

CHARGE OUT SLIP

DATE 23 May

EVILENTIARY LOC. NO. 1680

TRIAL BRIEF \_\_\_\_\_

EXHIBIT NO. 435

BACKGROUND LOC. NO. \_\_\_\_\_

SIGNATURE <sup>T. L. Linn</sup>  
Hummel

ROOM NO. 328B

Both the Eng. + ~~Tap.~~ translation  
ready for process

10 July '46

Introduced  
into Court  
Exh 435

INTERNATIONAL PROSECUTION SECTION

Doc. No. 1680

23 May 1946

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT.

Title and Nature: Collection of Laws Promulgated by  
North China Political Affairs Council.

Date: Feb 1941 Original ( ) Copy (x) Language:  
Chinese

Has it been translated? Yes ( ) No (x)

Has it been photostated? Yes ( ) No (x)

LOCATION OF ORIGINAL:

SOURCE OF ORIGINAL: Judge Hsiang

PERSONS IMPLICATED:

CRIMES TO WHICH DOCUMENT APPLICABLE:

SUMMARY OF RELEVANT POINTS:

Contains the laws of puppet government of China.

(Regulations relating to opium suppression in  
process of translation, Section 4.)

Analyst: Maj. Hummel

Doc. No. 1680

COLLECTION OF LAWS AND REGULATIONS  
-- NORTH CHINA POLITICAL COUNCIL --

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PROVISIONAL REGULATIONS

RELATING TO OPIUM SUPPRESSION IN NORTH CHINA

Promulgated by the North China Political Council on 31 August 1940, by Order 'Hui' No. 56, to come into effect 1 Oct 1940

ARTICLE 1 The North China political Council, for the purpose of opium suppression, establishes by this regulation the Opium Suppression Bureau, under the direct control of the Board of Finance, to deal with matters relating to opium suppression. The Bureau, when necessary, may establish Branch Bureaux. The organic laws of the Opium Suppression Bureau and of its branches will be separately prescribed.

ARTICLE 2 Opium stated in this Regulation includes raw opium, manufactured opium and opium for medical use.

ARTICLE 3 Smoking of opium is forbidden. But those who are over fifty years of age addicted to smoking are exempted.

Those who are over thirty years of age addicted to smoking on account of illness and being certified by physicians as necessary for medical treatment are temporarily and specially permitted to smoke. The Proviso of the first paragraph and the Provisions of the second paragraph of this Article do not apply to civil servants, educational service, students, and representatives of people.

ARTICLE 4 The importation and exportation of opium and of instruments for smoking are prohibited unless permission of the competent government authority is obtained.

ARTICLE 5 The manufacturing of opium shall be carried on by Government licences only.

Instruments for smoking shall not be manufactured without the permission of the Government.

ARTICLE 6      Transporting, selling, buying, delivering, receiving, owning, or possessing opium or instruments for smoking opium is forbidden unless Government permission has been obtained.

ARTICLE 7      With the exception of Government licensed dealers, no one shall sell, buy, give, receive, own or possess opium, but the opium ashes owned or possessed by opium smokers, as a result of their smoking opium, are exempted.

ARTICLE 8      With the exception of Government licensed opium dealers, no one shall, for the purpose of pecuniary gain, furnish other people with places or establishments for smoking opium.

ARTICLE 9      Without Government permission the planting of poppy is forbidden. Those for the purpose of manufacturing opium substitutes are likewise forbidden.

ARTICLE 10     Selling, buying, giving or receiving the seed of poppy for the purpose mentioned in the preceding Article is forbidden, except the sale or gift of the same by Government licensed poppy planters.

ARTICLE 11     Licensed poppy planters shall sell the raw opium raised by themselves to those designated by the Government.

ARTICLE 12     Licensed opium sellers are forbidden to mingle foreign substance into opium for sale or delivery.

ARTICLE 13     The manufacturing, buying, giving, receiving, owning,

or possessing any substance in which opium is contained is forbidden unless for medical purposes in accordance with law separately provided.

ARTICLE 14 The competent authorities, for the purpose of curing the habit of opium smoking, may administer necessary punishment to opium addicts.

ARTICLE 15 The competent authorities may order the persons to whom licenses are issued under Article 4 to Article 9 inclusive, to submit reports on matters which the said authorities may deem necessary.

