

ACC

10000/142/18

10000/142/18

CASE OF THE HONORABLE MATTEOTTI
OCT. 1943 - AUG. 1946

Subject: Trial for homicide of Hon. MATTEOTTI.
Memorandum DUMINI.

The Ministry ofardon and justice forwards copy of the report, which the Italian Foreign Office has received from the Italian Embassy of Washington, relating to their request transmitted to the State of Texas, in order to obtain the memorandum of DUMINI AMERIGO, accused with the killing of Hon. MATTEOTTI.

Signature illegible.

Copy of signal which the Italian Embassy at Washington has sent on the 18th July 1946 to the Italian Foreign Office in Rome.

Subject: Documents in the case of GUMINI, which are at present in possession of American authorities.

The Legal Office of the State Department, to whom this Embassy had repeatedly requested the documents relating to GUMINI trial has verbally replied that the Attorney General of St. Antonio, Texas, who has jurisdiction over that territory, has given an unfavourable opinion as to the communication of the GUMINI memorandum to the Italian Authorities, because GUMINI has entrusted his defense counsel to conserve it in his possession and not to make any use of it, without his

whom this Embassy had repeatedly requested the documents relating to GUMINI trial has verbally replied that the Attorney General of St. Antonio, Texas, who has jurisdiction over that territory, has given an unfavourable opinion as to the communication of the GUMINI memorandum to the Station Authorities, because GUMINI has entrusted his defense counsel to conserve it in his possession and not to make any use of it, without his approval.

Nevertheless, said Department has assured that they are insisting with the F. B. I. in order to obtain a photostatic copy of this document, in possession of this office.

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In this way, it will be possible to avoid insisting with the attorney General of St. Antonio.

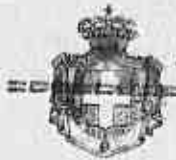
However, in case that the F. B. I. will also refuse to consign this document, the State Department is anxious to know, whether AMERIGO GU MINI could be persuaded by the competent Italian authorities to deliver the file. This fact will not lead, it is deemed, to framing of new charges against him.

The State Department requests that the competent Italian authorities inform them of Bramini's approval, and this would be sufficient for the General Attorney of St. Antonio, Texas, in order to deliver the document in possession of advocate ARNOLD.

Signed:

TARCHIANI.

fm



Roma 14 agosto 1946

Ministero di Grazia e Giustizia
DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE E DEL CASELLARIO

Al Sig. PRESIDENTE della
Sezione ~~terza~~ presso la Cor-
te d'Appello in ROMA

Ufficio II° A.P.

Prot. N° 80.131.10

Rispond. al f. del 27.XI.945

Nu. 176

OGGETTO Processo per omicidio dell'On. MATTEOTTI.
Memoriale DUMINI.

// e per con: ALLA COMMISSIONE ALLEATA
(risp. a f. 25.1.946 / Sottocommissione Legale
N. AC. 40001/15 L) ROMA

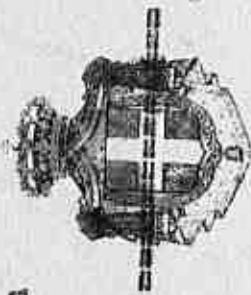
ALL'UFFICIO COLLEGAMENTO
Gabinetto

S E D E

Pervenuta dal Ministero degli Affari Este-
ri si trasmette l'acclusa copia del rapporto 18.
VII.1946 n. 8005/2155 dell'Ambasciata d'Italia in
Washington, relativa alla rogatoria rivolta da
codesto Ufficio alla Corte del Circolo degli S.U.
del Nord (Stato del Texas) per ottenere la tra-
missione del memoriale di DUMINI Amerigo imputa-
to di correttezza nell'omicidio dell'On. MATTEOTTI.

d'ordine del MINISTRO

CHIEF COMMISSION	
LEGAL ADVISOR	
CHIEF LEGAL ADVISOR	
EF COUNSEL	
EF OFFICER	
MAN SECTION	AUG 21 1946
REVIEW BOARD	



Mod 1347 MG

Ministero di Grazia e Giustizia
DIREZIONE GENERALE AFFARI PENALI

Uff. II° A.P.

