staffing the application. Also, there is a large volume of other applications currently pending before the Board. In fairness to all, the Board acts on applications according to the dates they are received.

If the Board determines from a review of the application and military records that a formal hearing is authorized, all interested parties will be advised sufficiently in advance of such hearing to make adequate arrangements for presentation of the case.

You are assured that the Board will consider the case as soon as circumstances permit. Your cooperation in this matter will be appreciated, and you will be further informed regarding the Board's decision. Please advise the Board of any change of address.

Sincerely yours,

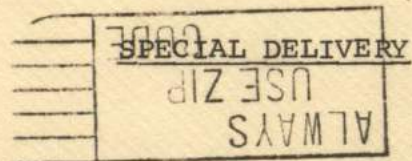
Raymond J. Williams
Executive Secretary
Board for Correction
of Military Records

P. O. BOX 525
115 NORTH JACKSON STREET
MEDIA, DELAWARE COUNTY, PENNSYLVANIA 19063

Special Delivery

Martin R. Hoffman,
Secretary of the Army
Washington, D.C. 20310

Special Delivery



[2.23]



22

Mr Williams

LAW OFFICES
CAINE, DIPASQUA, EDELSON & PATTERSON

115 NORTH JACKSON STREET
MEDIA, DELAWARE COUNTY, PENNSYLVANIA 19063

565-4430
JACKSON 8-6505

920 MAIN STREET
DARBY, PA. 19023
LUDLOW 6-7611

MELVIN E. CAINE
ANGELO A. DIPASQUA
BERNARD EDELSON
EARLE J. PATTERSON
DONALD J. WEISS
LEONARD A. SLOANE
GENE A. FOEHL

PLEASE REPLY TO
BOX 525, MEDIA, PA. 19063

January 4, 1977

Department of the Army
Office of the Assistant Secretary
Washington, D.C. 20310

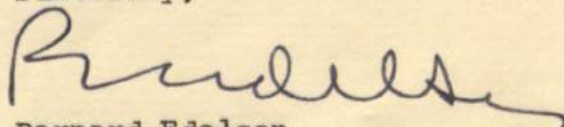
Attention: Raymond J. Williams, Executive Secretary
Board for Correction of Military Records

Dear Mr. Williams:

I have your acknowledgement of receipt of Application for Correction of Military Records in connection with Eddie Slovik, Deceased. Your letter was sent to Antonette (sic) Slovik at my address. As the application shows, I represent widow Slovik in connection with this matter.

Time is of the essence in this matter. Mrs. Slovik is in poor health and our effort is to have this matter successfully concluded as soon as possible so that we can make her life more bearable. I hope that you will give this the speedy attention that it deserves.

Sincerely,



Bernard Edelson

BE:mjb

cc: T.C.D. Associates
cc: DeFinis Public Relations

RECEIVED

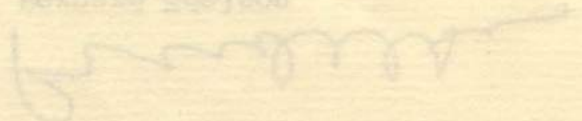
1977 JAN 7 PM 4 54

COI DODIITS BIRITTO NGIETON
COI D.C.P. 143007800

ARMY BOARD FOR CORRECTION
OF MILITARY RECORDS

82141p

RECEIVED SECTION



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Mrs. Pauline Serafine,
11649 Auburn Ave.,
Detroit 28, Mich.

AIR MAIL
VIA
REGISTERED MAIL



U. S. Military Record
Personnell Center,
4300 Goodfellow,
St. Louis, Mo.

ATT: Quillo
Information Desk



TWX to Sheehan



opened by C. St
m+m Bldg 203

2, 25]

LAW OFFICES
CAINE, DIPASQUA, EDELSON & PATTERSON

115 NORTH JACKSON STREET
MEDIA, DELAWARE COUNTY, PENNSYLVANIA 19063

565-4430
JACKSON 8-6505

920 MAIN STREET
DARBY, PA. 19023
LUDLOW 6-7611

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ANGELO A. DIPASQUA
BERNARD EDELSON
EARLE J. PATTERSON
DONALD J. WEISS
LEONARD A. SLOANE
GENE A. FOEHL

PLEASE REPLY TO
BOX 525, MEDIA, PA. 19063

January 7, 1977

Martin R. Hoffman
Secretary of the Army
Washington, D.C. 20310

RE: Application filed - Eddie Slovik

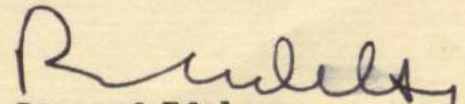
Dear Secretary Hoffman:

I wish to call to your personal attention the fact that an application in the above matter has been filed in December of 1976 in this unfortunate matter. I have received a form letter from the Executive Secretary, Raymond J. Williams, indicating that we might expect a considerable delay.

