

PARLIAMENT SEPTEMBER, 1939

The *Sunday Times* has carried two authoritative articles about the events in Parliament when war broke out in 1939.

On August 2, 1964, Mr. Harry Lawrence, who was then the only surviving member of the crisis Cabinet, wrote a detailed account of the Cabinet meeting at Groote Schuur on Sunday, September 3. He also described what took place in the House of Assembly the following day.

On September 5, 1965, Mr. Leslie Blackwell, who represented Kensington constituency in 1939, wrote an account of the decisive battle between Generals Hertzog and Smuts in the House of Assembly on September 4, 1939. He made one error; the Senate expired on September 5, not September 6, 1939 as he said.

Here is a third account of what transpired in Parliament. Browsing through the late Heaton Nicholls' papers I found a copy of a letter that he had written to a friend of his on September 17, a fortnight after the declaration of war in Europe. Nicholls was the Member for Zululand and a close friend of Smuts, but he was not in the Cabinet and his narrative of the events at Groote Schuur on the Saturday and Sunday must be hear-say.

Nicholls' observations about Hertzog's character are interesting, however.

The more interesting details are as follows, he writes: „The Prime Minister became suddenly aware that the Senate would automatically cease to exist by the effluxion of time on the 5th September and the country would be without a Parliament for some weeks, until the new Senate was elected. The threatening world situation appeared to him to demand that there should be a Parliament to be consulted . . . though in the light of subsequent events, it is difficult to understand why he wanted a Parliament except on the assumption that he was convinced it would vote as he directed. He therefore summoned Parliament to meet to pass legislation to extend the life of the Senate up to the date when the new Senate was elected, so that there should be no hiatus.”

This is history so Nicholls' letter adds nothing yet to our knowledge of what happened. He goes on: “Parliament met on Saturday, 2nd September. General Hertzog moved the suspension of all standing rules in order that the Senate Bill could be passed through all its stages in one sitting. A prior consultation with Dr. Malan had ensured Nationalist support. General Smuts, Minister of Justice, gave notice of the introduction of the Bill, which was to be taken on Monday. The House rose immediately afterwards.”

According to Blackwell the House met at 9.45 a.m. but Lawrence says that the House met at 10.30 a.m. and adjourned at 11.04 a.m. That Saturday the Cabinet met at Groote Schuur at 3 p.m., according to Lawrence.

Nicholls goes on: “That afternoon the Prime Minister, General Hertzog, made his mind known to the Cabinet.”

Lawrence says that General Hertzog proposed that South Africa should remain neutral, but that she should continue to allow Britain the use of the Simonstown harbour and continue as a member of the Commonwealth. Since his article is readily available we need not repeat Lawrence's account of what transpired that afternoon, but here Nicholls describes the relationship between the Prime Minister and the Cabinet. "It should be understood that there had never been free discussion with General Hertzog and the rest of his Cabinet on external relations. The balance of political relationship between the parties and the races (sic) was very delicate. The old South African Party, led by General Smuts, and supported by the vast bulk of the English speaking, had fused with the old Nationalists, under General Hertzog, supported exclusively by Afrikaans speaking, and the conditions of this pact were that each side would sink its theoretical differences, constitutional and otherwise, and co-operate together on a National policy. It had been a very difficult task. General Hertzog, though he endeared himself to the English-speaking, as to other, by his personal charm, is completely autocratic in temper. He had fanatical ideas of the meaning of the Sovereign Independence, which he thinks, he has won for South Africa; and every political action is dominated by maintaining at all costs, complete independence of action. His horror is to give any semblance to the belief that he has followed at the tail of Great Britain. Consequently, there could be no real reciprocity between General Smuts and his followers and General Hertzog and his followers on any matter relating to the British Commonwealth . . . the one standing for co-operation and the other for separateness. This attitude permeated all their political relationship; and, since a split would drive most of Hertzog's supporters back into the arms of Dr. Malan and his extreme Afrikaner wing, and the English-speaking would have to fight as a minority, relying on the support of the Afrikaans-speaking followers of General Smuts. The latter has had to submit tolerantly to all the statements made by General Hertzog and others with which they have thoroughly disapproved. Though General Smuts had a possible majority, if the split was upon a matter which could be defended in the country in both camps, he has never dared to put it to the test, in the absence of any clearly defined issue. Consequently, General Hertzog has had everything his own way. As Prime Minister he dictated. Nobody knew what statement of the Prime Minister he might have to explain and defend in public; and elections have had to be fought in a complete uncertainty of what the Government's attitude would be in the event of war."

Nicholls was wrong. On several occasions Hertzog had clarified his policy. According to M. P. A. Malan¹ and C. M. van den Heever² General Hertzog made clear his policy at the Transvaal Congress of the United South African National Party on October 7, 1936; at Marico in October, 1938; and at the time of the Czecho-Slovak crisis in 1938, respectively. On

1. *Die Nasionale Party van Suid-Afrika*, pp. 187-188.