ARTICLE 16 The competent authorities, when necessary, may send inspectors to the residences, the manufacturing places, or other places of the persons to whom licenses have been issued under Article 4 to Article 9 inclusive, for the purpose of examining the conditions relating to raw materials, machines and equipments for manufacturing, accounts and receipts, and other relative documents. The said authorities may take restrictive or corrective measures whenever necessary.

ARTICLE 17 When the instruments for smoking opium are no longer needed due to the death of opium addict or otherwise, they should be reported to the competent authorities in charge of opium suppression, by the addict himself or his successor. The left over opium and the instruments for smoking opium should be turned in.

When a person permitted to manufacture, transport, buy, sell, transfer, own or possess opium and instruments for smoking is dead, his successor, or the executor of his will, or the administration of his legacy may succeed to or administer them, provided it is

reported to and registered with the competent authorities.

ARTICLE 18 Violations of the provisions in Articles 4 to 7 inclusive, and Articles 9 to 13 inclusive, shall be punished with imprisonment or not more than five years or a fine of not more than five thousand dollars, or both, if it is for pecuniary gain; and shall be punished with imprisonment of not more than three years, if not for pecuniary gain.

ARTICLE 19 Violations of the provisions in Article 3 and Article 8 shall be punished with imprisonment of not more than one year or a fine of not more than one thousand dollars, or both. Physicians giving false certification shall be likewise punished.

ARTICLE 20 Anyone who committed one of the following offenses shall be punished with detention or a fine not more than one hundred dollars:

(1) failure to report or to turn in as prescribed in Article 15 and Article 17, Section 1, or making a false report.

(2) intentional resistance to, or interference with, or evasion of the inspection prescribed in Article 16 or failure to make a statement or making a false statement of the items under investigation, or failure to observe the orders of the competent authorities.

ARTICLE 21 A manager of a juristic person or of a commercial firm or a representative or a manager of a nonjuristic organization shall be deemed to be a joint principal offender whenever his employee or his other assistant violates the Provisions of these Regulations, whether such violation is with or without his knowledge or participation.

ARTICLE 22 Anything supplied, in violation of the Provisions of the present Regulations, to commit an offense, or poppy, opium or instruments for smoking, obtained for the purpose of committing an offense shall be confiscated, whether or not it belongs to the offender.

In case it is no longer possible to confiscate the whole or a part of the above mentioned thing or things, a fine of its or their equivalent value shall be imposed.

ARTICLE 23 Offenders of these Regulations shall be punished by courts, providing that punishment under Article 20 may be applied under summary procedure.

ARTICLE 24 These provisional Regulations shall come into effect on 1 October 1940.



Ex #35

1680-1

華北政務委員會法規彙編目錄

- 一 官制
- 二 官規
- 三 內務
- 四 財務

京津二市現銀保管委員會條例 ···· 頁一  
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- 五 治安
- 六 教育
- 七 實業
- 八 建設
- 九 交通
- 十 法務
- 十一 其他

「華北阿片喫煙禁止臨時措置法」

民國廿九年八月卅一日華北政務委員會  
會字第五六號令公布同年一月一日施行

第一條

華北政務委員會ハ阿片喫煙禁止ヲ勵行ス  
ル爲財務總署ニ直屬スル禁煙總局ヲ設定  
シ阿片喫煙禁止事項ヲ綜合管理セシメ、  
必要ニ際シテハ分局ノ設置ヲモ可能ナラ  
シム。禁煙總局並ビニ分局ノ組織規程ハ  
別ニ之レヲ定ム。

第二條

本措置法ニ阿片ト稱スル處ノ者ハ生阿片  
積製阿片並ビニ藥用阿片ヲ云フ。

第三條

凡ソ阿片ニ屬スルモノヲ吸ヒ又ハ食フ事  
ヲ得ズ。但年齡五十歲以上ニシテ既ニ阿  
片習病ヲ有スルモノハ此ノ限りニ有ラズ。  
其ノ年齡三〇歲以上ニシテ病氣ノ爲或ル  
期間、未ダ吸引ヲ停止出來ザル者ニ對シ  
醫師ハ治療上、確カニ必要ナル事ヲ證明  
シ暫時、時別、阿片吸引許可ヲ設ク。  
本條第一項但書並ビニ第二項規定ハ公務  
及ビ教育並ビニ學生及ビ人民ノ代表ニ對  
シ服務スル者ニハ之レヲ適用セズ。