The circumstances of this case are so unique and the matter so compelling, that I bring it to your attention so that an expedited handling of the matter might be accomplished. My client, the widow of Eddie Slovik, is in her mid 60's and in poor health. This is certainly a case where "justice delayed is justice denied".

May I hear from you soon.

Respectfully,


Bernard Edelson

BE:mjb

RECEIVED

13 JAN 1977 10 18

ADMIN. SUPPORT GROUP OSA

700382

MICROFILE # 132230

FICHE # A IMAGE # A-01. A-01



DEPARTMENT OF THE ARMY
OFFICE OF THE ADMINISTRATIVE ASSISTANT
WASHINGTON, D.C. 20310

7 January 1977

MEMORANDUM FOR: THE EXECUTIVE SECRETARY
ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

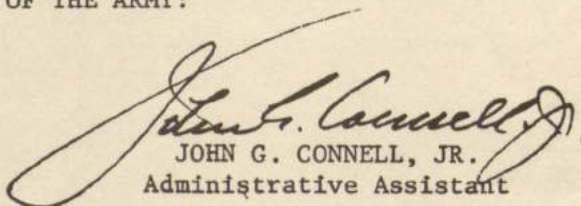
The membership of the Army Board for Correction of Military Records is reconstituted as follows:

Mr. Roswell M. Yingling, OSA	Mr. Joseph P. Murphy, DACA
Mr. Gordon M. Hobbs, ASA(I&L)	Mr. James L. Stroud, JDSS-W
Mr. Charles R. Woodside, ASA(R&D)	Mr. Roy B. Root, DAAR
Mr. Oliver Kennedy, DACA	Mr. Raymond J. Williams, OSA
Mr. Carl F. Bess, DAPE	Ms. Doris C. Thompson, ASA(M&RA)
Mr. Herbert W. Taylor, DAMI	Mr. Paul F. Carlton, DAMA
Mr. Patrick J. Sigleo, DAEN	Mr. John P. Tyler, DAMA
Mr. Adrian U. Dubuisson, DACS	Mr. Robert E. Carlson, DALO
Mr. Charles A. Chase, ASA(FM)	Mr. William C. Dudding, DALO
Mr. Dominic R. Ciccotelli, DAPC	Mr. Edward F. McCue, DACA
Mr. William R. Amis, DAPE	Mr. Philip E. Louer, DAMO
Mr. Jack N. Miller, DAAG	Mr. Raymond V. Michael, DAPE
Mr. Donald T. Ruby, DAJA	Mr. William P. Bannister, DAEN
Mr. Camilleis N. Hoffman, DAMO	Mr. Richard E. Hanson, DAEN
Mr. James C. Hise, NGB	Mr. Marvin R. LeGrande, DAJA

The Board will convene at the call of the Executive Secretary for the consideration and determination of applications in accordance with the regulations and procedures prescribed by AR 15-185. Three members present will constitute a quorum.

All testimony will be given under oath or affirmation administered by the Chairman.

BY ORDER OF THE SECRETARY OF THE ARMY:


JOHN G. CONNELL, JR.
Administrative Assistant



LAW OFFICES
CAINE, DIPASQUA, EDELSON & PATTERSON

115 NORTH JACKSON STREET
MEDIA, DELAWARE COUNTY, PENNSYLVANIA 19063

565-4430
JACKSON 8-6505

920 MAIN STREET
DARBY, PA. 19023
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BERNARD EDELSON
EARLE J. PATTERSON
DONALD J. WEISS
LEONARD A. SLOANE
GENE A. FOEHL

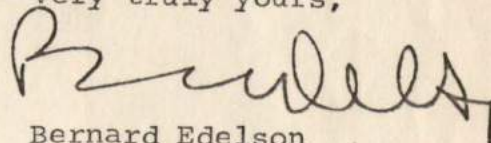
PLEASE REPLY TO
Box 525, MEDIA, PA. 19063

January 17, 1977

TO WHOM IT MAY CONCERN:

I, Bernard Edelson, Esquire, have been retained by Mrs. Antoniette Slovik to pursue justice for her in regards to the execution of Private Eddie Slovik and acknowledge the volunteer assistance of TCD Associates and its director, Stan Doyka. Mr. Doyka, having read of our efforts, indicated his willingness to help by contacting interested people in the Washington, D.C., area and after meeting with me on December 16, 1976 has joined this team effort and has provided vital assistance in those areas where he can be of help.