COPIA

R. AMBASCIATA D'ITALIA - Telespresso n. 8005/21.55 - Washington 18 luglio 946

Oggetto: DOCUMENTI DI DUMINI ATTUALMENTE NEGLI STATI UNITI

AL MINISTERO DEGLI AFFARI ESTERI

REDA

Telespresso di questa Ambasciata n. 3420/778 del 19.3.u.s.

L'Ufficio Legale del Dipartimento di Stato, presso il quale quest'Ambasciata ha ancora una volta sollecitato l'eversione della nota richiesta di documenti concernenti il processo DUMINI, sulla base della commissione rogatoria a suo tempo inoltrata al Dipartimento di Stato in proposito, ha fatto verbalmente presente che il Procuratore Generale di San Antonio, Texas, competente per territorio, ha espresso parere contrario alla consegna alle Autorità Italiane del memoriale DUMINI, in quanto tale documento fu affidato dal DUMINI stesso al suo legale per essere da lui conservato fiduciosamente e non può quindi essere utilizzato senza il di lui consenso. Il Dipartimento ha però assicurato che sta tuttora insistendo presso l'F.B.I. per ottenere una copia fotostatica delle copie del documento in possesso di tale Ufficio, ciò che permetterebbe di evitare il tramite del Procuratore Generale di S. Antonio, Texas.

Comunque, per il caso che la consegna del documento venga negata anche dalla F.B.I., il Dipartimento ha

Telepresso di questa Ambasciata n.3420/778 del 19.3.u.s.

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Comunque, per il caso che la consegna del documento venga negata anche dall'F.B.I., il Dipartimento ha nuovamente espresso il desiderio di conoscere se Amerigo DUMINI non potrebbe essere interpellato dalle competenti autorità italiane e indotto ad acconsentire alla consegna del memoriale, che, in definitiva, non sembra dovrebbe apportare nuove imputazioni suo carico.

In tal caso, a quanto ritiene il Dipartimento, una comunicazione delle competenti Autorità Italiane a quest'Ambasciata, assente il con-

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senso del DUMINI, dovrebbe essere ritenuta sufficiente anche dal Procuratore Generale di San Antonio, Texas, alla consegna del documento in possesso dell'AVV. ARNCID.

F.to Turchiani

MINISTERO DI GRAZIA E GIUSTIZIA
Direzione Generale Affari Penali

PER COPIA CONFORME

Roma, 14 Agosto 1946

IL DIRETTORE CAPO DELL'UFFICIO III° A.P.

J. Perry

HEADQUARTERS ALLIED COMMISSION
APO 594
TAGMAL SUB-COMMISSION

AC/1001/15/L.

/nda.

29 January 1946.

SUBJECT : Murder of the Hon. MATTEOTTI.
TO : Minister of War and Justice.

Persuant to the request contained in your letter of 17 October, 1945, we have written to the United States District Attorney, San Antonio, Texas, and enclose herewith a copy of his reply.

JOHN K. WHEAT,
Colonel, Infantry,
Chief Legal Advisor.

C O P Y

DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY
Western District of Texas
San Antonio 6, Texas
January 8, 1946

The Allied Commission
Attention: Col. John A. Weber
Chief Legal Advisor
Headquarters, 2675 Regiment AC
A.F.S. 394
c/o Postmaster
New York, New York

Dear John:

After receiving your letter regarding certain papers in the possession of Martin Arnold which are desired by the Court of Appeal in Rome I contacted Mr. Arnold and discovered that in view of his relationship as attorney for the man who placed the papers in his possession he does not feel free to furnish the same.

I have turned your letter, with its enclosures, over to the Federal Bureau of Investigation of San Antonio with the request that appropriate attention be given to the same.

I trust the point system will do right by you and bring you home at an early date.

