

LAWS OUTLAWING THE COMMUNIST PARTY:
REPUBLIC OF CHINA

Since the Communist Party is considered by the government of the Republic of China as a group which "uses unlawful means to subvert the Constitution or to overthrow the Government," the following provisions governing offenses against the internal security of the state, given in the Criminal Code, seem pertinent:

Article 100.--Whoever, with intent to stage a coup d'état, seizes territory or uses unlawful means to subvert the Constitution or to overthrow the Government and carries the same into practice shall be punished with penal servitude for a period not less than seven years; and the chief conspirator shall be punished with penal servitude for life.

Whoever makes preparation or conspires to commit the aforesaid offence shall be punished with penal servitude for a period not less than six months nor more than five years.

Article 101.--Whoever uses violent means to commit the offence under the preceding Article, Section 1, shall be punished with penal servitude for life or for a period not less than seven years; and the chief conspirator shall be punished with death or penal servitude for life.

Whoever makes preparation or conspires to commit the aforesaid offence shall be punished with penal servitude for a period not less than one year nor more than seven years.

Article 102.--When a person commits the offence under Article 100, Section 2, or Article 101, Section 2, and voluntarily surrenders, the punishment may be reduced or remitted.

The National Government, on July 14, 1947, promulgated the "Outline Governing the Application of the Completion of Constitutional Rule during the Stage of Mobilization and Quelling of Disorder." Article 1 of this outline provides: "This outline is made in accordance with the resolution of the State Affairs Council and in accordance with the National Total Mobilization Law to effect the rigid enforcement of the national total mobilization in order to quell the Communist bandit revolt so that the plan for constitutional rule can be realized as scheduled." Article 7 of this outline provides: "In order to maintain peace and order, the government shall punish in accordance with law those who assemble with the purpose of instigation and revolt and those who make speeches and take action for this purpose."

In accordance with provisional article number 4, governing mobilization and the quelling of disorder, which was approved by the 1st Session of the 1st National Congress and promulgated by

the National Government on May 10, 1948, a stage of mobilization and quelling of disorder was declared.

In addition to the above, the most important laws of Nationalist China which are related to the outlawing of the Communist Party are the Regulations Governing the Punishment of Rebels and the Regulations Governing Informing On and Eliminating Bandit Spies.

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