Very truly yours,



Bernard Edelson

BE:mjb

P O W E R O F A T T O R N E Y

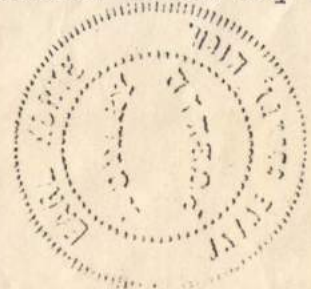
KNOW ALL MEN BY THESE PRESENTS, that I, Mrs. Anton^hette Slovik, of Detroit, Michigan, widow of the now deceased Private Eddie D. Slovik, Army Serial Number 36896415, do make, constitute and appoint Edward P. Woods and Robert N. De Finis of Lansdale, Montgomery County, Pennsylvania, as my true and lawful attorneys, for me and in my name and on my behalf:

(a) To take whatever actions may be necessary, including the commencement and prosecution of legal proceedings, in order to secure for me or my heirs, without subrogation, the proceeds of the National Service Life Insurance Policy on the life of Private Eddie D. Slovik, (deceased), in the amount of Ten Thousand Dollars (\$10,000.00), plus any accrued interest; and

(b) To have sole authority to communicate, negotiate, and/or contract with representatives of the various broadcasting and journalism media, to wit, television, radio, newspaper and magazine publishers, etc., with regard to any and all efforts to clear the name of and/or obtain a posthumous pardon for the now deceased Private Eddie D. Slovik; and

(c) To engage the law firm of Caine, Di Pasqua, Edelson and Patterson, 115 North Jackson Street, Media, Delaware County, Pennsylvania, for the purpose of proceeding as outlined in subsections (a) and (b) above.

It is understood by Anton^hette Slovik, Edward P. Woods, Robert N. De Finis and the law firm of Caine, Di Pasqua, Edelson and Patterson that all legal fees, costs and/or charges, whatsoever, incurred by Edward P. Woods, Robert N. De Finis and Caine, Di Pasqua Edelson and Patterson will be the sole and joint responsibility of Edward P. Woods and Robert N. De Finis, and that Anton^hette Slovik will not be required to expend any sums of money, nor reimburse any persons, corporations or any other entities which may expend sums of money on her behalf; and



STATE OF MICHIGAN :
COUNTY OF WAYNE :SS
:

On this, the day of 6TH, A.D., 1976, before me, the subscriber, a Notary Public, in and for the State of Michigan, residing in the County of WAYNE, personally appeared the above named ANTONIETTE SLOVIK, and in due form of law, acknowledged the above Power of Attorney to be her voluntary act and deed, and desired the same might be recorded as such.

WITNESS my hand and Notarial Seal in the day and year aforesaid.

Earl Korte

Notary Public

EARL KORTE
COMM. EXP. SEPT. 10TH 1979



Eddie SLOVIK

SAMR-RB

17 January 1977

Mr. Bernard Edelson
Attorney at Law
Box 525
Media, Pennsylvania 19063

Dear Mr. Edelson:

This is to acknowledge receipt of your letter of January 7, 1977, to Secretary Hoffmann regarding the application of Mrs. Eddie Slovik to the Army Board for Correction of Military Records. A copy of that letter has also been received by the Executive Secretary of the Board.

Thank you for writing. Your request and comments have been noted. The Board will do all possible in light of its total circumstances to reach an early determination of the case.

