

2088

Declassified E.O. 12356 Section 3.3/MND No.

785016

ACC/14760/27/PS

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Declassified E.O. 12356 Section 3.3/NND No.

785016

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CAPTAIN DEL PORTE
NOV. 1943 - FEB. 1945

ACC/14760/27/PS

Captain DEL PORTÉ.

[illegible]

2091

Declassified E.O. 12356 Section 3.3/NNN No.

785016

Folio Ref. No. Date. Folio Ref. No. Date. Folio Ref. No. Date.

10000 / 143 / 1645

THIS FOLDER

CONTAINS PAPERS

FROM NOV. 43

TO FEB. 45

CATALOGUE.

COPY

CARABINIERI HEADQUARTERS CO. AD

No. 32/28-1944

Rome, 25 February, 1945.

Ref. letter of 12th instant.
Enclosure : 1

SUBJECT : Captain Del Porto and Brigadier Sarno.

TO : A.C. P.S. S/C.

With reference to the subject of the letter referred to above I report that I have ordered further investigations into the behaviour of Captain Del Porto and Brigadier Sarno.

I take the occasion to bring to the knowledge of the P.S. S/C that :-

1. This Headquarters followed at the time and is cognisant of the unfolding phases of the question under examination;
2. The initial delay and the lamentable protraction with which the investigations have been carried out are due particularly to difficulties arising in the first place from conflicting authority between the Naples Legion and the C.S., on which Captain Del Porto directly depended, and to the frequent transfers of this officer who was sent away from Naples on the 10th November 1943 by order of the Supreme Command S.I.M.;
3. The investigations so far made have not in any case brought to light any specific or direct responsibility of the officer in question in regard to the robbery, but showed merely indirect negligences of a culpable nature; however, this Headquarters, for the purpose of giving an example of inflexible discipline, has given orders that the Officer and the NCO in question should be deferred to the judicial authorities;
4. As will be seen from the ordinance of the Procurator of the Kingdom at Naples, of which copy is attached, the documents relative to the denunciation were sent to the archives as they did not prove that there was sufficient responsibility for the institution of penal proceedings against the accused;
5. The authoritative considerations and conclusions

- 2 -

contained in the ordinance of the majestature do not admit of proceedings of a disciplinary character of the desired severity in regard to Captain Del Porto, who was, however, reprimanded for lack of necessary caution displayed in the circumstances, and further the Command of the Naples Legion has been reprimanded for not having personally interested itself at once in the relative investigations.

I will later communicate the result of the further investigations and the ultimate provisions adopted.

THE GENERAL OF THE ARMED FORCE

Commanding General.

Taddeo Orlando.

EXTRACT FROM THE ORIGINAL EXISTING AT THE CHANCERY FO THE
NAPLES TRIBUNAL

THE PUBLIC MINISTRY. Having read the relative acts on the denunciation of DEL PORTO Gaetano and SARNO Antonio. Reports: In the first days of October, 1943, following the Anglo-American troops, CCARR. Captain DEL PORTO Gaetano arrived in Naples from the Counter-Espionage Centre at Bari, attached to the Office of Captain Smith of the British information service. After having slept a night in the building where the Carabinieri were lodged, he installed himself in the Via Alessandro Manzoni. Del Porto having learnt that on the third floor of No 40 of this road there was an apartment the tenant of which, Massimiliano KREBS, of German origin, had left Naples a few days before the Armistice, he therefore requisitioned the apartment, forced the door and took possession. Then learning that a daughter of Krebs was in Naples, married to Mr. Alfredo STOENICHT, also of German origin, he went to their house to inform them that he had requisitioned the apartment and to consign to them the relative requisition order. At the same time he asked the couple to send a person in their trust to remove whatever they thought best, and to place under lock and key whatever they pleased in the apartment itself and finally to let him have what was strictly necessary for his stay. In fact, the couple went to Via Manzoni many times and took away a great many things, locked nearly all the furniture and consigned to Maresciallo Agricola, who was with Del Porto, six sheets, four pillow-cases some kitchen knives and table-ware. Del Porto also repeatedly invited the Stoenichts to draw up an inventory, but this, although several appointments were made, was never carried out on account of the negligence of the couple.