第四條

阿片及阿片吸引器具ハ若シ、主管廳ノ許  
可ヲ經ルニ非ザレバ輸入或ハ移入及輸出  
或ヒハ移出スルヲ得ズ。

1050-3  
第五條

阿片ノ製造ハ暫時主務官廳指定シタル者之  
之レヲ爲ス。阿片吸引器ノ製造ハ主務管  
廳ノ許可ヲ經ルニ非ザレバ之レヲ爲スヲ  
得ズ。

第六條

主務官廳ノ許可ヲ得ルニ非ザレバ鴉片及  
其ノ吸引器ヲ運搬賣買授受、所有持有ス  
ルヲ得ズ。

第七條

阿片煙草ハ主務官廳ノ指定スル者ヨリ收  
ノモノ除イテハ賣買、授受、所有持持有  
スル事ヲ得ズ。但シ阿片ヲ吸引スル者ノ  
其ノ阿片煙管吸引ニ因リ生ズル阿片灰ヲ  
所有スル持有ヲ此ノ限りニ有ラズ。

第八條

營利ノ爲、他人ニ阿片吸引ノ場所或ヒハ  
設備ヲ供與スルヲ得ズ。但シ、主務官廳  
ノ許可ヲ經タル阿片小賣人ハ此ノ限りニ  
非ズ。

第九條

主務官廳ノ許可ヲ經ルニ非ザレバ罌粟ヲ  
裁種スルヲ得ズ其ノ代用品ノ利造ヲ目的  
トナス者モ亦同シ。

第十條

前條ノ目的ヲ以テ罌粟ノ種子ヲ賣買或ヒ  
ハ授受スルヲ得ズ、但シ、既ニ主務官廳  
ノ許可ヲ得タル罌粟裁種者ノ賣買、讓渡

此ノ限リ在ラズ。

第十一條

主務官廳ノ許可ヲ經タル罌粟裁種者ハ其ノ生産セル生阿片ヲ主務官廳ノ指定シタル指定人ニ賣ル可シ。

第十二條

許可ヲ得タル阿片販賣人ハ雜物ヲ阿片内ニ混合シ、販賣、授與ヲナスヲ得ズ。

第十三條

凡ベテ阿片ヲ含有スル物品ノ製造買賣授受、所有持有ヲナスヲ得ズ。但シ、特ニ毒藥品ヲ作ル者ニシテ別ニ規定セルモノ此ノ限リニ有ラズ。

第十四條

主務官廳ハ阿片吸引ノ習癖矯正ノ爲メ阿片吸引者ニ對シ、必要ナル處分ヲ施行シ得。

第十五條

主務官廳ハ必要ト認メタル場合第四條ヨリ第九條ニ至ル許可ヲ供與セルモノニ對シ、監督ヲ命ズル事ヲ得。

第十六條

主務官廳ハ必要ノ時ニ於テ人ヲ派遣シ第四條ヨリ第九條ニ至ル許可ヲ供與セル者ニ對シ、其ノ住所、製造所營業所或ヒハ其ノ場所ニ於テ其ノ製造原料、機械、器具之狀況帳簿ノ記録及其他ヲ検査シ並ビニ取締ニ必要ノ處分ヲナス得。

1680-5  
第十七條

阿片吸引ノ許可ヲ受ケタル者ガ死亡又ハ其ノ他ノ事情ニ因リ阿片吸引器具ヲ不必要トスルニ至レル場合ハ其ノ時ニ應ジ本人又ハ繼承人ニヨリ該管禁煙官署宛報告並ビニ殘餘ノ阿片並ビニ吸煙器具ヲ禁煙官署ニ渡シテ具ス可シ。阿片並ビニ吸食器具ノ製造、運搬、買賣、持有ヲ許可サレタル者死亡セル場合其ノ繼承人遺囑執行人或ヒハ遺產管理人ハ、之レヲ繼承或ハ管理ス。但シ該管禁煙管署ニ報者ス可シ。

第十八條

第四條ヨリ第七條、及ビ第九條ヨリ第十三條ニ至ル規定ニ違反セル者ニシテ若シ、營利ヲ目的ニ關係シタル者ハ五年以下ノ有期徒刑或ヒハ五千元以下ノ罰金ニ科シ、或ヒハ併科スルヲ得、若シ營利ヲ目的トセザルモノ三年以下ノ有期徒刑トナス。