Until then, I am, with kind regards,

Sincerely yours,

Sgd. W.H. Smith, Jr.
United States Attorney

WHS: CJ

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DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY
WESTERN DISTRICT OF TEXAS
San Antonio 6, Texas
January 8, 1946

The Allied Commission
Attention: Col. John K. Weber
Chief Legal Advisor
Headquarters, 2675 Regiment AC
A.P.O. 394
c/o Postmaster
New York, New York

Dear John:

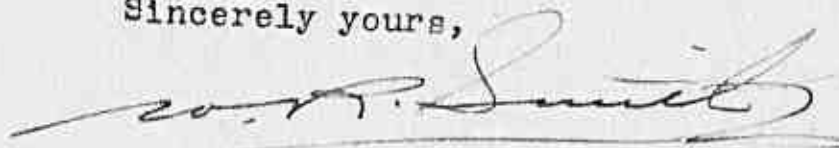
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W. R. Smith, Jr.
United States Attorney

WRS:GJ



4/12
HONORABLE BOB SMITH
United States District Attorney
San Antonio, Texas

Dear Bob :

I raised my eye brows this morning as the enclosed request from the Court of Appeal (Rome) came across the desk for routine dispatch to "the United States Court at San Antonio, Texas".

I take it that some papers have been taken from Martin Arnold by the F.B.I.; that these papers, or at least copies thereof, are needed in a very serious (espionage) case before the Rome Court. That the Italian Government has made representations to our State Department, and this request follows to the locality where said papers are alleged to be.

At any rate, as Chief Legal Officer of the occupational government set-up, I am passing it along to you for whatever action necessary. In all probability you will have to pass it along to some one else. It will be appreciated if you will place it in proper hands for attention and action. The reply should come back to The Allied Commission, Attention: Chief Legal Advisor - Headquarters, 2675 Regiment AC, APO 394, Postmaster, NY. We can and will deal direct with the Italian Court in Rome.

I send my best regards to one and all in the old home town. I am still in Rome !

sincerely

FROM :

JOHN K. WEIDEN,
Colonel, Infantry,
Chief Legal Advisor,
Allied Commission - APO 394
U.S. Army

COPY

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MINISTER OF PARDON AND JUSTICE

(Liaison Officer with Allied Commission)

Office of H.E. The Minister
Prot. No. UC/4571

Rome, 17 Oct. 45.

SUBJECT : Case in Re Murder of the
Honorable MATTEOTTI.

TO : Allied Commission
Legal Sub-Commission - ROME -

The enclosed request of the pre-trial division of the
Rome Court of Appeal is forwarded to your Sub-Commission, with reference
to pre-trial proceedings in Re the Hon. MATTEOTTI.

It is requested to transmit the above request, with urgency
please, to the U.S. District Court (State of Texas).

Liaison Officer
(Dr. Giorgio Bonelli)

Sgd B O N E L L I

Translation by
S/Sgt. Joseph LATELLA.

COPY

Translation by
S/Sgt. Joseph LATELLA

Rome, Court of Appeal

Pre-trial Section

SUBJECT : Request for DUMINI's Memoir

Prot. No. 106

Rome, 13 Oct. 43

Answer to letter of

Enclosures No.

Div.

Sec.

The pre-trial proceedings of DUMINI Amerigo et al, is now pending before the pre-trial section of this Court of Appeal, (the accused were) charged with kidnapping and premeditated homicide of the Hon. MATTEOTTI; crimes committed in Rome on 10 June 1924.

The proceedings already held disclose that-and it is admitted by the very accused DUMINI-he (the accused) during years gone by, sent to attorney Arnold MARTIN, of San Antonio Texas, his writing, containing declarations essential to the proceedings above stated.

Persuant to a request by the "Procuratore Generale" (Prosecuting attorney) of that Court of Justice, the Minister of Pardon and Justice communicates (that) DUMINI's manuscript is now with the "Federal Bureau of Investigation" awaiting the decision of the State Department as to whether the document, should or should not be returned to the Italian Judicial Authorities.

Since, as it appears, the DUMINI's memoir is of great importance to the pending proceeding, formal request is made for the disposition of the transmission of documents in subject, or at least, a photostatic copy of the same.

The President of the
pre-trial Sec.

(seal)

(Sgd) Illegible