In the meantime, on the 23rd October, Maresciallo Agricola, who was with Del Porto, returned to Brindisi and was replaced by Brigadier SARNO Antonio, who took his place in the apartment until the 2nd November, on which date he went on leave to Salerno, returning to Naples on the evening of the 6th. The same evening Captain Del Porto, who had also been absent for a few days, returned in company with his wife who in the meantime had joined him and learnt from Sarno that during their absence the apartment had been entered by thieves. It was obvious that in order to enter the thieves had forced a lock which the Captain had put on the entrance door for greater security that they had forced open certain pieces of furniture and that the locks which had been furnished by the Stoenicht's had been tampered with. Further it was seen that some personal clothing belonging to Captain Del Porto and his wife had been removed. The next day, as Del Porto was proposing to call on the Stoenicht's to inform them of what had happened and invite them to come and ascertain the extent of the damage suffered, CCARR. Captain Giustacchini arrived from Brindisi, and informed Del Porto that he had come in a car to take him back immediately to Brindisi, where he was urgently required to reassume his post as head of the sub-Centre of Counter-Espionage. Unable to visit the Stoenicht's in person Del Porto therefore wrote them a note, but before he could

-2-

send it the Signore Stoechicht happened to call and was informed by word of mouth by Del Porto of what had happened and of his imminent departure. On this occasion it was incidentally mentioned that it would be useless to denounce the happening. Given the particular contingencies of the moment and the suspicion that the robbery was the work of Allied troops in transit, who had visited the house several times during the absence of Del Porto and Sarno. As Capt. Del Porto left the apartment it was immediately occupied by the Allies. After a few days Signora Stoechicht presented a denunciation in which she recounted the facts and held Capt. Del Porto responsible for the missing objects as well as for not returning the six sheets and other objects left to him for his use. She pointed out that the Capt. had never made an inventory of the things the flat contained, that he had tried to convince her of the uselessness of making a denunciation, and finally she announced that she held the Captain responsible for the arrest of her husband which had taken place on the 31st October and been effected by two Carabinieri in plain clothes. The arrest had lasted three days at the end of which her husband had been set free without even being interrogated and without receiving any explanation at all. As a consequence of this denunciation, long accurate and minute investigations were ordered which, revealing the facts as above set out, made obvious the inconsistency of the accusation. It was revealed besides other things that the relations between the Stoechicht's and Del Porto were always from the beginning of the most cordial and courteous, so much so that the accuser had often mentioned to the friends that she was glad that the apartment was occupied by a real gentleman. What upset their cordial relations was the erroneous conviction of Mrs Stoechicht that Del Porto procured her husband's arrest. It was afterwards ascertained that the arrest was made by the orders of the Naples Counter-Espionage Center, with which Del Porto at that time had no contacts. This circumstance, however, caused Mrs. Stoechicht not to be fair and just in her valuation of the facts or in her presentation of them. Notwithstanding the results of the investigations, fully confirmed and still further detailed and cleared in the course of the preliminary enquiries then conducted by this office, the Force considered it opportune to send the Judicial Authorities the reports, denouncing Del Porto for the crimes of violation of domicile and having omitted to denounce the theft, because he entered Krebs' apartment by forcing the entrance door and he omitted, in his capacity of Judiciary Police Officer, to proceed as proscribed by law and inform the Judicial Authorities of the theft which had taken place. Further Del Porto and Sarno were denounced for misappropriation of property, they not having consigned to the responsible person the six sheets and the other objects entrusted to them for their use. It is observed that the denunciation is manifestly unfounded. Because of the purpose of accusation cited under Art. 614 CP, it is necessary that the offended party has "the right to exclude" whosoever introduces himself forcibly into a home. As Capt. Del Porto had the right to requisition the apartment and to occupy it as an officer in spite of any opposition whatsoever, it is evident, that the case, apart from any other consideration, cannot be interpreted as such a crime.

