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Michele Sindona

Court Papers Filed By Sindona in Fight To Bar Extradition

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By ROBERT J. COLE

Michele Sindona, the Italian financier facing extradition, accused the Italian Government here yesterday of political persecution and argued in papers filed with the Manhattan Federal Court that his life would be in serious danger if he were forced to return to Italy.

"If returned to Italy," the documents said, "Mr. Sindona will not receive a fair trial. He may not receive a trial at all. Given the prevailing political situation in Italy, Mr. Sindona's conviction for fraudulent bankruptcy... is a foregone conclusion... There is even substantial likelihood that he will be killed."

The one-time prominent banker, who is now living at the Pierre Hotel in New York, is being sought on charges that he had looted two Italian banks of \$225 million. He was tried in absentia in Italy and sentenced last June to the maximum permitted under Italian law of three and a half years. That sentence is under appeal.

"Michele Sindona is being persecuted for his political beliefs and for acts other than those alleged in the arrest warrant," court papers said, arguing that under such circumstances treaties between the United States and Italy and with the United Nations expressly protect individuals against extradition.

In an unusual series of affidavits accompanying his 72-page defense, Mr. Sindona also presented the court with eight

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photographs purporting to show that the financier's life may be at stake.

One shows a group of young men, carrying a sign with the words, "Morte a Sindona," Italian for "Death to Sindona." The words are shown on a placard carried by a group of students, one with a raised clenched fist. Similiar slogans are depicted on stone walls and the side of a building.

In a sworn affidavit, Judge Carmelo Spagnuolo, a Supreme Court official in Rome, said he was "inclined to think that Michele Sindona's return to Italy might mean his life would be in danger.

Acting on behalf of the Italian Government, Assistant United States Attorney John J. Kenney last September asked the court to issue a warrant for Mr. Sindona's arrest and for a hearing on the financier's extradition.

The court issued the arrest warrant the same day but Mr. Sindona, by agreement, surrendered and was released on bail. His lawyers immediately charged that the documents presented to the court were in imprecise English translations from the Italian and made it difficult to determine the exact charges against him.

It appeared that charges of political persecution centered on the Communist Party and other unspecified "powerful figures in the Italian Government."

Without attempting to explain the motives of the United States Government, he noted that two months after the Communist Party made strong gains in Italian national elections, the United States took action on an Italian extradition request that had been on file at the State Department in Washington for nearly a year.

Affidavits speak of him as "a target for attack from the Left," with the Communists "attempting to further their cause... by eliminating Mr. Sindona as a force in the Italian business and political world."

He charged that Ugo La Malfa, then Italian Treasury Minister, sabotaged a large low-cost housing project Mr. Sindona sponsored under the name Finambro, thus leading to its failure and ultimately to the collapse of his Banca Privata Italiana.

He contended that the Communist Party was a strong political bloc in Italy and that "certain Lefist individuals" in the Italian Government were "intent on persecuting" him. He maintained that, therefore, he was "entitled to the protections afforded" by the United Nations and the United States.

Mr. Sindona is represented in the proceedings by John J. Kirby Jr. of Mudge Rose Guthrie & Alexander and Robert Kasanof of Baer & McGoldrick, both of New York.

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