

UNITED STATES MILITARY TRIBUNALS  
SITTING IN THE PALACE OF JUSTICE, NURNBERG, GERMANY  
HELD 30 JULY 1947, IN CHAMBERS

THE UNITED STATES OF AMERICA :  
- vs. - : OPINION ON NOTICE OF  
CARL KRAUCH, et al., : THE DEFENSE AND ORDER  
Defendants. : THEREON  
Case No. 6

Upon reading and considering the motion of all the defendants in the above cause, filed therein on 7 July 1947, together with the answer of the Chief of Counsel thereto, filed on 10 July 1947, it is hereby

ORDERED, for the reasons set forth in the attached Opinion of the Tribunals, that said motion of said defendants be and the same is hereby denied without prejudice.

/s/ ROBERT M. TOMS  
Executive Presiding Judge

/s/ WALTER B. BEALS  
Presiding Judge, Tribunal I

/s/ JAMES T. BRAND  
Presiding Judge, Tribunal III

/s/ CHARLES B. SEARS  
Presiding Judge, Tribunal IV

/s/ CHARLES F. WENNERSTRUM  
Presiding Judge, Tribunal V

## OPINION OF THE TRIBUNALS

The Indictment was filed on May 3, 1947, and the commencement of the trial was tentatively set for August 6, 1947, an interval of more than three months. The defense will not be required to offer any proof until after the opening statement and the testimony of the prosecution has been submitted, which will undoubtedly be several months after August 6th. The application at this time for a continuance of three months is premature and the necessity for such continuance does not appear. If, when the time comes for the defense to present its proof, it then appears to the Tribunal that a continuance is necessary, an application under the circumstances then existing will be considered.

In the application for the approval of non-German defense counsel, no specific attorney is designated. It is impossible to pass upon such a carte blanche application and to approve counsel whose identity is not known. If defense counsel desire to submit an application for the appointment of a specified non-German attorney and if, in addition, no obligation to pay for the services of such attorney falls upon the American Government, or any agency thereof, such application will be considered by the Tribunal.

The request that a defense attorney be authorized to go to the United States for the purpose of investigating matters connected with the trial cannot be granted in view of the restrictions imposed by United States Military Government and the Department of State upon the entry into the United States of German nationals.

If it becomes apparent later that it is necessary for defense counsel to use the Library of the League of Nations in Switzerland or the Library of International Law in Berlin, the Chief of Counsel assures the Tribunal that he will cooperate in making visits possible. In any event this request is not within the power of the Tribunal to grant or deny.

With reference to the petition to release a part of the property and funds of the I.G. Farbenindustrie from the General Order of the United States Military Government dated July 5, 1945, entitled, "Blocking on Control of Property", these Tribunals have no jurisdiction to modify or suspend such order or any part thereof. It is to be observed, however, that the property and funds blocked by this Military Order are those of the I.G. Farbenindustrie A.G., a body corporate, and are not the funds of the individual defendants in this case. The I.G. Farbenindustrie A.G., to whom the blocked funds belong, is not named in the Indictment.