-3-

Further must be excluded the accusation of the omitted denunciation, inasmuch as this criminal hypothesis is punishable, only in the light of fraud. Whereas from the above explained circumstances it appears evident that Del Porto did not intentionally omit to report the facts in his quality of officer of the judicial Police, in this regard and from the point of view of fraud, it would be advisable to bear in mind that during this period he was entrusted with another service than that of the judicial police, and at that time he was more to be considered as a private citizen, who had sustained loss himself by the theft, than as an officer of the judicial Police who had been informed of the crime when it took place, as a result of his office. The consideration of the practical uselessness of a denunciation which, in view of the particular circumstances of the period and the actual facts, would have resolved itself into a purely formal act debarred from any effect whatsoever; the practical impossibility of dealing with the matter, due to his immediate departure and his ignorance of the extent of the theft, make clear the perfectly good faith of Del Porto in whose action no crime can be perceived. Finally the simple fact that Del Porto and Sarno did not provide for a formal and specific return to Mrs. Stoechicht of the sheets and other objects entrusted to them, cannot justify by itself, the accusation of embezzlement in their regard. Four sheets, according to Sarno, at the moment of their departure were on the beds, while the other two were in a cupboard and the tableware in the kitchen. At the moment of the departure of Del Porto and Sarno, Mrs. Stoechicht was present and the apartment was re-delivered to her and she had nothing to which to object, to request or to bring to notice. Only a few days later, when the apartment had already been occupied by others, Mrs. Stoechicht remembered these articles, the absence of which, given the previous consignment, could have been, *ictu oculi*, immediately brought to notice. Therefore, if even it is true, that these objects are missing, neither Del Porto nor Sarno can be charged. For these reasons having read the Art. 74 c.p.p., orders are given for the placing into the archives of the records regarding the denunciation against Del Porto Gastano and Sarno Antonio. Naples, 1st July, 1944 - The Deputy Attorney of the Kingdom - *sgd* D'Auria. True copy following request of *Avv.* Pio Giovanni.

Naples. 3/7/1944.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. ARMY
REGIONAL PUBLIC SAFETY OFFICE

6A

20 April 1944

SUBJECT: Capt. Del Porto.

TO : HQ. Rear AGO, Public Safety Sub-Commission
(Attention: Major Wilcox).

1. Further letters to and from General Sannino attached to file and forwarded for your information.

2. Please return papers in due course.

Quintanar
A. G. FRANCIS

Lieut. Colonel, G.I.,

Regional Public Safety Officer.

OTF/tp.

1st Ind

21 April 44

RPSO Reg III

1. Seen, thank you.
2. Gen Sannino has side-stepped paragraph 2 of your letter dated 13/4/44 quite adroitly.
3. Could Mrs. Stoeckicht be informed she may have a civil remedy.

484

(Sgd) Maj. Wilcox

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. ARMY
REGIONAL PUBLIC SAFETY OFFICE

copy.

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PS

5A

PS/3.1.3

8 April 1944

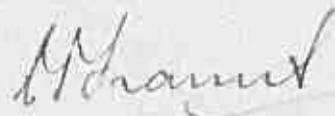
SUBJECT: Captain Del Porte.

TO : Rear HQ, ACC (Public Safety Sub-Commission).
(Att. Major Wilcox).

1. I attach copy of a letter from General Sannino on the subject of Mrs Steeckicht's complaint. The facts are well known to you.

2. The investigation has apparently found Captain Del Porte and Brigadier Sarne guilty of misconduct warranting penal proceedings but details of the investigation and findings have not been supplied. I do not think we want them.

3. What is of some moment, however, especially to the complainant, is the question of restitution or compensation. Would your Headquarters raise the matter with General Sannino or may I have your permission to communicate with him direct?



C.T. FRANCIS
Lieut. Colonel, G.L.,
Regional Public Safety Officer.

CTF/jb

1st Endorsement

11th April 1944

10
RP50 Region III ✓

Will you please communicate with

General Sannino direct

483

Chief of P.S. Comm.

W. Wilcox
Major for

COPY

copy.

HEADQUARTERS 3rd DIVISION ROYAL CARABINIERI

N° 39/25

Naples 7 April 1944

SUBJECT Captain Del Porto

TO Lt. Col. Francis, Regional Public Safety Officer,
NAPLES

In reference to your letter N° PS/3.1 dated 17/3/44 I inform you that the matter regarding Steeckicht has been completed.

Captain DEL PORTO and brigadiere SARNO have been denounced to the judicial authorities because found penally responsible in their proceedings.

While the non-commissioned officer has been sent on leave without his salary, waiting for the judgement, Captain DEL PORTO has been proposed to the Minister of War for suspension from his duties, awaiting the penal proceedings.

I return the pratio which you sent to me.

THE COMMANDING GENERAL
Ernesto Sannino.