Sincerely,

(sgd) Francis X. Plant

Francis X. Plant
Deputy Assistant Secretary
(DA Review Boards and Personnel Security)

copy furn: Mr Plant
ASG OSA
BCMR Attn: Mr. Williams, w/incoming

**DO NOT DETACH THIS SLIP
OFFICE SECRETARY OF THE ARMY**

DATE: **JAN 13 1977**

SUBJECT: _____

FROM: SASA SAUS SACW SAFM SAIL SAMR
 SARD SAGC SAAA SALL SAPI

TO:

SECRETARY OF ARMY (SASA)	CHIEF OF STAFF (DACS)
UNDER SEC OF ARMY (SAUS)	DIR OF ARMY STAFF (DACS-ZD)
DEP UNDER SEC OF ARMY (OR) (SAUS-OR)	COMPTROLLER (DACA)
ASST SEC OF ARMY (CW) (SACW)	DCSLOG (DALO)
ASST SEC OF ARMY (FM) (SAFM)	DCSOPS (DAMO)
ASST SEC OF ARMY (I&L) (SAIL)	DCSRDA (DAMA)
ASST SEC OF ARMY (M&RA) (SAMR)	DCSPER (DAPE)
<input checked="" type="checkbox"/> DEP FOR REVIEW BOARDS (SAMR-RB)	OCF (DAPE-CP)
ASST SEC OF ARMY (R&D) (SARD)	ADJ GENERAL (DAAG)
GENERAL COUNSEL (SAGC)	JUDGE ADVOCATE GEN (DAJA)
ADMINISTRATIVE ASST (SAAA)	SURGEON GENERAL (DASG)
CHIEF LEGISLATIVE LIAISON (SALL)	CHIEF OF ENGINEERS (DAEN)
CHIEF PUBLIC INFO (SAPI)	ASST CHIEF (DAEN-ZC)
ADMIN SPT GRP (SASG)	DIR, CIV WORKS (DAEN-CW)
	DIR, MIL CON (DAEN-MC)
	DIR, REAL ESTATE (DAEN-RE)
	MILPERCEN (DAPC)

XX - ACTION

O - INFORMATION

APPROPRIATE ACTION

DIRECT REPLY, FURNISH A COPY TO _____

NECESSARY ACTION AND PREP. OF REPLY FOR SIGNATURE OF _____

USE SECRETARY OF THE ARMY LETTERHEAD WITH NAME ONLY AT SIGNATURE BLOCK, AND ENVELOPE (AVAILABLE AT SERVICE CENTER NO. 2)

COMMENT NOTATION AND RETURN CONCURRENCE FILE

INFO ON WHICH TO BASE A REPLY

REMARKS:

ADMINISTRATIVE SUPPORT GROUP

JAN 13 4 30 PM '77

OFFICE SECRETARY OF THE ARMY

*Rec'd AM
14 Jan 77
P*

OSA SUSPENSE _____

OSD SUSPENSE _____

BY ORDER OF THE SECRETARY OF THE ARMY:
Mr. C. Moore x5355
Admin Support Group

REFER QUESTIONS TO: _____

TELEPHONE _____ CASE NO. _____

DISPOSITION FORM

For use of this form, see AR 340-15, the proponent agency is TAGCEN.

REFERENCE OR OFFICE SYMBOL

SUBJECT

SFMR - Slovik, Eddie D.
36 896 415

Legal Opinion

TO
DAJA
The Pentagon

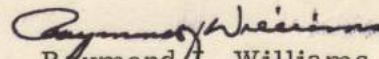
FROM
OSA, ABCMR
The Pentagon

DATE
3 Feb 77
Mr. Williams/hg/74254

CMT 1

The attached application for the correction of the military records of Eddie D. Slovik ASN 36 896 415, deceased, is referred for your opinion whether the correction requested, "Redress of wrongs--Life insurance proceeds and all other benefits due or to become due", is a matter within the jurisdiction of the Correction Board (10 U.S.C. 1552). In view of the opinion of the Attorney General, 40 Op. 504, 24 February 1947, your further opinion is requested, if the application is considered to be within the jurisdiction of the Correction Board, whether there is any effective relief which can be granted by this Board.

- 2 Incls
1. DD Form 149 w/ incls
2. OMPF


Raymond D. Williams
Executive Secretary
Board for Correction
of Military Records

DAJA-CL 1977/1580

SUBJECT: Legal Opinion (Slovik, Eddie D.)

TO OSA, ABCMR
The Pentagon

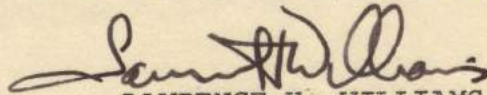
FROM DAJA

DATE 6 APR 1977 CMT 2
MG Williams/wlw/76308

1. In the opinion of this office:

- a. The case comes within the jurisdiction of the ABCMR.
- b. Effective relief can be granted by the ABCMR.

