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HEADQUARTERS
EUROPEAN THEATER OF OPERATIONS
UNITED STATES ARMY

Received
27 JAN 1945 / dhrs,
Board of Review
BOTJAG-ETO

General Court-Martial
Orders No 27

23 Jan 1945

Before a general court-martial which convened at Rotgen, Germany, on 11 November 1944, pursuant to paragraph 1, Special Orders No 174, Headquarters, 28th Infantry Division, 16 August 1944, as amended by paragraph 12, Special Orders No 204, Headquarters, 28th Infantry Division, 25 September 1944, was arraigned and tried:

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

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.

PLEAS

To the Specifications and the Charge:

NOT GUILTY

FINDINGS

Of the Specifications and the Charge:

GUILTY

SENTENCE

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. (No previous convictions considered)

The sentence was adjudged on 11 November 1944.

The action of the convening authority is:

290498

5555

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(GCMO 27, 23 Jan 1945, contd)

"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.

s/ Norman D. Cota **27 JAN 1945**
t/ NORMAN D. COTA
Major General, U.S.A.
Commanding
Record of trial examined by the Board of Review with the concurrence of the Assistant Judge Advocate General, Branch Office of TJAG, with ETO and found legally sufficient to support the sentence.
[Signature]
Chairman, Board of Review

The action of the confirming authority is:

"HEADQUARTERS
EUROPEAN THEATER OF OPERATIONS
UNITED STATES ARMY

In the foregoing case of:
Private Eddie D. Slovik, 36896415,
Company G, 109th Infantry,
the sentence, as approved, is confirmed. Pursuant to Article of War 50 $\frac{1}{2}$, the order directing the execution of the sentence is withheld.

s/ Dwight D. Eisenhower
t/ DWIGHT D. EISENHOWER
General
United States Army
Commanding.

23 December 1944."

The sentence having been modified and approved by the convening authority, confirmed by the Commanding General, European Theater of Operations, and Article of War 50 $\frac{1}{2}$ having been complied with, will be carried into execution on 31 January 1945, at 109th Infantry Area, France.

The act of execution will be under the direction of the Provost Marshal, 28th Infantry Division.
(CM ETO 5555).

By command of General EISENHOWER:

R. B. LORD,
Major General, GSC, Deputy Chief of Staff.

OFFICIAL
EUROPEAN THEATER OF OPERATIONS
UNITED STATES ARMY
OH-EURO
OFFICIAL
[Signature]
R. B. LOVETT,
Brigadier General, USA, Adjutant General.

THIS IS THE DIRECT ORDER
TO EXECUTE PRIVATE SLOVIK.
IT DOES NOT STATE THAT "IKE" SIGNED

DISTRIBUTION: M
(Special)

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(To be retained as part of file)

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CM ETO 5555 NAME Pvt. EDDIE D. GIOVIL ORG. Co. G, 109th Inf.
(36896415)

TRIED 11 Nov 1944, at Otzen, Germany. At time of commission of offense
accused was 24 years 8 mos. of age, having completed 7 yrs. 7 mos. service.

OFFENSES OF WHICH CONVICTED

CHARGE : Violation of AM 58

Spec 1: Desertion to avoid hazardous duty

Spec 2: Desertion to avoid hazardous duty

MAXIMUM AUTHORIZED SENTENCE, DD, TF, CH L Death YRS. - MOS.
SENTENCE IMPOSED 11 November 1944, DD, TF, CHL Death / by musketry YRS. - MOS.
REDUCED BY R.A. 27 November 1944, TO DD, TF, CHL DEATH YRS. - MOS.
PREVIOUS CONVICTIONS None

FIELD REVIEW ADOPTED? No as to summary of evidence only.

