

Talk All Night : Charles Kades and His Reflections on Occupied Japan

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History is sources. First-hand accounts by participants in the Allied occupation of Japan two generations after the event must, by definition, be both potentially important and automatically suspect. The result may be illumination or it may spawn little more than meta-history. All depends, of course, on the quality of the memoirs and the extent to which others have successfully excavated and analyzed similar terrain in the half century since Imperial Japan acknowledged its unconditional surrender and consequent occupation.

The role of Charles Kades as deputy chief of SCAP's Government Section in the conduct of the occupation of Japan deserves much more serious study than this preliminary sketch. All that can be attempted here is to record a selection of the views he held in the last years of his long life on the purposes, development and results of policies to which his name is closely linked. It is to be hoped that students on both sides of the Pacific will eventually begin to objectively assess the achievements of the American lawyer in uniform whose name will remain inextricably linked to the postwar Japanese Constitution.

It is not every senior participant in the occupation who receives obituary notices in the *Economist* and editorials in the Japanese press.⁽¹⁾ The death of Charles Kades on 18 June 1996 was the occasion, however, for a series of wide-ranging commentaries of the key individual in what has been termed the 'reinvention' of Japan.⁽²⁾

Rather than retrace the occupation career of Colonel Kades this brief paper identifies some of his reminiscences. It does so with two important provisos. Since Kades lived to the age of 90, it must be assumed that his memories of events over half a century earlier in some cases may be suspect and should eventually be tested against

the testimony of others. Equally, it needs to be stressed that both the fame and longevity of Charles Kades led to a great number of individuals entreating him for his recollections. He wrote to me once, after I had specifically requested permission to quote from correspondence with him on an item of occupation history, that ‘... I’ve been quoted and also misquoted so many times sans permission that I hesitate to start a new tradition.’⁽³⁾ Kades kindly added in the next sentence that ‘permission is not only granted for your current paper but for all hereafter written for anything I say’.⁽⁴⁾ It will eventually be necessary, therefore, to collate the voluminous correspondence that Kades entered into and distill the evidence. His complaints at the manner in which interviews he gave were sometimes misused by journalists and film producers could be blunt. He found it disheartening when he had been filmed for an entire day to discover later that the end result might be no more than a couple of thirty second soundbites.

Yet Kades clearly did wish that his version of events be known. My own meetings and correspondence were conducted from 1982 until the year before his death and it was understood by both parties that no areas were off-limits. Kades could be scathing, for example, both about those individuals surrounding the Emperor and senior American State Department figures. He would reply with great courtesy to questions on Allied policy towards the occupation and spice his lengthy answers with salty humour at his own expense.

It would be erroneous, however, to suggest that our correspondence was merely a series of bland recollections by Kades. Throughout our dealings we never found common ground over important issues linked to the making of the postwar Japanese Constitution. He continued to disagree with my statement that ‘the Constitution was an imposed, alien document’, preferring instead to maintain :

‘That it would not have been born but for the occupation is undoubtedly true but its predecessor was also “imposed” in the sense in which you use the

word and the influence of the Prussians, though not in any sense coercive as was the Americans, was pretty pervasive.; and, as for the “freely expressed will of the Japanese people”, that thought was not a gleam in anyone’s mind a century ago. Some day maybe we can put on slippers and talk all night about the degree of democratic participation in the process of the making (and the unmaking) of the Meiji compared with the MacArthur constitution’.⁽⁶⁾

Since Kades’ obituary in the International Herald Tribune was headlined ‘Drafter of Japan’s Constitution Dies’, it might be expected that our correspondence would centre around his handiwork.⁽⁶⁾ Yet this did not prove to be the case. I simply did not possess an iota of his legal background and opted instead merely to question him on specific points over the making of the postwar Constitution as they arose in my research on Allied diplomacy and later political events within contemporary Japan. I was often out of my depth in the field of what a later scholar would term, rather sweepingly perhaps, MacArthur’s Japanese Constitution.⁽⁷⁾ Just to make certain that readers in the 1990s would get the point, the middle word of the title of Kyoko Inoue’s monograph was printed in larger letters on the jacket by the University of Chicago Press.