2. Final determination involving the payment of moneys due, whether from the Veterans Administration or the Army, is always a matter for the Comptroller General and the courts.



LAWRENCE H. WILLIAMS

Major General, USA

The Assistant Judge Advocate General

2 Incl
nc



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, D.C. 20310

24 MAY 1977

Ms. Antoinette Slovik
115 N. Jackson Street
Post Office Box 525
Media, PA 19063

Re: Slovik, Eddie D.
36 896 415

NOTICE OF CASE HEARING

Dear Ms. Slovik:

The Board has determined to grant a formal hearing in your case which will be held at 1300 hours, Wednesday, 15 June 1977, or as soon thereafter on that date as circumstances permit.

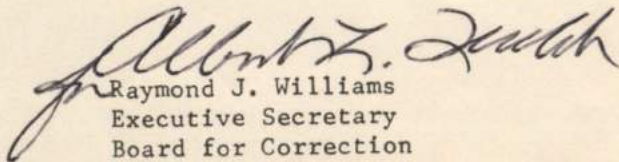
If you desire to appear at the hearing, report to Room 1E-517, The Pentagon, on the above date. In any event, it is requested that you indicate your intention by checking (X) the appropriate remark(s) below and return this letter at your earliest convenience. If you do not return this letter as requested, your case will be considered, at the Board's discretion, on the record currently available or returned to file without action.

Your Army records are available to you and/or your counsel for examination at the Board's office; examination should be completed prior to the time of the above scheduled hearing. No expense in connection with the appearance of yourself, witnesses, or counsel will be borne by the Government.

Sincerely yours,

Copy of notice sent to
counsel if designated

Mr Bernard Edelson, Esq
115 N. Jackson St
Media, Penna 19063


Raymond J. Williams
Executive Secretary
Board for Correction
of Military Records

TO: Army Board for Correction of Military Records
Room 1E-517, The Pentagon, Washington, D. C. 20310

DATE: 5-30-77

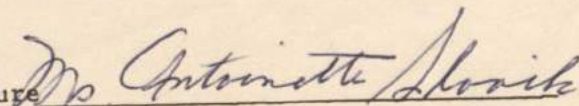
I will be present on the date scheduled.

I will be represented by counsel.

I will not appear and request my case be reviewed on the available records.

I am unable to appear on the date scheduled and suggest _____
as an alternate date. (Wednesday only)

Signature



ARMY BOARD FOR CORRECTION OF MILITARY RECORDS
ROOM 1E-517, THE PENTAGON
WASHINGTON, D. C. 20310

WT/kok

SLOVIK, EDDIE D. (Deceased)

Applicant: Appearing: Yes

36 896 415

Counsel: Bernard Edelson
115 N. Jackson St.
Media, PA 19063

Ref. File No. : 137.00

Review Set For: 15 June 1977

CASE SUMMARY

1. APPLICANT REQUESTS: (TAB A) Application is filed by the former service member's wife, Antoinette Slovik, who requests that the deceased's records be corrected to show that she is entitled to the proceeds of his National Service Life Insurance (NSLI) of \$10,000.00, plus interest from the date of his death.
2. COUNSEL STATES: (TAB B)
 - (a). From the records available, it appears that the Record of Trial was not furnished to Private Slovik. The failure to furnish him with the record, as provided by law, prevented Private Slovik from attempting to obtain legal counsel and other help to represent him after the Court-Martial. The fact that the Record of Trial was reviewed by several levels of the military, satisfies neither the requirements of due process nor of substantial justice. The fact that every person who reviewed Slovik's military record and his civilian record was a member of the system which convicted him, ordered his execution and carried it out, indicates that no one ever was able to assist Slovik to try to present the favorable aspects of Slovik's background which favorable background might well have resulted in clemency being extended to him. The fact that no member of his family nor his wife was notified of his trial or sentence is a further indication that Private Slovik was not given the opportunity to enlist help both from within the military and without to prevent his unjust execution.
 - (b). The psychiatric evaluation by Dr. Burks appears to be the only psychiatric evaluation available to the various people who considered the clemency question. Under any concept of justice, a more thorough psychiatric evaluation should have been pursued in order to determine whether it was a just and proper sentence that Private Slovik be executed for his action.
 - (c). It appears that Private Slovik paid premiums at the rate of \$6.70 per month for a \$10,00.00 life insurance policy starting in January of 1944 and that this life insurance policy

was in effect at the time of his death. The sentence of the Court as originally passed at the time of the Court-Martial was: "To be dishonorably discharged from the service, to forfeit all pay and allowances due or to become due, and to be shot to death with musketry."