RECORD LEGALLY SUFFICIENT AS TO FINDINGS? Yes . SENTENCE? Yes

CLEMENCY RECOMMENDED? No

REMARKS:

[Signature]
CHAIRMAN FOR BOARD OF REVIEW

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SPECIAL ORDERS)
NUMBER 16)

HEADQUARTERS 28TH INFANTRY DIVISION
APO 28, U. S. ARMY, 27 January 1945
28TH - ROLL ON

E X T R A C T

1. The following listed personnel are detailed for duty as follows in connection with the execution of a sentence of death by shooting imposed by a General Court-Martial upon Private Eddie D Slovik 36896415 Co "G" 109th Inf. Personnel so designated will report for duty to the Director of the Execution at the Office of the Provost Marshal, this hq, at 310830 Jan 1945, or such other time as specified by the Director of the Execution:

MAJ WILLIAM FELLMAN 2ND 0322317 CMP	- Hq 28th Inf Div	-- Director of Execution
1ST LT ZYGMONT E KOZIAK 01286506 CMP	- Hq 28th Inf Div	-- Assistant Director of Execution
2ND LT JOHN J HUCKER 0533262 CMP	- Hq 28th Inf Div	-- Assistant Director of Execution
CHAP (CAPT) CARL P CUMMING 0416665 ChC	- 109th Infantry	-- Chaplain
LT COL HENRY J SOMMER 0321396 JAGD	- Hq 28th Inf Div	-- Recorder
S Sgt John S Clapper 20305981	- Hq 28th Inf Div	-- Recorder's Stenographer
MAJ ROBERT E ROUGELOT 0335793 MC	- Hq 28th Inf Div	-- Medical Officer
MAJ DONALD W LYDDON 026413 MC	- 109th Infantry	-- Medical Officer
CAPT MARION B DAVIS JR 0441358 MC	- 109th Infantry	-- Medical Officer
CAPT CHARLES E GALT 0387153 MC	- 103d Med Bn	-- Medical Officer
LT COL JAMES E RUDDER 0294916 Inf	- 109th Infantry	-- Witness
LT COL VINCENT KEATOR 021283 Inf	- 109th Infantry	-- Witness
LT COL HERMAN A PETERSON 0336122 IGD	- Hq 28th Inf Div	-- Witness
MAJ ORLAND F LEIGHTY 0274040 DC	- Hq 28th Inf Div	-- Witness
CAPT JOHN M COOKENBACH 0461636 FD	- Hq 28th Inf Div	-- Witness
CAPT ROBERT J HUMMEL 0423785 CE	- Hq 28th Inf Div	-- Witness
1ST LT CLARK E MILLER 0447467 Inf	- 109th Infantry	-- Witness
1ST LT PAUL M GALLAGHER 0487002 Inf	- Hq 28th Inf Div	-- Witness

CO, 28th MP Plat will furnish necessary security guard and Prisoner Escort Guard.

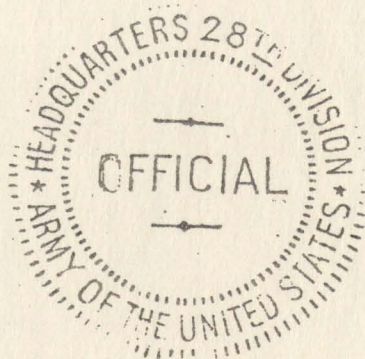
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By command of Major General COTA:

J. L. GIBNEY,
Colonel, GSC,
Chief of Staff.



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

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SPECIAL ORDERS)
NUMBER 17)

HEADQUARTERS 28TH INFANTRY DIVISION
APO 28, U. S. ARMY, 28 January 1945
28TH - ROLL ON

EXTRACT

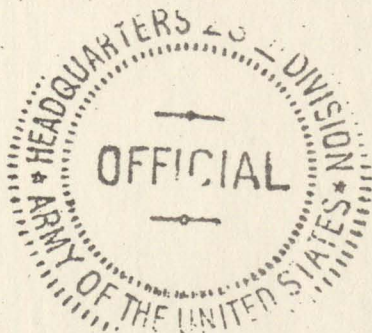
1. The following listed EM are detailed for duty as members of the firing squad to execute the sentence of death by shooting imposed by a General Court-Martial upon Private Eddie D Slovik 36896415 Co "G" 109th Inf. EM will report for duty to the Director of the Execution at the Office of the Provost Marshal, this hq, at 310830 Jan 1945, or such other time as specified by the Director of the Execution:

