

Report No. 209  
Japan  
August 3, 1937

(NA)  
The Military Secrets Protection Law (Japan)

The following revised Military Secrets Protection Law passed the extraordinary session of the Diet (now in session) and was promulgated on August 13, 1937:

Article 1.

- a. In this law, military and naval operations, organization, strategy, tactics and logistics, employment, mobilization movements, and other matters, books publications, documents, etc., which must be kept secret, from a military point of view, constitute "military secrets."
- b. Kinds and scope of the matters, publications, documents, etc., mentioned in the preceding paragraph are to be determined by orders of the War or Navy Minister.

Article 2.

- a. Anyone who has spied out or gathered military secrets will be sentenced to penal servitude for from six months to ten years.
- b. Anyone who has violated the provisions of the preceding paragraph with the intention of publishing or making public military secrets or disclosing them to a foreign country or to anyone who works for foreign country will be sentenced to penal servitude for more than two years.

Article 3.

- a. Anyone who learns or possesses the military secrets on account of his business and reveals them to others will be sentenced to penal servitude for from not less than three years to life.
- b. Anyone who learns or possesses military secrets on account of his business and publishes them or reveals them to a foreign country or to anyone who works for a foreign country will be sentenced to penal servitude for more than four years, to life, or to death.

Article 4.

- a. Anyone who spied out or gathered the military secrets and disclosed them to others will be sentenced to penal servitude for from two years to life.
- b. Anyone who spied out or gathered military secrets and published them or made them public, or disclosed them to a foreign country or to anyone who works for a foreign country will be sentenced to penal servitude for from three years to life, or to death.

Article 5.

a. Anyone who learned or possessed military secrets accidentally and disclosed them to others will be sentenced to penal servitude for from six months to ten years.

b. Anyone who learned or possessed military secrets accidentally and published them, or made them public, or disclosed them to a foreign country or anyone who works for a foreign country will be sentenced to penal servitude for from two years to life.

Article 6.

a. Anyone who has formed an organization intended to detect or disclose military secrets or who has engaged in such a service as the leader of the organization will be sentenced to penal servitude for from three years to life.

b. Anyone who has joined such an organization as mentioned in the preceding paragraph, with knowledge of the circumstances, will be sentenced to penal servitude for from six months to seven years.

Article 7.

Anyone who learned or possessed military secrets on account of his business and published them, made them public, or disclosed them to others accidentally will be sentenced to a fine of less than one thousand yen.

Article 8.

The War or Navy Minister, when necessary for the protection of military secrets, may prohibit or limit by his order the surveying, photographing, copying, imitating or recording of those mentioned below or their reproduction:

a. Naval, auxiliary naval, or protected ports.

b. Ports, batteries, defended garrisons or other such works constructed for national defense.

c. Military vessels, airplanes and arms; or flying fields, radio stations, munition factories and munition storehouses under the jurisdiction of War or Navy Minister and other military installations.

d. Anyone who has violated the prohibitions or limitations prescribed by the preceding paragraph will be sentenced to penal servitude for not more than seven years or a fine of less than three thousand yen.

Article 9.

a. The War or Navy Minister, if necessary for the protection of the military secrets, may prohibit or limit by his order the surveying, photographing, copying, imitating or recording of ground under the jurisdiction fixed by the War or Navy Minister or ground surrounding defensive works or military installations stipulated in paragraphs a, b, and c of Article 8.

b. Anyone who has violated the prohibitions or limitations prescribed by the preceding paragraph will also come under the provision of paragraph d of article 8.

Article 10.

a. Anyone who has broken into the prohibited or limited area prescribed by paragraphs a, b, and c of Article 8 or the ground mentioned in first paragraph of Article 9 without permission, or by violating the terms of permission granted or with permission obtained by means of fraud will be sentenced to penal servitude for less than five years or to a fine less than two thousand yen.

Article 11.

a. Anyone who has delivered to others books, publications, documents, etc. or matter produced in or through a violation of the prohibitions or limitations prescribed in paragraphs a, b, and c of Article 8 and in the first paragraph of Article 9 will be sentenced to penal servitude for less than seven years or to a fine less than three thousand yen.

b. Anyone who has published, made public, or delivered publications, documents, books, etc. or matter mentioned in the preceding paragraph to a foreign country or to anyone who works for a foreign country is to be sentenced to penal servitude for less than ten years or to a fine less than three thousand yen.

