

Overuled

Motion No. 9

(stamp):

Filed 29 March 1948 with
Secretary General
for Military Tribunal
Defense Center

UNITED STATES MILITARY TRIBUNAL III

Nürnberg, Germany

THE UNITED STATES OF AMERICA :

- against - : Case No. 10

ALFRIED KRUPP VON BOHLEN UND :
HALBACH , et al.

Defendants :

MOTION TO STRIKE EVIDENCE

COMES NOW the defendant Friedrich von Buelow and
moves this Tribunal to strike each exhibit and statement admit-
ted in evidence against this defendant numbered consecutively
from No. 1 to No. 1493 inclusive, consisting, among other
things, of the following:

- 1) Newspaper articles, extracts therefrom, summaries thereof;
- 2) Periodicals and other forms of publications of third persons, not shown to have been published by or with the knowledge or consent or other participation of the defendant;
- 3) Statements of third persons made extra-judicially and not in the presence of the defendant and without proper foundation as to the existence of any conspiracy or common design to commit an alleged offense;
- 4) Self-serving statements of co-defendants made extra-judicially and not in the presence of the defendant, and not made during the period of the alleged conspiracy, most of such statements, if not all, having been made subsequent to "May 1945" the final date alleged in the "indictment," and after the termination of any alleged conspiracy;
- 5) Unsigned and otherwise unidentified private writings and documents;

- 6) Unauthenticated private writings and documents;
- 7) Statements taken from the defendant during the course of more than two years continuous confinement during which time he was held incommunicado and denied benefit of counsel, which statements were secured by deceit, fraud, coercion and upon inducements.

All of which documents are irrelevant, incompetent, and immaterial to the issues involved insofar as the defendant is concerned and many of which are incorrect and not genuine and do not faithfully represent the contents purported to be included therein and are further inadmissible as evidence upon the following more specific objections:

- 1) Such documents are hearsay;
- 2) Such documents were admitted without proper authentication;
- 3) Such documents were admitted without proper foundation;
- 4) Such documents were not shown to have any connection with the offenses alleged against the defendant.
- 5) Such documents were not the best evidence and were admitted without any proper foundation;
- 6) Such documents were not properly identified;
- 7) Such documents contained inflammatory and prejudicial statements based entirely on opinions and conclusions without foundation;
- 8) Such documents contained false and malicious statements and propaganda.
- 9) Each such document was admitted without any showing as to genuineness;
- 10) Each such document was admitted without proof of the facts attending its execution;
- 11) Each such document was admitted without proof of identification by a witness familiar therewith;
- 12) Each such document was admitted without evidence of the supervision, control and knowledge of the contents of the document by the defendant;
- 13) Each such document purporting to be a public or official document was admitted without proof of authenticity;
- 14) Each such document purporting to be a public or official document was admitted without proof that it came from a proper depository;
- 15) Each such document purporting to be a public or official document was admitted without proof that it was made by a public official in the performance of his official duty

- 16) Each such document purporting to be a public or official document was admitted without proof that it was made and kept in pursuance of law;
- 17) Each such purported statement of the defendant was admitted without proof that it was executed by the defendant and that such execution was voluntary and free from duress, coercion and inducement.

This motion is based upon the record of trial and oral testimony to be adduced at the hearing herein.

(s) Joseph S. Robinson

Joseph S. Robinson
Attorney for Friedrich von Buelow

(s) Dr. Wolfgang Pohle
Dr. Wolfgang Pohle
Attorney for Friedrich von Buelow