All I can record is that after our initial meeting at a conference at the MacArthur Memorial in Norfolk, Virginia, in 1982, Kades was kind enough to send me a copy of his own note on the making of the Constitution. On the top was written : ‘Copy of Penicilled Notes of C-of-C handed me on Sunday, 3 Feb. ’46 to be the basis of draft Constitution’. It reads as follows :

‘ SECRET

1

Emperor is at the head of the state.

His succession is dynastic.

His duties and powers will be exercised in accordance with the Constitution and responsible to the basic will of the people as provided therein.

2

War as a sovereign right of the nation is abolished. Japan renounces it as an instrumentality for settling its disputes and even for preserving its own security. It relies upon the higher ideals which are now stirring the world for its defense and its protection.

No Japanese Army, Navy or Air Force will ever be authorized and no rights of belligerency will ever be conferred upon any Japanese force.

3

The feudal system of Japan will cease.

No rights of peerage except those of the Imperial family will extend beyond the lives of those now existent.

No patent of nobility will from this time forth embody within itself any National or Civic power of government.

Pattern budget after British system.'⁽⁶⁾

Kades next attached a copy of his re-draft of point 2 to the Notes on the Constitution.

He stated :

'I am also enclosing a copy of my re-draft ; the underlined words I added to point 2 of the so-called Notes and the words in parentheses I deleted. Except for deleting 'even for preserving its own security' in the second sentence of point 2, the draft demonstrates that I was an amanuensis only.'

Article 2 was then altered by Kades as follows :

'War as a sovereign right of the nation is abolished (Japan) and the threat or

use of force is renounced (s) as an instrumentality for settling (its) disputes with other nations (and even for preserving its own security. It relies upon the higher ideals which are now stirring the world for its defense and its protection).

No (Japanese) Army, Navy, or Air Force or other war potential will ever be authorized and no rights of belligerency will ever be conferred upon any (Japanese) other force.'⁽⁹⁾

In other correspondence Kades confirmed that he fully supported what became Article 9 of the 1947 Constitution. Colonel Kades had long held progressive views on the desirability of improving the conduct of international relations and restricting the military potential of nation states. Kades told me, for example, that he had been an admirer of Philip Noel-Baker, the pacifist MP whose reputation in Japan would remain high to the end of his very long life. It was Kades who told me that when 'I was in the U.S. Treasury before the U.S. entered WW2 but during the London bombing, I wrote him Noel-Baker and asked if he would like his MSS for Vol. 2 of his monumental work on the Private Manufacture of Armament[s] stored for safekeeping in the Treasury vaults.'⁽¹⁰⁾ Kades then added with a remarkable curiosity for a man supposedly in retirement from the international scene : 'he sent it with his handwritten editorial changes and I've often wondered if he ever retrieved it because as far as I know Vol.2 was never published. After I was called to active duty in Jan. 1942 I lost track of it and never returned to Treasury.'⁽¹¹⁾

Kades for all his misgivings about the future of post-occupation Japan made it clear on several occasions that he favoured the so-called Ashida Amendment to Article 9. Kades thought in 1983 that some authority in either the United States or Britain might tackle the subject of what he boldly termed 'Japan's Counterrevolution After MacArthur',⁽¹²⁾ but he remained convinced that the right of self-defense had never been deliberately removed by the occupation's Constitution-makers. Such a

security policy would have required, in Kades' view, only a highly limited military establishment but he did not then or later to subscribe to anything approaching un-armed neutrality. He also pointed out that Ashida spoke to him before submitting the amendment that would strongly influence Japan's views of its future security policies and the entire U.S.-Japan alliance relationship over the next two generations.

On the technical questions involving Anglo-American diplomacy during the occupation Kades provided considerable information on both the manner in which broad policy issues were determined and how specific issues might be settled. Kades remained consistent in pointing out that the so-called Allied occupation of Japan was run by General MacArthur. Kades insisted in 1990 that '...until 1949, the policies in Japan were pretty much what MacArthur desired.'⁽¹³⁾ Kades continued: 'I recall seeing cables between MacArthur and General George Marshall in which MacArthur complained that the directives were too detailed and Marshall responded that they were merely for his guidance and he could exercise the normal discretion of a theater commander in determining his courses of action.'⁽¹⁴⁾

