

Dates of Meeting:

20-2-1951

Type of Meeting:

11th meeting of CPGC

Place of Meeting:

Beijing

Attendance:

Mao, Zhou Gao Gang

Major Agenda Items:**Speeches/Reports:**

Gao Gang: Report on the North East

Rao Sushi: Report on the East

Deng Zihui: Report on the Central South

Xi Zhongxun: Report on the North West

Peng Zhen: Report on the South West

Peng Zhen: [Report on the suppression of counter-revolutionaries and regulations on punishing counter-revolutionaries](#)

Other Decisions and/or Actions:

The meeting approved the Regulations of the People's Republic of China on Punishing Counterrevolutionaries

The Law on the Punishment of Counter-revolution." Embodying altogether 21 articles, this statute sets forth in detail the various categories of counter-revolutionary criminals and crimes and stipulates the various corresponding punishments. In other words, this statute details the kinds of offenses which the new regime is expecting and is determined to prevent, and the ways it will deal with offenders.

Following is an analysis of the statute according to the convenient formula of crime (abbreviated as C.) and punishment (abbreviated as P.):

C. Sinister contact with Imperialism and revolt against the fatherland. P. Death or life imprisonment.
C. Instigating, inducing, or bribing of public officials, armed troops, or people's militia to carry on revolt.
P. For the leaders of the revolt: death or life imprisonment; for participants in the instigation, induction, bribery, and revolt: imprisonment for no more than 10 years; heavier punishment if participation involves serious circumstances.

C. Plotting or directing of armed mass revolt, and other serious offenses of kindred nature. P. For the chief offenders: death; for the active participants: imprisonment for 5 or more years.

C. Engagement in one of the following spying acts or acts to aid the enemy: 1. Spying out or stealing state secrets or furnishing intelligence for internal or external enemies;
2. Pointing out bombing targets for enemy planes or vessels;
3. Supplying arms and ammunition and other war materials for internal or external enemies. P. Death or life imprisonment.

C. Participation in counter-revolutionary special service or espionage organizations, involving one of the following acts:

1. Receiving assignment from internal or external enemies to carry on underground activities;
2. Participating in or organizing counter-revolutionary special service or espionage organizations after the Liberation;
3. Organizing or leading counter-revolutionary special service or espionage organizations and other important crimes before the Liberation; and showing no sign, after the Liberation, of redeeming guilt with meritorious exploits;
4. Participating in counter-revolutionary special service or espionage organizations before the Liberation, and continuing after the Liberation participation in counter-revolutionary activities;
5. Continuing participation in counter-revolutionary activities after having surrendered to and registered with the people's government;
6. Continuing, after "educational release" by the people, relation with counter-revolutionary special service agents and spies, or engagement in counter-revolutionary activities.

P. Death or life imprisonment; for mild cases: imprisonment for over 5 years.

C. The plotting or executing, with counter-revolutionary intent, of one of the following kinds of sabotage or manslaughter:

1. Robbing or sabotaging military establishments, factories, mines, forests, plantations, dams, transportation systems, banks, warehouses, anti-risk installations, and other important public and private properties;

2. Casting poison, disseminating disease germs, and causing by other means serious catastrophes among men, livestock, or agricultural crops;
 3. Disturbing markets and dislocating the currency system under instructions from internal or external enemies;
 4. Attacking, killing, or injuring public officials or the people;
 5. Forging public documents and testimonials by false representation of military organs and democratic parties in order to carry on counter-revolutionary activities.
- P. Death or life imprisonment; for cases of mild character: imprisonment for more than 5 years.
- C. Perpetration, with counter-revolutionary intent, of one of the following instigative and incisive acts:
1. Inciting the masses to resist and sabotage the execution of the decrees of the people's government concerning collection of food requisitions, levying of taxes, public labor, military service, and other decrees;
 2. Undermining the unity of the various nationalities, democratic classes, democratic parties, the various people's organizations, or of the people and the government;
 3. Engaging in counter-revolutionary propaganda and agitation and manufacture and dissemination of rumors.
- P. Imprisonment for more than 3 years; for serious cases: death or life imprisonment.
- C. Secret crossing of national boundary with counter-revolutionary intent.
- P. Imprisonment for more than 5 years, life imprisonment or death.
- C. Inciting the mob to force prisons, or staging riots in order to break out of prisons.
- P. For organizer or chief plotter: death or life imprisonment; for active participants: imprisonment for more than 3 years.
- C. Sheltering or protecting counter-revolutionaries.
- P. Imprisonment for less than 10 years; for serious cases: imprisonment for more than 10 years, life imprisonment, or death.
- C. Commission of any of the crimes mentioned in the statute, under one of the following conditions:
1. Voluntary surrendering to the people's government and sincere repentance;
 2. Sincere repentance and redemption of guilt with meritorious exploits before or after discovery or prosecution;
 3. Action not of own accord but under compulsion or deception by counter-revolutionaries.
 4. Absence of serious crimes before the Liberation; and real repentance and severance of relations with counter-revolutionary organizations, after the Liberation.
- P. Penalty should be lightened or remitted.'

The severity of the statute against counter-revolutionaries is abundantly clear from the above provisions. Death or life imprisonment is stipulated for over 95 per cent of the expected and specified crimes. Furthermore, to anticipate unexpected and unspecified counter-revolutionary crimes, it is provided in Article 16 that "all other crimes committed with counter-revolutionary intent but not specified in the Law should be punished according to analogous specified crimes." This use of analogy affords wide discretionary power in the imposition of penalties.

Two other points increase the severity of the statute. First, the statute is given retroactive force. This means that even those people who committed any of the stipulated crimes before the Communists came to power, or even before the Communist Party was founded in 1921, are liable to be punished. Secondly, the statute has a provision to the effect that people who commit any of the stipulated crimes may be deprived of their political rights and may have part or the whole of their property confiscated. Article 19 of the statute, moreover, provides that any person can inform on or expose counterrevolutionary criminals but must not make any wrong accusation based on personal resentment.

As regards the execution of the law, Article 20 of the statute states that violators shall be dealt with by the military court organized by the military headquarters, the Committee on Political and Military Affairs, or the Bandit-Extermination High Command, in the various places.

Peng Zhen delivered to the Government Administrative Council a "Report on Questions Concerning the Suppression of Counterrevolutionary Activity and Regulations for the Punishment of Counterrevolutionaries." In it he underscored the role of the regulations in providing standards for judicial personnel in the current "Constitution" --the Common Program of 1949--to prevent leftist (overly harsh) and rightist (overly lenient) errors in the suppression of counterrevolutionaries

Remarks: