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## Environmentalism

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# Schiller Institute brief seeks criminal probe of Greens in Italy

*The following is an unofficial translation of an evidentiary petition ("esposto") presented on July 26 by Fiorella Operto Filipponi, president of the Schiller Institute, and Giorgio Prinzi, the responsible editor of the newspaper Nuova Solidarietà, to the General Prosecutor of the Republic of Italy at the Tribunal of Rome and to the General Prosecutor at the Court of Appeals of Rome. This type of brief establishes legal grounds for prosecuting magistrates to undertake criminal investigations. Under Italian law it is a crime to spread false, exaggerated, and tendentious reports intended to disturb the Public Order and the Public Economy.*

More than once, statements have been made by spokesmen whose cultural inspiration can best be defined as "malthusian," concerning a presumed excess of population both at the planetary level, and—the which can be the object of the attention of the Magistracy—at the level of the Italian Nation.

In regard to Italy, it has been stated, by some people, that the optimal level of population to which we should tend, would be that of a reduction of 40 million (!) inhabitants (interview with Luigi De Marchi, by *Guerra alla droga*, January 1982). Proposals have also been formulated for obtaining this end with "appropriate" policies.

This basic philosophical outlook has been the trigger for the rise of the so-called environmentalist movements, of the Greens and an entire variegated rainbow of positions. No problem of a legal nature would exist if the members of such movements limited themselves to simply expressing their thoughts, inasmuch as it would simply be a matter of exercising the liberty of expressing their own opinions, albeit difficult to share and not shared at all by others. Unfortunately these movements are politically very active and intend to impose their creed and their vision of life upon the entire community, even with actions that, to us, seem to conform to the hypothesis of a felony, in particular with reference to Articles 656, 657, 658; 513; 661; 499, 500; 501; 501b; 438; and 422 of the Penal Code. In reference to the present referendum campaign designed to obtain the abrogation of the second part of Clause (h) of Article 5 of Law 283/72, in

particular, in our view, cases of felonies in the sense of Articles 656, 657, 658, and 661 of the Penal Code take shape with respect to Paolo Gentiloni, Silvia Zamboni, Tiziana Urbani, Paolo Galletti, Anna Donati, Sergio Ferraris, Vincenzo Caffarelli, Cristina Grandi, Lucio Triolo, G. Conigliaro, Eugenio Cialfa, Aida Turrini of *La nuova Ecologia*, and Giovanni Valentini, Carlo Carlucci, Lorenzo Soria, Giuseppe Fadda, of *l'Espresso*; that is, that the aforementioned individuals, with what they published respectively in *La nuova Ecologia* on the cover, table of contents, and pages 24 and 70 of No. 63 (Year 10, June 1989); in *l'Espresso* on pages 36 and 37 of the issue of April 30, 1989, on pages 30 and 31 of the May 21, 1989 issue, on page 170ff. of the June 4, 1989 issue, have spread reports that take the form of being false, exaggerated, tendentious, apt to disturb the public order and relations of orderly and civil society, and the public and private tranquility, such as to cause alarm among the Authorities.

### **False and tendentious reports**

We specify that the reports reported on the cover, table of contents, and page 24 of *La nuova Ecologia* are tendentious, which state, respectively:

Every Year in Italy 3,600 Tumors Caused by Pesticides

There are 3,600 additional tumors caused by chemical residues in foods in the average Italian diet. . .

Three thousand six hundred more tumors every year. This is the price paid by Italian consumers for the fact that they eat foods containing residues of pesticides. It is revealed by an unpublished study which we present in collaboration with the Lega Ambiente [Environment League]. The conclusions reached by the three researchers speak clearly: In 70 years of life one can expect, for the total of the population of our country, approximately 254,000 tumors caused by the principal inputs used in agriculture.

Now, the number reported, and repeated several times, has no objective corroboration, but is derived by the arbitrary and unjustified artifice of considering the entire national agricultural surface, 100% of all crops, as sprayed with all the available products defined as carcinogens, in such a way that, in a theoretical and hypothetical way, one arrives at having, simultaneously, the maximum of all the residues which the law now in force allows upon the agricultural products on the market, with respect to each single agricultural chemical of such type on the market. It is a hypothesis divorced from reality, an arbitrary, presumptuous, and unjustified artifice to fabricate a report which has no corroboration in objective data, and hence is false, and above all, false in an exaggerated and clearly tendentious way, such as to produce notable cause for disturbances.

Nor do the messages on page 70, referring to a fruit stand—"Here is another uncontrolled 'armory' under the open sky," and "This apple is a chemical bomb"—have any valid objective corroboration for the general case; as a result they are false, both insofar as fruit which is put up for sale in conformity with the existing legal measures for safeguarding public health, not only cannot be harmful, by legal definition, but also because the word "uncontrolled" supposes an unproven, generalized practice of omission on the part of the relevant Authorities, which the very cases in point, of stocks found outside the standards, demonstrate to be unfounded and hence false.

Analogous arguments hold true for the messages "constructed" via the images published by *l'Espresso* on page 30 ("Poisoned Vegetation") of the May 21, 1989 issue, on page 31 on that issue, and on page 37 of the April 30, 1989 issue ("Apple with a Warning Sign") inasmuch as through the image, reports are given which do not correspond to objective reality as juridically sanctioned by the present hygienic regulations in force.

One recognizes, moreover, the felony foreseen in Article 656 of the Penal Code in the spreading of the report published in the *L'Espresso* feature of June 4, 1989, page 170ff., which poses a correlation of cause and effect between the deformities of the infant Felipe Franco and the use of chemicals in agriculture. Between the two facts there exists no causal relation whatever, but a mere coincidence which could exist between such congenital deformities and the probability that the mother of the child, during her pregnancy, was exposed to the radiation of a television set. The only possible true report would be that living on a farm does not prevent deformities in children, just as watching television shows does not prevent them.

### **Assault on the economy**

The spreading of such reports appears to have the purpose—in a more than evident way, for example, in the feature that appears as a promotional advertisement published on pages 70 and 71 of *La nuova Ecologia*—of having notable

repercussions of a commercial nature. These are not limited to the simple disruption of pursuable trading and entrepreneurial activities, by the standards of Article 513 of the Penal Code on lawsuits, but rather such as to cause increases and decreases in the price of widely consumed goods, causing decreases in production, hence shortages, of agricultural goods—according to a statement on page 48 of *l'Espresso* April 30, 1989, up to 80% less. This could likewise cause repercussions on our trade balance and resulting fluctuations in the quotations of the national currency and on the stock exchange. Such effects, moreover, are perceptible and foreseeable as direct consequences of the publication of all the reports, mentioned above and reported in the present petition, of which the spreading represents the crimes provided for by Article 656 of the Penal Code and similar crimes injurious both to the Public Order, and to the Public Economy. For this reason we maintain that there appear also to be grounds for charges of the crimes foreseen by Articles 501 and 501b of the Penal Code, against those who have spread false reports on problems relating to the use of anti-parasite defensive products in agriculture.

The instrumental use of such distorted reports, which however public opinion, in good faith, believes to be true, has caused disturbances for which there would also appear, alongside the others, the hypothesis of crime foreseen by Article 661 of the Penal Code.

### **Harm to production, spread of epidemics**

We also draw attention to the fact that to cause the abandonment of modern farming techniques and plant disease prevention would raise the hypothesis of the crimes foreseen by Articles 499 and 500 of the Penal Code, by which, were the crime to be consummated, the direct culprits and those who would have made the deed possible with acts of omission (328) would have to be prosecuted according to the law.

The outbreak of epidemics resulting from such criminal actions would incur to the culprits the penalties of Article 438 or of the graver crime foreseen in Article 422, if, by deliberate actions or measures tending to achieve the reduction of living human beings on the national territory, the death of one or more persons should result.

What we have hypothesized in this petition is corroborated by the vast legal and legislative panorama on this question.

The Supreme Penal Court of April 28, 1983 reiterated that the Public Order is a juridical good which is guaranteed by law. The new, more restrictive legislation on this matter, such as the Decree law No. 59 of March 21, 1978, converted into Law 191 of May 18, 1978 and a successive ruling by the Supreme Penal Court on March 7, 1983, defines for crimes against the Public Order the violation of the Penal Code by presumption of law; crimes against the Public Order take place even if actual material damage does not result from

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