Article 12.

a. The War or Navy Minister, in case of necessity for the protection of the military secrets for national defense, may fix by his order an air, land or water boundary and prohibit or limit the following acts: -

(1) Flight within the boundary.

(2) Meteorological observations, surveys or photographs from the air or high places of the configuration of the land or sea or the condition of installations within the boundary; or reproductions of the foregoing.

b. Anyone who has violated the prohibitions or limitations prescribed by sub-paragraph 1 will be sentenced to penal servitude for less than five years and anyone who has violated the prohibitions or limitations prescribed by sub-paragraph (2) will be sentenced to penal servitude for less than three years or a fine less than one thousand yen.

c. Anyone who has delivered to others publications, documents, books, etc., or matter produced as the result of violation of the prohibitions or limitations prescribed by sub-paragraph (2) will be sentenced to penal servitude for less than five years or a fine less than two thousand yen.

d. Anyone who has published publications, documents, books, etc., as specified in the preceding paragraph or delivered them to a foreign country or to anyone who works for a foreign country will be sentenced to penal servitude for less than seven years or a fine not exceeding 3,000 yen.

#### Article 13.

a. The War or Navy Minister, in case of necessity for the protection of military secrets at the time of maneuvers, experiments with arms, etc., may prohibit or limit temporarily by his order those who may enter within a fixed air, land, or water boundary around the area where the maneuvers, experiments etc. will be conducted.

b. Anyone who has violated the prohibitions or limitations prescribed by the preceding paragraph will be sentenced to penal servitude for less than two years or a fine less than one thousand yen.

#### Article 14.

a. The War or Navy Minister, in case of necessity for the protection of military secrets, may determine by his order certain water areas, except open ports into which the entry of foreign vessels is prohibited or restricted.

b. When any foreign ship has violated the prohibitions or limitations prescribed by the preceding paragraph, the captain or the next senior in command of the ship will be sentenced to penal servitude for less than five years or a fine of from three hundred to two thousand yen.

c. In cases falling under the preceding paragraph, the ship will be confiscated if there are seriously aggravating circumstances.

Article 15.

a. Any attempt to violate the provisions of Articles 2 to 6, paragraph d of Article 8, paragraph b of Article 9, Article 10, Article 11, paragraphs a (1 and 2), b, c, and d of Article 12, and paragraph b of Article 13 will be punished.

Article 16.

a. Anyone who has made a plan or preparation with the intention of committing a crime prescribed by Articles 2 to 5 will be sentenced to penal servitude for from three months to seven years.

b. Anyone who has tempted or incited others to commit a crime prescribed by Articles 2 to 5 will come under the provisions of the preceding paragraph.

Article 17.

a. Anyone who has tempted or incited others to commit the crimes prescribed by Article 6, paragraphs a, b and c of Article 8, the second paragraph of Article 9, Articles 10 and 11, paragraphs a (1 and 2), b, c, d of Article 12, or the second paragraph of Article 13 will be sentenced to penal servitude for less than one year or a fine less than five hundred yen.

Article 18.

a. Any goods or material obtained by an act in violation of this law will be confiscated so long as they do not come into the possession of others than the offender.

b. In case the goods have come into possession of others than the offender or disappeared entirely or partially the amount of their value will be forfeited by the offender.

Article 19.

Any article constituting a criminal act or an attempted criminal act under Articles 2 to 5, Article 7, Article 8, a, b, and c, Article 9, b, Article 11, or Article 12 paragraphs a (1 and 2), b, c, and d, or any article resulting from the criminal actions specified above may be confiscated by the government by administrative action regardless of the ownership, except when confiscation is directed by a court. The proceedings relative to the forfeiture of articles as mentioned above will be specifically determined by order or ordinance.

ing success in all fields underscored by their enemies. On the other hand, countries are employing highly organized agents and scientific means to learn the military secrets of others. This situation is growing worse as the international community grows. If a person who committed a crime specified in Article 2; Article 6; Article 8 paragraphs a, b, c; Article 9, b; Article 12, paragraphs a (1 and 2); Article 15 or Article 16, a, surrenders himself to the authorities concerned before he is detected, his sentence may be reduced or released.