HEADQUARTERS
PENINSULAR BASE SECTION
A. F. O. 782

3A

BPGHI

7 February 1944.

Memorandum to Major Fiot:

The inquiry relative to Captain Del Porto, cannot be continued by Colonel Agrifoglio of S.I.M., because he is not a Judicial Police Officer (and this particular case requires a search), also because he is at present prevented from doing so by serious and very important informative work connected with the present situation.

In the same manner, Major Pecorella, although he is a Judicial Police Officer, should not take part in the matter because of his work and for security reasons.

In addition, Captain Del Porto is no longer with S.I.M., having been returned to the Carabinieri.

It might be opportune to send Del Porto's dossier to General Piecho, Commander of the Carabinieri in Liberated Italy, who will provide for the disposition of the case.

Thanking you,

Cordial Regards,

Napoli, 13 gennaio 1944

COMANDO SUPREMO

SERVIZIO INFORMAZIONI MILITARE

Centro C. S. di Napoli

Al Commissioner of public safety
Ang - Region 3Ufficio del maggiore dei CC.RR. di
Collegamento.

N. 249 di prot.

Allegati Risposta al
del 12 andante N. =

OGGETTO: Caso Stoeckicht -

Riservata personale

Al Maggiore dei CC.RR.

Alfredo Zanchino.

Sono spiacente non poter evadere subito la richiesta riflettente il caso KREBS - STOECKICHT, così come promesso, essendo i militari che alloggiarono con l'ufficiale alla via Manzoni 140, mare= sciallo AGRICOLA Sebastiano, brigadiere SARNO Antonio e carabiniere IANDOLI Francesco, nella zona di Brindisi ed in località della provincia di Napoli, ove hanno le famiglie il cui recapito è stato richiesto ai comandi interessati. Il carabiniere PIROMT Garmino è attualmente in servizio presso questo Centro.

Appena in possesso degli attuali recapiti delle famiglie dei militari disporrò per gli incombenti necessari allo scopo di accelerare la verità ed assicurare, per l'ulteriore sviluppo della pratica, gli elementi probatori ed eventualmente risultanti dagli atti di polizia giudiziaria.

Al Maggiore dei CC.RR.

Alfredo Zanchino.

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Appena in possesso degli attuali recapiti delle famiglie dei militari disporrò per gli incombenti necessari allo scopo di accolare la verità ed assicurare, per l'ulteriore sviluppo della pratica, gli elementi probatori ed eventualmente risultanti dagli atti di polizia giudiziaria. ~~che~~ Allo stato dei fatti è mio convincimento che nella questione sussistono responsabilità, per lo meno colpose, dei militari in argomento. Ad ogni buon fine, prego assicurare, a mio nome, il sig. capitano Harvey che nulla sarà trascurato per l'accertamento della verità.

Gli atti, comunque, saranno qui raccolti per deferimento dei responsabili all'autorità militare interessata e per la compilazione del chiesto rapporto al predetto sig. capitano Harvey.

IL MAGGIORE DEI CC.RR. CAPO CENTRO

-Capitolo Pecorella-

479

emmy

HEADQUARTERS
REG. N 3, ALLIED MILITARY GOVERNMENT
APO 464, U.S. ARMY
OFFICE DIRECTOR SAFETY

=====

13 novembre 1943
OGGETTO: Reclamo contro carabinieri.

AL COMANDO DELLA LEGIONE DEI CC.RR.

NAPOLI

Alle ore 16 del 13 novembre 1943 la signora Anna Maria STOECKICHT dimo-
strante al Vomero, in via Luigia San Felice n.20, si presentò a questo ufficio
e fece il seguente reclamo:

Pochi giorni dopo l'entrata delle Truppe Alleate in Napoli (ai principia
di ottobre) un certo capitano DEL PORTO, capitano dei CC.RR. si presentò
all'abitazione della signora STOECKICHT e le disse che le truppe inglesi
avevano sequestrato l'appartamento del di lei padre in Manzoni 140 a Po-
sillipo Alto-Napoli, appartamento che era disabitato dato che il propieta-
rio si trovava nell'Italia Settentrionale.

Il capitano DEL PORTO consegnò alla signora STOECKICHT un bigliett-o
di requisizione firmato dal Capitano SMITH (britannico) che all'epoca abi-
tava in Via Manzoni 126.