S Sgt Albert H Bruns	36027946	Co "F", 109th Inf - IN COMMAND
Pvt Aaron Morrison	35656274	Hq Co, 1st Bn, 109th Inf
Pvt James K Baker	35132803	Co "A", 109th Inf
Pfc Oscar R Kittle	33607832	Co "D", 109th Inf
Pfc Earl J Williams	33366036	Co "B", 109th Inf
Pvt John R James	35815616	Co "F", 109th Inf
Pvt Clarence M Revlet	35815637	Co "F", 109th Inf
Pvt Robert A Irons	37644124	Co "G", 109th Inf
Pvt Charles E McDaniel	34936344	Co "G", 109th Inf
Pfc Trinidad Sanchez	36266351	Hq Co, 3d Bn, 109th Inf
Pvt Cass W Carper	36455522	Hq Co, 3d Bn, 109th Inf
Pvt Frank Nawrocki	12182922	Hq Co, 3d Bn, 109th Inf
Pvt Thomas E Keresev	31264843	Hq Co, 3d Bn, 109th Inf

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By command of Major General COTA:



J. L. GIBNEY,
Colonel, GSC,
Chief of Staff.

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

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- 1 -

EXHIBIT D

~~SECRET~~

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

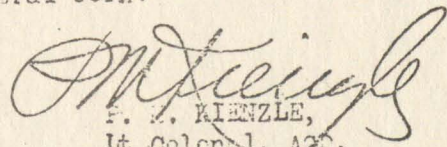
31 January 1945

SUBJECT: Designation of 109th Infantry Area.

TO : To Whom It May Concern.

Department of Upper Rhin, France
Stc. Marie aux Mines/and its immediate vicinity is designated as
an area of the 109th Infantry for the purpose of execution by shooting of
Private Eddie D. Slovik, 36396415, Company G, 109th Infantry on 31 January
1945.

By command of Major General COTA:


F. V. KIENZLE,
Lt Colonel, AGC,
Adjutant General.

PAUL M. KIENZLE, WAS A GOOD FRIEND AND A VERY
COMPASSIONATE NEWSPAPER EDITOR FROM TYRONE PENNSYLVANIA.
HE, COLONEL GUY M. WILLIAMS, MAJOR WILLIAM FELLMAN
AND MYSELF WERE THE FEW REMAINING MEMBERS OF HEADQUARTERS
28TH INFANTRY ORIGINAL STAFF, AS ORIGINALLY CONSTITUTED.

I AM SURE IT WAS WITH A HEAVY HEART THAT PAUL AFFIXED
HIS SIGNATURE TO THIS FATAL DOCUMENT.

AFTER THE TRIAL I HAD NO OFFICIAL CONNECTION WITH THE
CASE, I WOULD HAVE CONTESTED THE SHOOTING, AS I AM
SURE MY COMMANDING OFFICER, THE PRESIDENT JUDGE
FROM SCRANTON, PENNA. WOULD ALSO HAVE DONE. (COLONEL
THOMAS LINDS HOBAN)

I, NOR, COLONEL HOBAN WERE UNDER U. S. ARMY CONTROL. 1/31/45
HE WAS SERIOUSLY WOUNDED DURING THE BATTLE OF THE "BULGE")
AND A PRISONER OF WAR OF THE GERMANS IN A GERMAN HOSPITAL.
I WAS ONLY SLIGHTLY WOUNDED AND TAKEN PRISONER ALSO
A WEEK LATER BY THE GERMANS. HAVING GOTTEN AWAY FROM
THE "THIRD REIGHT" THEN THE RUSSIANS HAD ME IN "HOUSE
ARREST (OUR ALLIES OF CONVENIENCE) IN ODESSA, RUSSIA.

COLONEL HOBAN AND I HAD DISCUSSES THIS CASE, BEFORE AND
AFTER THE TRIAL, AND AGAIN WHEN WE WERE BOTH RETURNED TO
THE STATES FOR REST AND REHABILITATION. HE WAS, AS I WAS
EMPATHETIC, BUT BEING SOLDIERS WERE NOT SYMPATHETIC TO
SLOVIK.

COLONEL HOBAN MIGHT HAVE BEEN ABLE TO INFLUENCE GENERAL
COTA. GENERAL COTA STOOD BY HIS DECISION TO HIS DYING
DAY, AND ORDERED ANOTHER SOLDIER SHOT TO DEATH FOR DESER-
TION, AFTER THE SLOVIK CASE. 34

~~SECRET~~
HAD I BEEN PRESENT FOR DUTY AT THE TIME OF EXECUTION,
I NOT ONLY WOULD NOT HAVE WITNESSED IT, IF SO ORDERED, EXHIBIT B
BUT WOULD HAVE RESIGNED MY COMMISSION IN DISGUST. E.J.H.