Article 21. The provisions of Articles 2 to 7; Article 8, paragraphs a, b, and c; Article 9, b; Article 11; Article 12, paragraphs a(1 and 2), b, c, and d; and Articles 15 to 20 are applicable also to anyone who has committed the offenses specified, outside the places (Japanese Empire) where this law is enforced. The following resolution was unanimously adopted to be supplementary provisions.

The date of the enforcement of this law will be fixed by an Imperial Order.

Paragraph 1, Article 26 of the law for the Enforcement of the Criminal Code is rescinded. (note: This paragraph made violations of the Military Secrets Protection Law punishable when committed outside the Japanese Empire).

#### COMMENT

The Military Secrets Protection law in effect until the passage of the above act was enacted some forty years ago and is considered to be "entirely inadequate for the situation today; in addition, the designations and terms are considered inadequate".

The Navy Minister, Admiral Yonai, in his explanations before the Diet at the time of the bill's presentation outlined the general purpose and scope as follows:

"The protection of military secrets is of vital importance for the defense of the country, both in time of peace and of war, and in time of emergency they (military secrets) constitute an important factor of victory in making it possible to take an enemy by surprise. The recent developments in science and the changes in the technique of war have increased the necessity for the maintenance of military secrets, the kinds and scope of which have also increased and widened.

"Countries, even in peacetime, secretly study strategy and tactics, formulating mobilization and expedition plans; completing their organization, equipments, vessels, ordnance; and perfecting their instruction and training for the purpose of obtain-

ing success in all fields unforeseen by their enemies. On the other hand countries are employing highly organized agents and ingenious scientific means to learn the military secrets of others. This situation is growing worse as the international situation is aggravated."

The only objection to the above bill in the House of Peers was to Article 1, paragraph b. This has been the bone of contention in the previous military secrets protection law as it gave broad and arbitrary powers to the War and Navy Ministers in the designation of military secrets from which arose innumerable cases of unpremeditated and accidental violations of the law. A recent ruling of the Supreme Court, in a case regarding a Japanese, was to the effect that even though the violation was accidental, the violation of the law required a fitting punishment regardless of the "ignorance, innocence or otherwise" of the accused.

When the Lower House passed this bill on 8 August (the last day of the session) the following resolution was unanimously adopted to be attached to the bill:

"The military and navy secrets to be protected by this law being such strict secrets as cannot be detected or collected unless by illegal means, the Government shall restrict its application of this law only to those who, knowing the secrets as such, commit the offense".

The Navy Minister Admiral Mitsumasa Yonai, representing the three Ministers of the Navy, War and Justice, stated in reply:

"In enforcing this law we intend to respect the purpose for which the resolution attached was adopted and enforce it with caution and prudence so as not to commit any error."

The following statistics of espionages were presented by the Government authorities to a committee deliberating the draft of this law:

<u>Year</u>	<u>Crime</u>	<u>Irregularities</u>	<u>Total</u>
1934	31	103	134
1935	11	143	154
1936	79	180	259
<hr/>			
Total	121	426	547

(September 12, 1937)

DISTRICT STAFF HEADQUARTERS  
TWELFTH NAVAL DISTRICT  
SAN FRANCISCO, CALIFORNIA

MEMO: -

An article in the Japanese American News in the English section stated that an American news photographer in China was discovered by the Japanese to be an officer in the United States Naval Reserve Corps.

The same article, printed in Japanese was as follows:

"Japanese authorities have just discovered American Photographer Powell is an officer in the United States Navy. It is strange that it has just been discovered in view of the fact that the names of all persons connected with the American government are public secrets in printed pamphlets. This could never happen to a Japanese."

500 Is Goal Of  
Citizens in  
Southland

By J. H. [illegible]

LOS ANGELES, June 1.—(AP)—"Add 'N' Hires" is the title of a specially prepared pamphlet which the Los Angeles Japanese American Citizens League has distributed.

The name of the League pamphlet is "Add 'N' Hires" and it is a plea for the Japanese American community to help the Japanese American community in the United States. The pamphlet is a plea for the Japanese American community to help the Japanese American community in the United States.

To be sure, the goal of the membership drive is not to reach 500 in the first month, but to reach 500 in the first year. The goal is to reach 500 in the first year.

