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them. These are the so-called formal crimes or crimes of mere behavior or threat. With another ruling of Jan. 23, 1980, the Supreme Penal Court had ruled that "it is not necessary, although specific damage is required, that for the crime to be consummated, the effect desired by the agent come true." For the effect to come true is, if anything, an aggravating factor.

With regard to the disturbance of the Public Order by means of spreading false, exaggerated, and tendentious reports, the Constitutional Court has expressed itself with respect to a presumed conflict with Article 21 of the Constitution, by denying that [a conflict] exists, with a ruling of Dec. 29, 1972 and later, with the ruling of Aug. 3, 1976 in which it is affirmed that Article 656 of the Penal Code is constitutional "insofar as the concept of Public Order excludes that the right to manifest one's own thought may justify, on the basis of political ideologies, the harming of a good, whose safeguarding comes under the discretionary power of the Legislator." An analogous principle of law was expressed by the Supreme Penal Court with its ruling of Jan. 15, 1975.

Insisting on the grounds of the hypothesized felony, we refer to what was stated by the Supreme Penal Court in its

ruling of April 9, 1974:

"The crime is concretized in Article 656 of the Penal Code even if the Public Order was not in fact disturbed, but false . . . or exaggerated and tendentious reports were spread, represented, that is, in such a way as to arouse impressions or reactions not corresponding to the reality of facts, by the malice or guilt of the agent."

The reports exposed in this brief fit into this category.

Also significant is the ruling of the Rome Tribunal of Feb. 5, 1973, in which it is stated that "there does not exist a right to lie, and the freedom of manifestation of thought finds a limit in the administrative Public Order"; of the Justice of Naples of April 21, 1971 by which "also widely known and discussed facts are apt to disturbing the Public Order"; of the Justice of Cagliari of April 1969 according to which "regarding the disturbance of the Public Order it is sufficient that false and tendentious reports become the cause of alarm, apprehension, agitation or distrust for a certain number of persons of average intelligence."

With respect to crimes against the Public Economy foreseen in particular by Articles 499 and 500 of the Penal Code, as there is no case law known on this, we appeal to principles of a general nature on the matter of Public Order, to which we have referred above in regard to the integration of crimes

Apple producers sued Greens in civil case

In May 1989, the Concopra, Italy's Cooperative Consortium of Agricultural Producers, sued the Espresso Publishing Company, the Promotional Committee of the Referendum Against Pesticides, the Italian Communist Party, and the Italia Nostra environmentalist organization, for the improper and harmful use of anti-pesticide posters with the image of a poisoned apple. On June 2 in Rome, Judge Velardi heard arguments from the lawyers of the parties to the case and attorney Robert Zazza, representing Unapro, the National Union of Associations of Fruit and Vegetable Producers, which supported Concopra.

The ecologists' attorneys first tried to switch the discussion onto political-electoral subjects, which Judge Velardi overruled. Then Zazza presented the terms of the episode: "It must be noted that in the pages, the banner headlines, the editorials [of *l'Espresso*] not one specific on unequivocal fact regarding a single producer of *poisoned* apples is found; but not even a fact indicating significant percentages of adulteration of the apple product on the national scale. On the contrary, the apple is empha-

sized against the background of a discussion which is as terrorizing as it is generic.

"The use of chemicals in agriculture is hence licit within the legal limits; the product obtained in conformity with them is at least a legally healthy product; Unapro and Concopra's associates produce healthy apples; the apple is the symbol of their product. The apple/poison juxtaposition and, worse yet, the implicit and explicit charge of producing and selling poison apples, injures the interests and rights of Unapro and Concopra in an immediate, grave, and irreparable way."

Among the injured rights and interests he cited:

Honor. Businessmen operating within the law cannot be accused, with impunity, of poisoning people;

Economic capabilities. Through the devaluation of the product a contraction of demand is created, and higher warehousing costs and greater loss of product.

He also suggested that the Civil Code's prohibition of "unfair competition" may be violated, even though "proof that the resisters or some of them are acting in connection with competitive businessmen" is not available at present.

Attorney Zazza included among the evidentiary exhibits given to the judge a copy of the magazine *Fusione* of March 1989, published by the Schiller Institute in Italy, and a photocopy of an article in the newspaper *Avvenire* of Nov. 24, 1988, reviewing the Italian dossier produced by *EIR* on "The Ecologist Plot."—Antonio Gaspari