

THE SENATE FARCE

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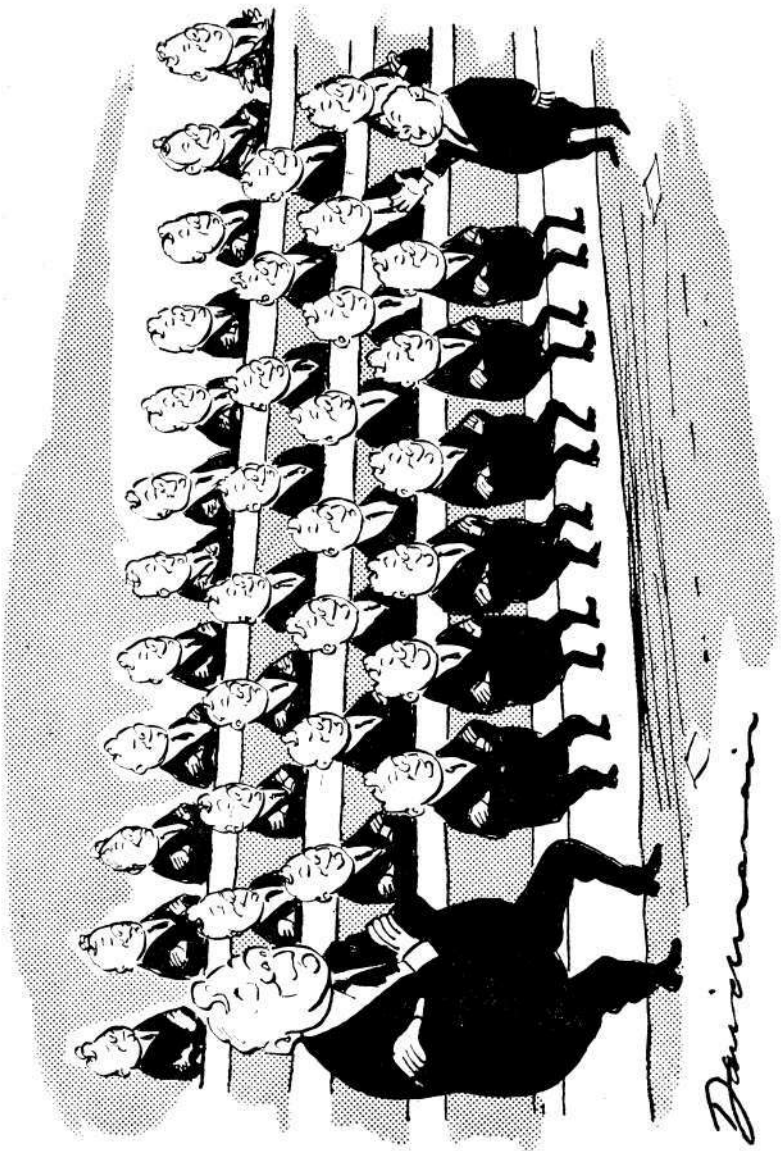
Political Correspondent of the 'Sunday Times'

No tour of the Houses of Parliament is complete without a visit to the famous enlarged Senate. The guide escorts his party to the public gallery and they peep down into the Chamber. He explains that there has been a big change. In the old Senate—the one which expired with the passing of the Senate Act in 1955—the 30 Government Members used to sit on one side and the 18 Opposition Members on the other. Now the Government has 78 Members, and they stretch up one length of the Chamber and down the other, leaving only a tiny corner on the President's left for the remnants of the Opposition—12 men clinging on valiantly, like the man in the cartoon dangling over a precipice and clutching at a stem of edelweiss.

The first meeting of the enlarged Senate in January, 1956 was a gala occasion. One of the newcomers was Senator Louis Weichardt, former leader of the Greyshirt movement in South Africa. "The Greyshirts," he explained, "were liquidated for something far superior to take their place." This tribute, presumably, was directed at the Nationalist Party of which he had now become a respected spokesman. Another newcomer was Senator Jan Grobler, one-time member of the Nazi-type "New Order," started during the war years by Oswald Pirow (now prosecuting in the treason trial).

Of almost every enlarged Senator it could be said, "thereby hangs a tale": Senator H. A. de Ridder, notorious for his anti-Semitism; Senator J. J. McCord, English in name only and author of "The South African Struggle," sometimes distributed free to visiting newspapermen to give them a proper perspective of South African history; Mrs. Mathilda Koster, the Nationalist Party's only woman parliamentarian—a solitary and reluctant concession to the emancipation of women; "Mussolini" van Wyk, etc. . .

The enlarged Senate costs £220,000 a year. At the last full-length session (lasting nearly six months), 4 Government Senators made no speeches at all, 7 made only one speech each, and 8 made only 2 speeches each. One Senator, beginning "I would like to congratulate the Minister . . .", spoke about 600 words in 7 minutes, and nothing else for the rest of the



session. He could calculate his emoluments at £3 the spoken word, or £285 the speaking minute. Commenting on an increase of £400 in the free trunk-line telephone calls made by Senators, the *'Cape Times'* said: "This raises the query whether some Senators perhaps talk more on the long-distance telephone than they do on the floor of the House."