General Cota, indicated that, "...only so much of the sentence as provides that the accused be shot to death with musketry is approved..." It appears that it was General Cota's intention that the modification of sentence would enable Slovik's next of kin to receive the proceeds of the life insurance.

(d). The record reflects that Private Slovik was the only member of the Armed Forces to be executed for desertion in over 100 years. The record further reflects that during World War II of the forty-nine approved death sentences for desertion, his was the only one carried out. This conclusion is inescapable that Private Slovik's record as a civilian prior to his induction and his record while in the service prior to the first alleged desertion were considered by those whose duty it was to consider clemency.

(1) MILITARY RECORD

The final endorsement indicates that a notation as to his character was "fair" and that his efficiency rating as a soldier was "unsatisfactory". The reasons for these ratings are not articulated and nothing in the record suggests that prior to the first alleged desertion he was anything but a good soldier. To the contrary, Arnold C. Shaw, Private Slovik's commanding officer during his 17 weeks of basic training at Camp Wolters, Texas, indicates that "he was popular with the troops, non-coms and officers, but badly cast as an infantryman".

From all that appears, there was absolutely no attempt by anyone to determine the extent to which Private Slovik was a good or bad soldier prior to the alleged first desertion. The failure to do so resulted in a failure to consider the entire background of Private Slovik which was an injustice.

(2) CIVILIAN RECORD

Major Bertolet observed in his review of the record for General Eisenhower with respect to Private Slovik's problems prior to his induction into the Army, "...these prior offenses are not of sufficient gravity to influence my recommendation in the instant case.... If the death penalty is ever to be imposed for desertion it should be imposed in this case, not as a punitive measure nor as retribution, but to maintain that discipline upon which alone an Army can succeed against the enemy." It is clear that he and all others in the course of their respective reviews were in fact influenced by Private Slovik's civilian record for

General McNeil wrote, ... "his unfavorable civilian record indicates that he is not a worthy subject of clemency".

An examination of Slovik's criminal record prior to his induction into the Army indicates that it was essentially one of non-violence. Eddie Slovik was to some extent a victim of the times in which he was born and certainly did have considerable problems in his early years. The fact is that he apparently benefited from his early brushes with the law because at the time of his induction he had married, was working steadily and complying with all provisions of his parole and on the way to becoming a good citizen. It certainly seems unfair for the Army to have taken the position that his prior record was of such inconsequential nature that he be considered for service and then hold it against him at the time when it determined that he alone should be executed for desertion.

(e). Private Slovik should never have been put into a combat situation because the Army knew that he could not handle this situation as can be seen in Mr. Shaw's letter ... "We tried every means to get his discharge; failing this, we tried to get him transferred to a non-combat unit. Here again, we failed. As a last resort, we tried to remove his fear of weapons and simulated combat conditions. Tragically, we failed again."

The people who worked with Private Slovik when he was at the Reformatory in Ionia, Michigan also knew that Slovik was not emotionally equipped to handle a combat situation.

Notwithstanding the need at the time of Private Slovik's induction and assignment to a combat situation, those assigned the job of determining whether there were extenuating circumstances and whether clemency should have been extended, failed to make any effort to determine whether or not his emotional and psychological make-up were such that he would become paralyzed by fear in a combat situation. If that were so, and we urge that it was, his inability to perform in a combat situation was something beyond his control and certainly warranted consideration such that he should not have been the only one executed for desertion in the last 100 years.

(f). The review by Bertolet and Betts suggested that the death penalty in this case was imposed neither as a punitive measure nor as retribution but to maintain discipline. If that were so, then Eddie Slovik was chosen out of the thousands who deserted and the many convicted and sentenced to death solely as an example to others. If his death was not "as a punitive measure" then it was not inflicted as "lawful punishment for crime" such as to prevent his widow from receiving the proceeds of the service insurance carried by him.

To correct the injustice that occurred and to effectuate what General Cota and Colonel Sommers expected and wanted, Antoinette Slovik should receive the proceeds of the life insurance policy plus interest to date.