Kades could speak from direct experience on both the initial days of the occupation and the years that followed. He, as a former New Deal lawyer, clearly saw the advantages of forceful action in the wake of Japan's capitulation. His stance was that the rapid actions of General MacArthur were essential to get the occupation off on the right foot and that neither the White House during the Truman years nor the rival departments in Washington played any particularly pronounced role in its conduct is important testimony. Its advantages were enormous, provided, of course, that the policies selected were appropriate for the circumstances of a defeated, demoralized Asian polity. On the comprehensive claims of MacArthur (and what would become Government Section, SCAP GHQ,) Kades took pride in initiatives determined in the Dai Ichi Building. He would note with apparent satisfaction that by the time the Joint Chiefs of Staff were in a position to issue its Basic Directive for Post-Surrender Military Government in Japan Proper, JCS Directive, 1380/15 of 3 November 1945,

'the occupation of Japan was a fait accompli.'⁽¹⁵⁾ Since the directive began by announcing that it 'defines the authority which you will possess and the policies which will guide you in the occupation and control of Japan in the initial period after surrender.'⁽¹⁶⁾ the amusement that this must have caused amongst MacArthur's senior staff can be easily imagined.

On the later claims of survivors from the Truman administration that they and their champion had played a major role in the successful postwar transformation of Japan, Charles Kades could (understandably) be scathing. When I asked Clark Clifford, for example, for his recollections, the former Truman aide explained that 'President Truman considered US occupation policy a particularly vital issue'⁽¹⁷⁾ and thereby entitled to take a substantial share of the credit for later developments. While Kades noted that he respected Clark Clifford 'very much', he was indignant at Clifford's assertions. In a three-page closely reasoned response, Kades tore into Clifford. He began by saying:

'I think Clifford's letter is hogwash. Although Truman did approve the US Initial Post-Surrender Policy for Japan on Sept. 6, 1945, the substance had already been sent to MacArthur by radio on Aug. 29th and in the course of its preparation by SWNCC and its prior approval by the Joint Chiefs I never heard of any input whatsoever by the White House. During this period I was acting executive officer of the War Dep't Civil Affairs Division (until Aug. 25th when I flew to Japan via Guam and Manila, arriving Aug. 30th) and in daily contact with general Hilldrig (Chief of CAD) and Ass't Secretary of State McCloy and if there had been consultation with the President, I believe I would have had some inkling of it.'⁽¹⁸⁾

Kades then continued with a characteristic remark that displayed both his grasp of policy debates and important asides that the later historian is prone to overlook.

He pointed out that the critical issue of land reform 'is not even mentioned in the Initial Policy or in any subsequent directive; and Secretary of the Navy John Sullivan who was a close, old personal friend of mine and a member of SWNCC once told me that even SWNCC never considered land reform because it had communistic tendencies and, unless the equivalent of expropriation, would be far too expensive. When Roosevelt was President there was plenty of White House input, partly because Lt. Col. John Boettiger, Roosevelt's son-in-law, who was with the CAD staff, lived in the White House with his wife and son.'⁽¹⁹⁾

Yet despite Kades' occasional acerbity towards a number of State Department officials and presidential aides, the tone of his correspondence is extraordinarily mild. He clearly continued to voice objection to those he felt had unfairly claimed credit for actions taken by others but he rarely emphasized his own achievements. The one individual to whom Kades had nothing but the highest regard in our correspondence was MacArthur. Time and again Kades, who spoke to SCAP most infrequently but had the opportunity of observing him at first hand in public and private conferences and committees, would praise his commander's actions. When, for example, I asked Kades for comment on the highly technical issue of the bargaining rights of Japanese civil servants during the occupation he unhesitatingly responded with several pages of recollections. Kades' explanation of MacArthur's behaviour during the discussion of July 1948 over collective bargaining and the desirability or not of restricting the right to strike for public sector employees deserves to be known. Kades wrote nearly thirty five years after the event:

'I was present at all times during the nine or ten hours of oral argument before General MacArthur in July and I have not the slightest recollection of there being any divisive issue except that of the right to strike and that the meaning of collective bargaining (because the employer is the people) had a different connotation when the bargaining was between government employ-

ees, i. e. civil servants, and a government department and when it was between employees in private industry and private management.'⁽²⁰⁾