In January this year, at the start of the Senate session, Senator J. M. Conradie, the United Party leader, moved: "That this House is of opinion that the Senate Act, 1955, be repealed and a new Senate constituted on a recommendation to be made by a Speaker's conference."

The motion crystallised the feelings of the entire Opposition, and of many Nationalists too. Introducing the motion, Senator Conradie quoted 'Dawie', the political columnist of the Nationalist newspaper, *'Die Burger'*: "No one is in love with the Senate Act. Clearly, it is abnormal machinery necessitated by an abnormal situation. When the deadlock has been resolved, naturally, it will be possible to return to normality." That was written in 1955. In September, 1958, 'Dawie' was still writing: "It is no secret that, although I am a friend of various Senators, I am no friend of the Senate in its present form. As far as I am concerned, the sooner it can be reconstituted, the better."

Not only 'Dawie,' but Nationalist M.P.s too, have sniped at the Senate. At a meeting of the Nationalist parliamentary caucus this year, the Government Leader in the Senate, Senator Jan de Klerk (Minister of Labour), protested that Government Members of the Assembly were referring to their brother-Nationalists in the Upper House in "contemptuous" terms. The reason for this friction is well-known: having achieved parliamentary status through the medium of the enlarged Senate, the Senators have been casting covetous eyes on the more treasured Assembly seats.

The debate on Senator Conradie's motion was illuminating. Rejecting the motion, Senator de Klerk explained that the Opposition had "compelled us to make use of this remedy for the sake of the continued existence of a European civilisation, for the sake of this great and holy calling of a nation." If any change was necessary in the composition of the Senate, added Senator de Klerk, the Government would effect it "in its own time, in its own way and . . . when it may be considered necessary."

Even more illuminating, was the exchange between a Government Senator and Senator Leslie Rubin, one of the four Senators elected by Africans.

Senator Rubin: "I am going to tell this House what I know supporters of the Government are saying, and have been saying since 1955. They say it even in this House, Mr. President, quietly, over a cup of tea. What they are saying broadly reflects an attitude towards this Chamber which varies from a feeling of uneasiness about it to one of downright shame . . ."

Senator J. I. de Wet: "Israel calls the hon. Senator!"

Senator Rubin: . . . "they have failed miserably to do their duty as members of the highest House in the land."

Senator de Wet: "May I ask the hon. Senator a question?"

Senator Rubin: "Yes, Mr. President."

Senator de Wet: "Can the hon. Senator tell this House how much money he and his three colleagues here have made out of the Coloured races?"

Senator Rubin: "That remark, Mr. President, will bear out something I have to say a little later about the degrading depths to which the standards of this House have been lowered since the Senate was enlarged."

On a previous occasion, Senator Rubin had been the object of an adolescent Nationalist boycott because he had criticised certain members of the police force for their lawlessness. A Government Senator, H. J. van Aarde, had reacted by calling upon the Government side to ignore Senator Rubin for the rest of the session. When next Senator Rubin stood up to speak, the Government Senators rose in a body and marched out, scowling and muttering. Senator Rubin brought them hurrying back, red-faced and angry, by causing the quorum bells to be rung. The farcical boycott collapsed.

Then it was Dr. Verwoerd's turn to renew the boycott. He was then Minister of Native Affairs and Government Leader in the Senate. This boycott was sparked off by a remark of Senator Rubin's that, although some Government Senators were still walking out on him, he was pleased to see that Dr. Verwoerd was not among them. Flushed with annoyance, Dr. Verwoerd exclaimed: "If that's your attitude, I shall leave the Chamber immediately." And dutifully followed by a host of enlarged Senators, the future Prime Minister stalked out of the Chamber. This boycott did not last long either.

The passing of the Senate Act in 1955 was a significant event in

the regime of the Nationalist Party. It marked the end of one chapter in the constitutional deadlock over the Coloured vote (the Malan chapter), and the start of another chapter (the Strijdom chapter).

Malan had tried, from the time of the Nationalist Party's accession to power in 1948, to secure the removal from the common voters' roll of the remaining handful of non-Whites—some 40,000 Coloureds of mixed descent living in the Cape Province. The obstacle confronting Malan was the two-thirds majority—of the Assembly and Senate sitting jointly—required by the South Africa Act. Malan never overcame this obstacle, and he went out of politics leaving a legacy of failures in the ensuing constitutional struggle.