3. RECORDS SHOW: Military:

DOB: 18 Feb 20 - Detroit, Michigan
Education: 9 years schooling
Inducted: 3 Jan 44: EAD: 24 Jan 44
Highest Grade: PVT
Overseas Service: 7 Aug 44 - 31 Jan 45 - ETO
Lost Time:

<u>FROM</u>	<u>TO</u>	<u>DAYS</u>	<u>REASON</u>
25 Aug 44	3 Oct 44	40	Desertion
8 Oct 44	9 Oct 44	1	Desertion
12 Oct 44	30 Jan 45	111	Confinement

4. (TAB C) An allotment of \$6.70 was initiated by the deceased in Jan 44 for payment of premiums on \$10,000.00 NSLI. The service record shows that the allotment was discontinued on 31 Dec 44.
5. (TAB D) The deceased underwent basic training at Camp Wolters, Texas from 29 Jan to 10 Jul 44 and was then reassigned to duty in Europe as a rifleman. The service record shows that his character was "excellent", and efficiency "satisfactory" during basic training; that he was a "skilled" rifleman. He was granted furlough from 10 Jul to 21 Jul 44 and reported to Fort George G. Meade, Maryland on 24 Jul 44 for shipment overseas.
6. (TAB E) On 11 Nov 44 the deceased was convicted by a General Court-Martial at Headquarters, 28th Infantry Division, Rotgen, Germany for violation of the 58th Article of War (Desertion). The first specification indicated that the deceased deserted the service on or about 25 Aug 44, to avoid action against the enemy, and remained absent until on or about 4 Oct 44. The second specification indicated that he again deserted the service on or about 8 Oct 44, to avoid action against the enemy, and remained absent until on or about 9 Oct 44. He was sentenced to be dishonorably discharged, total forfeitures, and to be shot to death with musketry.

The record of trial shows that the deceased departed the United States on 7 Aug 44 as a member of a group of replacements. The group proceeded via England to Omaha Beach, France, thence to "a couple of different places" and thereafter to the Third Replacement Depot (France), where he was assigned to the 28th Infantry Division. On 25 August the group went to the division headquarters and the deceased, together with 14 other replacements, was assigned to Company G, 109th Infantry.

At division headquarters an officer gave the group an orientation lecture and ammunition was issued to them. According to the testimony of one of their number, it was a matter of common knowledge and general conversation among the members of the group as to what company they were to join, where the company was and whether it was engaged in combat. A witness explained that the members of the group "didn't know what to expect and didn't come to any definite conclusion about where we were going," but "had a pretty strong suspicion" that the division was engaged with the Enemy. They did not know definitely what Company G was doing but "just imagined that it was fighting."

On the same day, 25 August, the group entrucked at division headquarters for Company G, then located at Elbeuf, France. (Elbeuf is approximately 80 miles west-northwest of Paris.) En route, the replacements including the deceased, "saw some damage, some burned out vehicles and shelled places", but saw no action. After proceeding for about two or three hours they stopped at what apparently was a rest area, left their packs, and continued on the trucks to the outskirts of Elbeuf, where they detrucked. After moving along the edge of the city they reached an open lot where they "dug in" at about 2300 hours. Between 2300 and 2330 hours the replacements, including SLOVIK, entered the city of Elbeuf to join Company G. There were "a lot of troop movements and shelling" and "it took quite a while because there was a lot of confusion. We moved around some but stayed close together so none of us would get lost."

The deceased was last seen with the group at Elbeuf at about 0100 hours on 26 August. The company remained at Elbeuf on 26 August until Canadian troops "took over" and it then proceeded through Paris, Belgium, and Luxembourg to the Siegfried Line. During this movement occasional enemy action was encountered and up until the time of trial the company was engaged generally in fighting and campaigning in the invasion.

The company commander of Company G, 109th Infantry, testified that at the time of trial (11 November) he had been in command thereof for a month and a half and that the deceased physically joined Company G on 8 October when it was reorganizing and not in contact with the enemy. The deceased "had been absent without leave and had been returned through the battalion." The deceased was never present with the company for duty except on 8 October for one or two hours. On that day a battalion sergeant major brought him to the company command post where he was assigned to the 4th platoon, and turned over to the platoon leader who forbade him to leave the company area unless he had permission. The platoon leader conducted the deceased to his platoon and introduced him to his squad leader. Thereafter the deceased inquired if he could be tried for

being absent without leave. He was told that he could, was placed under arrest, returned to his platoon area, and directed to stay. About an hour later the deceased stated, "If I leave now will it be desertion?" He was told that it would be. The deceased then left and thereafter he was not seen in the company nor was he present with the company for duty.