In Kades' next letter he added the following comment on MacArthur's behaviour: 'As you no doubt know, his grandfather, Arthur, was a judge in Wisconsin and on the Supreme Court of the District of Columbia. I could not help thinking at the time that his grandfather would have been proud of him if he could have watched the way MacArthur conducted that July session, so impressed was I with his probing queries.'⁽²¹⁾

What also emerges from Kades recollections is the close similarity in thinking between MacArthur and the senior officials of SCAP's vital Government Section. Kades, in the course of a lengthy comment on Japanese labour affairs, could stress both the philosophical parallels between himself and Generals MacArthur and Whitney and point out that their support for him in the inevitable bureaucratic disputes within GHQ was near total. For example, Kades writes of one incident when James Killen, chief of Labour Division, Economic and Scientific Section of SCAP, sided with the strike activities of the Communications Union under Kazuyoshi Dobashi. Kades explained that 'MacArthur and Whitney were both away from Tokyo and through General Marquat (Killen's superior) I asked Killen to call in Dobashi and tell him that what his union was doing amounted to a strike on a national scale which could not be tolerated, given the amount of appropriations for assisting Japan which the U. S. Congress was providing.'⁽²²⁾ Kades then continued with a characteristic remark on someone who he might well have been expected to feel antagonistic to on many grounds. Instead, he continued:

'Killen refused to put any pressure whatever upon Dobashi, whom I liked personally even though he was considered a Communist. The upshot was that I called Dobashi to my office and spent about two hours trying to con-

vince him that what his union was doing was ill-advised, harmful to the Japanese Government and GHQ, and putting the labor movement in general and his own union in particular in danger of repression or serious counter-measures. Dobashi then saw or communicated with Killen who protested to Marquat that I was trying to take over the Labor Division's functions which infuriated Marquat. However, Whitney returned, stood by what I had done, and best of all the local struggles ceased shortly.'⁽²³⁾

The commonality of political views between General MacArthur (a Republican for ever), General Whitney (a fringe member of the "Bataan gang" and lawyer by profession in prewar Manila) and Kades (who described himself to me as an individual who had 'always been considered a die-hard New Dealer') remains surprising. Kades, again employing the long historical view that he had acquired through his legal profession, would note that for MacArthur the Zaibatsu deconcentration schemes contained strong echoes of an earlier American trust-busting era. Kades suggested that he had 'always thought' that MacArthur's 'deep-seated objection to concentrated economic power (or to what both he and FDR called "private socialism") stemmed from the time (when I was over a year old, 1907) he served as an aide at White House functions to President Theodore Roosevelt whose trust-busting views were well known to MacArthur who as a lieutenant had, nevertheless, many evening conversations, after the guests had gone home, with the President not only about monopolies but also the Far East.'⁽²⁴⁾ Kades added that "Whitney also stood for free, private, competitive enterprise and early in the Occupation had been offended by the arrogance of one of the clique. Both were strongly opposed to the Biggers/Kauffman efforts to entrench U.S. oligopolists in Japan.'⁽²⁵⁾

Linked to Kades' deep interest in the reformation of postwar Japan was the question of the appropriate moment to end the entire process. Once again the parallels between the thinking of senior SCAP officials is remarkable, since there is no likeli-

hood of Kades merely putting on the opinions of others to further his own interests. Kades explained in answer to yet another of my importunate questionings:

'My own view of the reason for marching in place after the summer of '48 except for completing existing reform projects was MacArthur's philosophy which he expressed at a press conference for foreign correspondents about a year earlier that the time had arrived to prepare a peace treaty because a prolonged occupation could lead to a "colonial" attitude; the Japanese would either become dependent on the U. S., or resentful which could give an impetus to nationalistic (perhaps ultranationalistic) forces; either way would foster decay and decadence among Occupation personnel and result in arrogance contrary to American tradition.'⁽²⁶⁾

Kades then suggested from his knowledge of MacArthur's approach that SCAP would, in his opinion, 'have said the same thing irrespective of the international scene and whether or not the Cold War was in its early stages but I do not know, of course what actually was in his mind. The ultimate purpose was a peace-loving Japan; i.e. to carry out the Potsdam Declaration; political reorientation toward the people-source-of-power principle had gone about as far as military occupation could go without sowing seeds that would degrade the occupier as well as the occupied.'⁽²⁷⁾