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DISTRICT STAFF HEADQUARTERS  
TWELFTH NAVAL DISTRICT  
SAN FRANCISCO, CALIFORNIA

JAP. AMER. NEWS

JUN 2 1936

File

# 'Spy' Denial To Be Issued By JACL In Los Angeles

## MEMBERS DRIVE TO BE STARTED

### 500 Is Goal Of Citizens In Southland

[Special to Japanese American News]

LOS ANGELES, June 1—(CNP)—  
"Are We Spies?" is the title of a  
specially prepared pamphlet which  
the Los Angeles Japanese American  
Citizens' league will issue shortly.

The aims of the Citizens' league  
is incorporated in the publication.  
A portion of the recent Bernarr  
Macfadden editorial in the Liberty  
magazine assertedly charging the  
Japanese of California with dis-  
loyalty to the United States is re-  
printed in the pamphlet.

To be issued as a part of the  
membership drive, which will seek  
to enlist 500 to the JACL move-  
ment during a 10-day period, June  
5 to 15, the Los Angeles Citizens'  
league set for its membership drive  
plans.

And most of the America-bound  
freighters ship for San Francisco.  
One hears in Otaru that he can go to  
America on a cargo vessel for a  
mere ninety yen (some 27 American  
dollars). The food, one is inform-  
ed, is good but the trip takes eight-  
een days or so and sailing schedules  
are necessarily erratic. Otaru's sta-  
tion is bright with bunting and with  
artificial "sakura", "Hokkaido's  
"blossom" season, the latest in all  
Japan, is a week away. Otaru, po-

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COMMANDANT TWELFTH NAVAL DISTRICT

DISTRICT STAFF HEADQUARTERS  
TWELFTH NAVAL DISTRICT

FEDERAL OFFICE BUILDING -- CIVIC CENTER  
SAN FRANCISCO, CALIFORNIA

S. F. JAP. AMER. NEWS

JUL 4 1936

## Japan Clamps Down on Spies

TOKYO, July 3—With special appropriations approved by the Diet, police officials will launch an intensive program this summer to combat a claimed increase in espionage by foreign tourists. Twenty districts throughout Japan have been put on the banned list which foreign tourists must not visit because of strategic locations related to forts, naval bases, airports and military sites.

Fifty-four foreigners were detained in 1935, according to an official report, for allegedly sketching or photographing or taking too long a look at the scenery in prohibited areas. To combat the espionage problem, 100 additional police officers will be detailed to assist present city and prefectural police departments in watching the travels of foreign residents and travelers.

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Report No. 209  
Japan  
August 9, 1937

The Military Secrets Protection Law

The following revised Military Secrets Protection Law passed the extraordinary session of the Diet (now in session) and was promulgated on August 13, 1937:

(New World Sun, April 12, 1937)

Article 1. TOKYO, April 11

At a conference discussion on the new proposed legislation for the preservation of military secrets, officials disclosed the following statistics on recent violations of the preservation of military secrets laws, and it appears that there has been a substantial increase in the number of incidents.

Numbers of incidents and investigations involving foreigners as spies have shown a marked increase since 1934. In the preceding paragraph are to be determined by orders of the ~~Grimes~~ Navy Minister.

Investigations:

1934	11	103
1935	11	141
1936	79	1111

Article 2.

a. Anyone who disclosed or gathered military secrets will be sentenced to penal servitude for from six months to ten years.

Public record was made of 103 violations in 1925, and this increased to 247 in 1931, 696 in 1932 and 119 in 1933, 231 in 1934, 437 in 1935 and 821 in 1936. Investigations of espionage were as follows:

1930	64
1931	129
1932	136
1933	149
1934	305
1935	310

Article 3.

a. Anyone who learns or possesses the military secrets on account of 1934 and reveals them to others will be sentenced to 1935 servitude for from not less than three years to life.

(All of these figures involve foreigners.)

b. Anyone who learns or possesses military secrets on account of his business and publishes them or reveals them to a foreign country or to anyone who works for a foreign country will be sentenced to penal servitude for more than four years, to life, or to death.

Article 4.

a. Anyone who spied out or gathered the military secrets and disclosed them to others will be sentenced to penal servitude for from two years to life.

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