About 0830 hours 9 October the deceased reported to the Military Government Detachment, 112th Infantry, which since the preceding day had been located at Rocherath, Belgium, handed a cook a green slip of paper containing handwriting and stated that he had made a confession. The cook informed his "commanding officer" of the matter when the latter returned to the detachment about 1100 hours. About 1230-1245 hours a sergeant arrived and drove the deceased to the orderly room of the 109th Infantry, where he handed the green slip of paper to a military police officer. The latter testified that he read the slip and directed the sergeant to deliver the deceased to the military police for temporary custody. Subsequently on the same day the deceased signed the slip in the presence of witnesses. The green slip of paper, a U.S. Army Post Exchange flower order form, with writing in ink on each side thereof, was admitted in evidence at the trial. The paper read as follows:

"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 overnight 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 Id run away. He said their was nothing he could do for me so I ran away again AND ILL RUN AWAY AGAIN IF I HAVE TO GO OUT THEIR.

Signed Pvt. Eddie D. Slovik (handwritten)
A.S.N. 36896415".

(Reverse side, on printed form, handwritten in ink):

"Rocherath, Belgium
Oct 11, 1944

This statement is made in the presence of Lt. Col
Ross C. Hen best 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:
Eddie D. Slovik

Above statement was signed in the presence of the undersigned:

/s/ Ross C. Henbest
Ross C. Henbest
Lt. Col, Infantry

/s/ Wayne L. Hurd
Wayne L. Hurd
1st. Lt. Inf"

The deceased was examined by a psychiatrist on 26 Oct 44
(Captain Arthur L. Burks). His comments were as follows:

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

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

On 27 Nov 44 the convening authority (CG, 28th Inf Div, MG
Norman D. Cota) approved only so much of the sentence as pro-
vided for the deceased to be shot to death with musketry.

On 9 Dec 44 the deceased wrote a letter to General
Eisenhower stating that he had no intentions of deserting the
Army, but merely wanted a transfer from "the line," because of
his nerves; that he could have avoided the draft, but chose to
go into the Army because he was sick of being locked up all
his life; that for the sake of his wife and mother, he asked

9 October 1944 thru 31 January 1945

Credits

Private (less than 3 years' service) * *

9 Oct 44 thru 31 Jan 45 - 3 mos, 22 days

@ \$50 per mo

\$186.67

Total Credits

\$186.67

Debits

Due U. S. as of date of second desertion

\$35.70

Class N (Insurance) Allotment

1 Oct 44 thru 28 Feb 45

33.50

Class F (Family) Allowance

1 Oct 44 thru 31 Jan 45

88.00

Class E Allotment

1 Oct 44 thru 28 Feb 45

75.00

Total Debits

\$232.20

Due U. S.

\$ 45.53

* Paragraph 4b, AR 35-1420, dated 15 December 1939, which was in effect at that time, provided that an enlisted man convicted of desertion would forfeit all pay and allowances due at date of desertion. See United States v. Landers, 92 U. S. 77, 5 Comp Gen 194, 8 Comp Gen 234, 23 Comp Gen 44, and 24 Comp. Gen. 880.

* * AR 35-1490, the regulation in effect at that time, provided that foreign service pay would not accrue to a member in confinement.

3. The report received from the Finance Center, U. S. Army, Indianapolis 49, Indiana, further reveals that the class F allotment of \$50 a month was in effect from 1 February 1944 through 31 January 1945; the class N allotment of \$6.70 a month from 1 September 1944 through 28 February 1945 and a class E allotment of \$15 a month from 1 September 1944 through 28 February 1945.

4. There is no record of any correspondence with the serviceman's relatives.

5. While this office has no objection to the release of the above information, it is felt that release of the substantiating documents to persons outside the military is not desirable. It is the policy of the Chief of Finance to limit access to documents concerning the personal affairs of individuals to only those within the military establishment having primary interest. This policy reflects the combined thinking and experience of the Finance Corps and affords maximum protection of the Government's interest as well as that of the individuals concerned. It is requested that your office consider this policy very carefully before making any exceptions to the rule.

W. B. Andresen

W. B. ANDRESEN
Captain, FC
Technical Liaison Officer

12 Incls

1. Cmnt No. 1, 19 Aug 53
2. Photo cy vou 2923
3. " " " 5392
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W MAB 25 Feb 1255

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24 FEB 1945

U, 44]

Address to

Subject:

SEP 27 1942