There is no doubt that the protracted nature of the occupation was a disappointment to Kades. I once quoted a statement from him (without naming the source) and reminded him later of his concern over the swing in Japanese politics that was evident after 1948. He wrote back to say bluntly that 'I was way down in the dumps after the 1949 election', though he added - in September 1985 - 'not now.'⁽²⁸⁾ Indeed Kades presents evidence that his disillusionment commenced earlier. He told me, for example, in the period before conservative forces were entrenched in power after Prime Minister Yoshida's resounding January 1949 election victory that his experiences

over the purge programme had been disappointing. He wrote, when I sent him a scholarly article from Hans Baerwald, the leading authority on the subject, that:

'the Butotukai Purge was as frustrating an aspect of the purge program as existed because even Japanese official as sympathetic to Occupation objectives as Prime Minister Katayama, Tetsu, represented to GHQ that so many governors, chokunin and sonin would be affected that governmental administration would be effectively crippled and so Government section consented to phasing the removal of those in increments beginning with the national level and ending locally, but, as Hans points out, the estimates were grossly exaggerated. One good result Hans doesn't mention: the foot-dragging contributed to the determination to dissolve the Naimusho itself, a more constructive action in the long run, tho both would have been better from our vantage point.'⁽²⁹⁾

Kades' role (and it might be said that of Generals Whitney and MacArthur too) ended long before the final signing of the San Francisco peace settlements during the Korean war. His departure from Japan has even been seen by some as a major event in the evolution of the occupation.⁽³⁰⁾ Kades was conscious from the months before the spring of 1948 that change was imminent. When I questioned him on the familiar debate over the reality or not of what has become known as the reverse course in occupation policies he started categorically that there had never been any such thing.⁽³¹⁾ He wrote:

'I was not conscious of any reverse course in occupation policy and I am not sure what you mean by a change in direction. If you mean by a change in direction that to use your words the dynamic phase ended during the winter of 1947-48 and the digestive phase began, then I not only was conscious of

the change but encouraged it, at least so far as the Government Section was involved in the change. During that winter, I believe I wrote on my own initiative a memo to the division chiefs of the Gov't Section that the political phase or the initial phase (or something of the sort) of the occupation was ending and that the Government Section should not initiate any more laws or policies after those that were then in process of passage or of being prepared for submission to the Diet had been enacted by the Diet, subject, of course, to a direction by the Supreme Commander or the Chief of the Section to proceed with further legislation.'⁽³²⁾

Charles Kades' contribution to the successes of the occupation of Japan is likely to be reevaluated in the near future. His role was considerable in a complex, competitive bureaucracy and his efforts to assist in the birth of a new Japan have been partly rewarded in the past half century.⁽³³⁾ His willingness to discuss each and every aspect of the occupation in which he was involved has served to illuminate numerous concealed areas. His detailed responses to requests from others for information, however, were not made with the intention of deliberately inflating his influence but rather to explain and amplify existing archival findings. Perhaps a characteristic postscript to a letter he wrote in 1985 conveys some of the modesty and strengths of the man. He said then: 'Once you asked if you could quote me; the answer is of course "yes" if, but only if, there is anything worth quoting. I've no passion for anonymity.'⁽³⁴⁾