His Bill to remove Coloured voters from the roll, passed by an ordinary sitting of the Assembly with a simple majority, was ruled invalid by the Appeal Court. So was the fanciful High Court of Parliament Bill, designed to constitute Parliament as a court of appeal superior to the Appeal Court (for the purpose of revalidating the Coloured vote Bill). Malan then sought the help of Opposition Members, but the South Africa Act Amendment Bill, to repeal the entrenched clause affecting voting rights and to validate the Coloured vote Bill, lapsed when the two-thirds majority was not forthcoming. Later, the Appellate Division Bill, to split the Appeal Court into two, was withdrawn by Malan when the breakaway Opposition group, the Conservative Party, failed to solicit sufficient votes among the Opposition for a two-thirds majority. Finally, in 1954, the Separate Representation of Voters Act Validation and Amendment Bill was defeated at a joint sitting, in spite of the energetic efforts of the Conservative Party to procure the vital extra votes.

On this note of failure, Malan resigned from the Premiership. The significance of his methods was that, as he blundered from failure to failure, he gradually abandoned the sledgehammer for compromise.

Mr. Strijdom's particular contribution to the settlement of the constitutional issue was to cut the Gordian knot. He thereby performed the first wholly totalitarian act of the Nationalist regime. The Senate Act was not simply undemocratic: it was fantastically, brazenly so. It was more an act of violence, a physical assault, than a legislative step. Malan had retreated before this decision, but Strijdom had no qualms. He enlarged the Senate to provide the required two-thirds

majority; and, to be on the safe side, he thought, he also enlarged the Appeal Court. Strijdom's right-hand man in those days was Verwoerd.

When the Senate was constituted by the Act of Union in 1910, it was intended as a house of elders and review. Senators had to be at least 30 years of age, and elected (not nominated) Senators had to own immovable property in the Union worth £500 over and above any special mortgage. Strijdom foresaw that these qualifications would prove restrictive and he abolished them. A wild scramble followed among Nationalist Party supporters for the Senatorships, and with 48 extra seats to dole out, the Nationalist Party, faithful to the spirit of the Senate Act, charged £20, win or lose, for anyone entering the Senatorship stakes. Thus the enlargement of the Senate was not only politically profitable for the Nationalist Party: it was plain profitable!

Originally, the Senate consisted of 48 members: eight elected by each province, eight nominated by the Government, four elected by the Africans, and two elected and two nominated to represent South-West Africa. The election of the 32 Senators by the provinces was on a basis of a proportional representation. When the Senate was enlarged from 48 to 90 Members, the system of proportional representation was also changed to one under which the majority party in a province took all the Senate seats for that province. By this "winner-take-all" system, the Nationalist Party emerged with 57 of the 65 seats allocated to the provinces.

The present composition of the enlarged Senate is: Government-supporting Senators of various kinds, 78; United Party Senators, 8; Senators representing the Africans, 4.

One of the changes brought about by the Senate Act was to double, from four to eight, the number of Senators nominated by the Government to represent the non-Whites. The official phrasing, taken from the Act of Union, was that they "shall be selected on the ground mainly of their thorough acquaintance, by reason of their official experience or otherwise, with the reasonable wants and wishes of the Coloured races in South Africa" (by Coloured is meant non-White). Senator Rubin took the trouble to examine the Hansard report of the last Senate session (1958) to see how these four nominated Senators had executed their duties. He found that one of them had not spoken once during the session; and that two others had spoken

a number of times, but that neither took part in the debate on one of the most vital Bills, namely, the Bill to increase African taxation. Senator Rubin also found that two of the nominated Senators avoided speaking on another highly contentious measure, the Native Laws Amendment Bill.

"My point, Mr. President," said Senator Rubin, "quite simply is that Hansard shows quite clearly, certainly as far as that aspect of their work is concerned, that far from these three hon. Senators having done their work, they have failed miserably to do their duty as members of the highest House in the land."

It should also be noted that a Nationalist who stood as an apartheid candidate in the African elections to the Senate, and was defeated overwhelmingly, is today a Government nominated Senator—"representing" the non-Whites.

The enlarged Senate is Parliament's constant embarrassment. Extra benches had to be fitted in the Senate Chamber, the dining room had to be enlarged, extra office accommodation had to be found in a building already bursting at the seams. Yet in their four years of office, the enlarged Senators have performed only two noteworthy functions: they provided the two-thirds majority required to give South Africa a pure-White voters' roll, and they helped to elect their former leader, Dr. Verwoerd, into the Premiership. Some say that the vote of the enlarged Senators was decisive in Dr. Verwoerd's election. Noteworthy, but not notable, functions.

The term of office of the enlarged Senate expires next year, and agitation for its reform is starting up again. Next year, too, the four Senators representing Africans will be abolished under the mis-named "Promotion of Bantu Self-Government Bill." This will reduce the Opposition in the Senate to eight—all United Party Senators from Natal.

The United Party, therefore, has a remedy in its hands. If the Government fails to abolish the enlarged Senate next year, it can walk out and leave this grotesque institution to the Nationalists. If it fails to do this, it will no longer have the moral right to refer to the enlarged Senate as a farce, because it will have become part of the farce itself.