La signora STOECKICHT chiese al capitano DEL PORTO di darle un inventari
della consistenza dell'appartamento (mobilio ecc.) ma il predetto ufficiale
rifiutò adducendo che non era consuetudine inglese di dare inventari o di
corrispondere compensi per danni.

Dopo pochi giorni la signora STOECKICHT andò nell'appartamento di suo
padre che trovò occupato dal capitano DEL PORTO. Per quello che potette
notare l'appartamento stesso era intatto. Più tardi ella vide il capitano
SMITH il quale le disse di sapere che l'appartamento era vuoto e le chie-

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Il capitano DEL PORTO consegnò alla signora STOECKICHT un biglietto di requisizione firmato dal Capitano SMITH (britannico) che all'epoca abitava in Via Manzoni 126.

La signora STOECKICHT chiese al capitano DEL PORTO di darle un inventario della consistenza dell'appartamento (mobili ecc.) ma il predetto ufficiale rifiutò adducendo che non era consuetudine inglese di dare inventari o di corrispondere compensi per danni.

Dopo pochi giorni la signora STOECKICHT andò nell'appartamento di suo padre che trovò occupato dal capitano DEL PORTO. Per quello che potette notare l'appartamento stesso era intatto. Più tardi ella vide il capitano SMITH il quale le disse di sapere che l'appartamento era vuoto e le chiese di compilare un inventario. Ella non compilò l'inventario perchè non vide il capitano DEL PORTO/.

In data 31 ottobre 1943 due carabinieri si presentarono a Via Luigia Sanfelice n. 20 ed arrestarono Alfredo STOECKICHT, marito della signora che fu tenuto nella caserma CC.RR. dell'Arenella per tre giorni. Non fu interrogato e fu rilasciato dopo tre giorni, senza alcuna spiegazione, e solo gli fu fatto noto che era stato arrestato per istruzioni ricevute al riguardo dagli Americani.

Il 10 novembre la signora STOECKICHT si recò all'appartamento di suo padre. Fu introdotta da un carabiniere e constatò che la credenza era stata scassinata e che da essa mancavano: biancheria, bicchieri, stoviglie ed oggetti d'argento.

Il carabiniere la informò che gli Americani erano entrati nell'appartamento e che avevano portato via non solo quanto mancava ma anche articoli di proprietà privata del carabiniere. La signora STOECKICHT non ottenne il nome di detto carabiniere.

Nell'appartamento la signora trovò un biglietto del capitano DEL PORTO a lei diretto. Il biglietto riferiva che i danni erano stati fatti da truppe e che il capitano DEL PORTO era stato obbligato a lasciare Napoli (il biglietto non è allegato).

Mentre la signora era ancora nell'appartamento sopraggiunse il capitano DEL PORTO, il quale confermò che il danno era stato fatto da truppe americane e cercò di intimidire la signora STOECKICHT con l'addurre che avendo ella un nome tedesco, essa era avvisata di tacere e di non dare noie.

La signora fu informata da tre donne abitanti nelle vicinanze che avevano visto carabinieri trasportare oggetti di proprietà di suo padre. La signora disse che aveva promesso di non fare noto il nome di tali testi dato che esse avevano paura del capitano DEL PORTO.

Le tre donne abitano in via Manzoni 140 e propriamente al lato più lontano da Napoli.

Il giorno 11 novembre 1943 la signora STOECKICHT andò all'appartamento di suo padre che è attualmente occupato dal capitano britannico PALMER,

DEL PORTO, il quale confermo che il danno era stato fatto da truppe americane e cercò di intimidire la signora STOECKICHT con l'addurre che avendo ella un nome tedesco, essa era avvisata di tacere e di non dare noie.

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Il giorno 11 novembre 1943 la signora STOECKICHT andò all'appartamento di suo padre che è attualmente occupato dal capitano britannico PALMER, il quale le permise di compilare un inventario che poi egli ha firmato.

La signora STOECKICHT è dell'opinione che il capitano DEL PORTO è responsabile del furto della proprietà di suo padre.

Le circostanze del presente caso debbono essere investigate alla prima opportunità, ed il risultato deve essere comunicato a questa Divisione.

Una copia della presente lettera (testo inglese) è allegata perchè il capitano SMITH possa desumere la natura delle indagini.

fto ORLANDO WL WILSON
Lieut Colonel,
Public Safety Division. 478