Endnotes Talk All Night: Charles Kades and His Reflections on Occupied Japan

- (1) *Yomiuri Shinbun* 23 June 1996, reprinted in *The Daily Yomiuri*, 24 June 1996.
- (2) See Alex Gibney 'Six Days to Reinvent Japan', *Wilson Quarterly*, Autumn 1996. Gibney draws on his interviews with Kades in the preparation of the article.
- (3) Kades to Buckley, 23 November 1985.
- (4) *ibid.*
- (5) Kades to Buckley, 2 December 1992.
- (6) *International Herald Tribune*, 22-23 June 1996.
- (7) Kyoko Inoue *MacArthur's Japanese Constitution: A linguistic and Cultural Study of Its Making* (Chicago, 1991)
- (8) Kades material enclosed in letter to Buckley, 19 November 1982. Kades would reprint the above in his article entitled 'The American Role in Revising Japan's Imperial Constitution', *Political Science Quarterly*, Summer 1989. In this article Kades does indeed refer to the vexed question of authorship of the notes but makes no direct reference to the important handwritten undated statement that Kades made at the edge of his copy. Since Kades went so far as to personally initial his statement on MacArthur's authorship of the secret memorandum, it can be assumed that it was only years later that he wavered in his earlier opinion and in 1985 would be obliged to state that it may have been General Whitney who initiated the notes and had then gained MacArthur's approval of their contents.
- (9) Kades to Buckley, 19 November 1982.
- (10) *ibid.*
- (11) The answer is to be found in Noel-Baker's Introductory remarks to a later reprint. See Noel-Baker *The Private Manufacture of Armaments* (New York, 1972). I am grateful for information on this point from Professor J. A. Cross of Cardiff.
- (12) Kades correspondence to Brian Southam of Athlone Press 15 January 1983, contained in letter to Buckley of the same date.
- (13) Kades to Buckley, 7 August 1990.

(14)*ibid.*

(15)*ibid.*

(16)JCS 1380/15, 3 November 1945, text in Government Section *Political Reorientation of Japan: September 1945 to September 1948* (reprinted Grosse Pointe, Michigan, 1968).

Kades was charged by General Whitney with preparing these two volumes when deputy chief of Government Section.

(17)Kades to Buckley, 7 August 1990

(18)*ibid.* For greater discussion of this theme see Buckley 'A Particularly Vital Issue? Harry Truman and Japan, 1945-52' in T. G. Fraser and Peter Lowe (eds.) *Conflict and Amity in East Asia: Essays in Honour of Ian Nish* (Basingstoke, 1992)

(19)*ibid.*

(20)Kades to Buckley, 15 January 1983

(21)Kades to Buckley, 17 February 1983

(22)*ibid.*

(23)*ibid.*

(24)Kades to Buckley, 23 November 1985

(25)*ibid.*

(26)Kades to Buckley, 5 November 1985

(27)*ibid.*

(28)Kades to Buckley, 6 September 1985. He added in a postscript: 'I must confess that not only did I *not* spot myself as the author of the statement on p.11 of *Japan Today*, but I wondered who it was who could be such a sagacious but apparently incorrigible pessimist - maybe only a confirmed optimist fills the bill?'

(29)Kades to Buckley, 2 June 1986. The official title was Dai Nippon Butoku Kai

(30)Richard B. Finn *Winners in Peace: MacArthur, Yoshida and Postwar Japan*, (Berkeley, 1992) footnote p.361. Finn interviewed Kades in the course of researching his work.

(31)Kades to Buckley, 6 September 1985. This ended the occupation, in effect, for Kades. From now on it was 'a march in place' only.

(32)*ibid.*

(33)Kades continued to monitor events in post-San Francisco Japan closely with the assistance of former colleagues who stayed on after the occupation. He was on occasion pessimistic about the realities of change in contemporary Japan but vigilant in stressing the advantages both to Japan and the West of Article 9.

(34)Kades to Buckley, 5 November 1985

SUMMARY

TALK ALL NIGHT: CHARLES KADES and HIS REFLECTIONS ON OCCUPIED JAPAN

Charles Kades played an important role in the success of the Allied occupation of Japan. As deputy head of SCAP's Government Section he instituted a series of political reforms that have had long-lasting influence in contemporary Japan. This paper utilizes his correspondence with the author to illustrate some of the views and actions Kades took when working with Generals MacArthur and Whitney. It argues that greater attention on Kades' contribution to the occupation is surely now necessary.

チャールズ・ケーディスと占領下日本についての彼の省察

ロジャー・バックレイ

チャールズ・ケーディスは連合軍による日本占領が成功する上で、重要な役割を演じた。連合軍最高司令官の民政局次長として、彼は、日本において長い間影響力をもち続けた一連の政治的改革を始めた。この論文は、マッカーサー將軍そしてホイットニー將軍とともに働いていたときに彼が持っていた見解や彼が行った行動のうちの幾つかを例証するために、彼の筆者との書簡を利用している。この論文は、占領へのケーディスの貢献に対し、今やより多くの注意が払われる必要があることを論ずるものである。