LIST OF ADDITIONAL MILITARY WITNESSES
PRESENT AT EXECUTION OF
PRIVATE EDDIE D. SLOVIK, 36996415
COMPANY G, 109TH INFANTRY
31 JANUARY 1945

<u>Name</u>	<u>Rank/Grade</u>	<u>ASN</u>	<u>Organization</u>
Norman D. Cota	Maj Gen, USA	05284	Hq, 28th Inf Div
Charles Stanceu	1st Lt	01295618	Co M, 110th Inf
Milton W. Mueller	S/Sgt	20221361	Co E, 110th Inf
Raymond F. Stivison	1st Sgt	20305577	Co C, 110th Inf
Michael Duda	1st Lt	01321109	Co B, 112th Inf
George Patrick	T/Sgt	12189289	Hq Co, 2nd Bn, 112th Inf
Victor F. Fabiani	S/Sgt	33694101	Co M, 112th Inf
Herbert L. Franklin	Captain	01173952	Btry A, 107th FA Bn
William J. Nagy	S/Sgt	32071482	Btry B, 107th FA Bn
Millard E. Dunnam	Sgt	34135259	Btry C, 107th FA Bn
James W. Hagood	1st Lt	01163699	108th FA Bn
Henry Guz	Sgt	33050021	108th FA Bn
John S. Jankowski	Sgt	37077353	108th FA Bn
Joseph L. Minter	Captain	040820242	109th FA Bn
Nick Gozik	S/Sgt	20314261	109th FA Bn
Tony DiMichele	S/Sgt	20313945	109th FA Bn
James B. Carter	1st Lt	01175069	Btry B, 229th FA Bn
Henry F. Martin	S/Sgt	20315934	Btry B, 229th FA Bn
Jackson E. Breish	Sgt	20315935	Btry C, 229th FA Bn
William F. Thomas	Major	0396646	103rd Engr (C) Bn
James J. McGroarty	S/Sgt	33022828	Co B, 103rd Engr (C) Bn
Joseph L. Viterise	Cpl	32550293	Co A, 103rd Engr (C) Bn
Brice E. Hall	1st Lt	01101855	Hq, 103rd Engr (C) Bn
James W. Hess	Sgt	20300531	28th MP Platoon
Frank J. McKendrick	Sgt	33029048	28th MP Platoon
Orrin W. Fluck	Cpl	33028627	28th MP Platoon
Virgil M. Beetschen	Pfc	36439173	28th MP Platoon
Auburn Kunkester	Pfc	20303180	28th MP Platoon
Gerald A. Corwin	Pfc	36743183	28th MP Platoon
Russell Stanton	Pvt	20301837	28th MP Platoon
Stephen J. French	Pfc	36376600	28th MP Platoon
Joseph Byrnes	Pfc	32600016	28th MP Platoon
James F. Shaughnessy	Pvt	42130323	28th MP Platoon
Steve N. Buco	Pvt	20306744	28th MP Platoon
Harry R. Jenkins	Pfc	20305783	28th MP Platoon
Ray J. Stevens	Pfc	16127274	28th MP Platoon
Harold E. Mitchell	Pfc	20319621	28th MP Platoon
N. R. S. Thompson	Major	0125089	Hq, 28th Inf Div
Robert E. Milbier	Tec 5	31097011	28th Hq Co
James E. Hawkins	1st Lt	01313602	46th QM GR Co
S. Maita	Sgt	39025540	46th QM GR Co
James L. Hardy	Pfc	35497084	46th QM GR Co
Thomas W. Turner	Pfc	35463843	46th QM GR Co
Sergius P. Peachin	Captain	0516932	Co D, 103rd Med Bn
Edward L. R. Elson	Chap (Col)	0276662	Hq, XXI Corps
K. M. Bigelow	Captain	0344307	Hq, XXI Corps
Robert L. Broward	M/Sgt	34024870	XXI Corps MP Platoon
Wm. H. Ellsworth	Lt Col	0318424	Hq, 3rd Inf Div
Ralph J. Smith	Chap (Lt Col)	0387339	Hq, 3rd Inf Div
James K. Watts	Major	0314309	Hq, 3rd Inf Div
Lloyd E. Langford	Chap (Maj)	0349150	Hq, 3rd Inf Div
James W. Taylor	Captain	01300883	Hq, 3rd Inf Div

EXHIBIT E