Mr. Ervin and defense counsel, Dr. Siemers, agreed that the petition was of a pre-trial nature and could be decided by this presently sitting tribunal and that the jurisdiction of a newly created tribunal to conduct the trial could not be challenged on the ground that another tribunal had decided a pre-trial motion. (pp. 27, 29)

The presiding judge ruled that this tribunal will make the ruling, based on written submissions by both counsel, or, if necessary, based on an oral argument heard at a later date. (p. 29)

Mr. Ervin promised that IMT procedure will be followed in that the prosecution will furnish the defense with documents on which the prosecution's case-in-chief is based. This will be done as fast as the documents can be processed. (p. 28)

The ruling on the defense's motion thus was: (a) they will be furnished with documents in advance and (b) the Tribunal will rule later on their motion for a bill of particulars.

4. Developments Outside Court: Amended Indictment

Odilo Burkart, a leading official of numerous Flick enterprises, was apprehended in the French Zone on 15 March. A new indictment in which Burkart's name was added to Count One (slave labor) and Count Two (spoliation) was served on all the defendants on 18 March. Accordingly the opening of the actual trial in the Flick case will probably take place April 17th.

Richard Lansdale