第十九條

第三條及第八條ノ規定ニ違反セルモノハ一年以下ノ有期徒刑、或ヒハ千元以下ノ罰金ヲ科シ或ヒハ併科スルヲ得。醫師ノ虛偽證明書ヲナス共モ亦同ジ。

第二十條

以下ニ列記スル事項ニ該當スルモノハ  
拘役又ハ百元以下ノ罰金ニ處ス。

一、第十五條及ビ第十七條第一項ノ所定ノ  
報告或ヒハ虚偽ノ報告ヲナセルモノ。

二、第十六條ニ規定スル所ノ検査ニ對シ故  
意ニ抵抗、妨害、忌避或ヒハ訊問事項  
ニ關シ反答セザル方或ヒハ虚偽ノ陳述  
ヲナセルモノ或ヒハ虚分ニ從ハザル者。

第二十一條

法人或ヒハ商號ノ支配人或ヒハ非法人  
團體ノ代表者或ヒハ管理人、ガ其ノ雇  
用人又ハ、手助ケヲスル者ニヨリ本措  
法ニ違背スル行爲ヲ受ケタル場合其レ  
ヲ知ルト知ラザリシニ拘ハラズ共同正  
犯トシテ取扱フ。

第二十二條

本措置法ニ規定ニ違反セル者ニシテ犯  
罪ニ使用スル虚ノ物ヲ供與スルカ或ヒ  
ハ犯罪ニ因リ之レヲ取得罌粟、阿片或  
ヒハ吸引器具ガ犯人ニ屬スルヤ否ヤヲ  
問ハズ均シク之レヲ沒收シ若シ上項ノ  
物品ニシテ全部又ハ一部沒收不可能ノ  
場合此ノ代價ヲ追徴スルヲ得。

1680-7

二十三條 本措置法ニ違反スル者ハ法院之レヲ處罰シ但シ第二十條ノ處分ハ程度ニヨリ之レヲ簡易ニ行フヲ得。

前條ノ沒收物品及追徵金ハ執行後禁煙總局へ移反シ之レヲ處分ス。

二十四條 本臨時辨法ハ廿九年十月一日ヨリ施行ス。

6 November 1946

MEMORANDUM TO: Mr. W. Mahoney  
FROM: Mr. J. F. English  
SUBJECT: Document No. 1628

Attached hereto is Prosecution's Document No. 1628, received in evidence as Court Exhibit No. 809 entitled "Japan's Decision to Fight", a Research Report issued on 1 December 1945 by Allied Translator and Interpreter Section, Supreme Commander for the Allied Powers.

The evidence upon which the report is based is derived from Japanese sources: captured documents, statements by prisoners-of-war and Intelligence reports. The report was prepared from secondary sources, some of which are ATIS Interrogation Report, Serial No. 97, page 4; ATIS Current Translation No. 64, pages 16 - 17; ATIS Enemy Publications No. 41, page 10. These publications contain whole or partial translations of the original documents.

Investigation was made by the Prosecution before appearance in Court in order to secure the original documents. It was discovered however, that the originals had been sent from Brisbane, Australia or the Philippine Islands some time between May and October 1945 to the Washington Document Center in Washington, D.C. (See p. 9072 of the Record). By telecon message, we were told that the Washington Document Center could not locate the documents.

*Paper No. 510*  
\*  
The Tribunal, upon request by the Defense, the Prosecution not objecting, decided to "make an order for the production of the originals or photostat copies". (p. 9072 of the Record). The matter was investigated this week at ATIS which agreed to furnish all of the information it has that might be helpful to the Washington Document Center in locating the originals. ATIS will trace the originals through the secondary sources used in the report and will also indicate the numbers of the boxes in which the originals were forwarded to Washington, if a request be made through the proper channels.

I suggest that a communication<sup>bc</sup> addressed to ATIS requesting (1) the document numbers of the original documents referred to in the secondary sources used as a base of the report (2) the numbers or other identifying symbols of the boxes in which the originals were shipped to Washington (3) the date and place of shipment as well as the destination or point of final delivery.



Memo to Mr. Mahoney (Cont'd)

Upon securing the necessary information from ATIS, the Washington Document Center should be advised of the Tribunal's order and the information secured from ATIS should be forwarded by telecon. I understand that the originals might not be located without difficulty.

*Joseph F. English,*  
J. F. ENGLISH

Office Memo: Nov 15, 1946.

ATIS submitted the report in accordance with our request and with various conversations with Mr. English. This report contained all information needed. Since request for order to send Mr. English to Washington with the mission to obtain above primary docs. has been made - as I was informed by Cell finally and Mr. English - it seems at present that it will not be necessary to send a telecon message. I turned the report over to Mr. English thus concluding our job in this matter for the time being.

*W. H. ...*

RETURN TO ROOM 361