2. *Generaal J. B. M. Hertzog*, p. 699.

the last occasion a joint statement by Hertzog, Smuts, Havenga and Pirow had pledged South African neutrality in the event of a European war.

Hertzog never forgave Smuts for breaking that pledge, but Smuts claimed that circumstances had altered to such an extent that a totally new situation had developed.

Van den Heever refers to allegations that Hertzog was a dictator who ruled through an "inner cabinet" of advisers. But, he says, Hertzog always made it clear that anyone in the Cabinet who differed with him was expected to resign, and for that reason Hertzog's policies were also those of the Cabinet.

Oswald Pirow³ states the case even more forcefully. Smuts, he says, was not worried "one iota" by the Cabinet agreement to remain neutral in the event of a war in Europe, but he never told anyone of his intention to depart from that statement of policy. "I repeat he deliberately and designedly left General Hertzog under the impression that in case of hostilities arising from a dispute about some question in Central and Eastern Europe, South Africa would remain neutral."

According to Pirow, Hertzog made no secret of his conviction that the coming clash over Poland and Eastern Europe was of no concern to the Union.

We must now return to Nicholls' letter: "When the Cabinet met on Saturday afternoon, most of its members were amazed to learn from the Prime Minister that he was going to adopt a policy of benevolent neutrality towards Great Britain. The Simonstown agreement would remain. The discussion revealed that Mr. Pirow had made all plans for taking South Africa into the war, which appeared to show that he was not a party to the Prime Minister's proposals at that stage."

The Cabinet meeting was continued the following afternoon, that is, on the Sunday on which war was declared in Europe. According to Nicholls that meeting lasted for 3½ hours: "The Prime Minister was adamant. It appeared that he would be satisfied if only South Africa's complete liberty of action could be established by a declaration of neutrality, if only for a week. That was the impression of some of his colleagues. He said he had no hostility to Great Britain. General Smuts said there must be no equivocation about South Africa's attitude. The meeting was decisive. It appeared that before the meeting General Hertzog had consulted with members of the Nationalist Party, and the chief whip of that party was present at Groote Schuur, with others of his colleagues, when the cabinet ministers began to assemble."

It is true that Dr. Malan had sent a message to General Hertzog in which he stated that he would support Hertzog's neutrality motion, but Van den Heever⁴ denies emphatically that there had been any previous collusion with Malan.

3. *James Barry Munnik Hertzog*, pp. 242 e.v.

4. Van den Heever, pp. 699-700; M. P. A. Malan, p. 187.

That evening, according to Nicholls, Smuts drafted his amendment which was subsequently adopted by Parliament.

Nicholls' letter continues: "At that time, however, it was unknown what action the Prime Minister would take to achieve his object. There had already been a counting of heads on both sides, and it was uncertain where the majority lay. It appears that the Prime Minister was reasonably certain of winning, otherwise it is fairly certain he would not have acted as he did. There were a number of ways in which he could have defeated a majority in Parliament. (It must be understood that General Hertzog is fascist in outlook, with little regard for Parliament.)"

Nicholls' last parenthetical sentence is unfair. Hertzog had the utmost respect for the rule of law. "He could have dropped the Senate Bill and left the country without a Parliament, and proceeded by way of proclamation. This indeed, was suggested by Pirow at the Cabinet meeting. General Hertzog, however, rejected this suggestion, and was supported by Mr. Havenga. He had called Parliament together for that purpose and he could not break his word announced on Saturday morning that the Bill would go through in one day. There was a danger that the Malan's might delay the passing of the measure by the aid of the Speaker. In the event, however, this did not happen.

"The second danger was that the Prime Minister would request the Governor General to accept his resignation for the purpose of reforming his cabinet with men in whom he had confidence. There were two precedents for this. General Botha had so resigned to reform his cabinet when he dropped Hertzog; and Hertzog had done the same to drop Maudslayi. This fear did not materialise, though no doubt it was very real."

There is, in fact, some evidence that this actually happened. I have been told by a close friend of the Smuts family, who unfortunately refuses to disclose his identity, that Hertzog had advised the Governor General, Sir Patrick Duncan, not to call for a general election but to ask him to form a new Government. Duncan, it will be recalled, was a Smuts man. *My informant claims that Smuts used his influence and three whiskies to induce Duncan to follow the course he took.*

It is unfortunate that this story cannot be verified and so it has to remain what it is, a story, but in his book about his father, J. C. Smuts⁵ states: "Hertzog tendered his resignation to the Governor General. Sir Patrick Duncan was in a quandary as to what to do next, but after discussing the matter privately with my father, called upon him to form a new Government."

There were two other possibilities which Nicholls mentions. "The third danger was that the Prime Minister might merely make a statement which did not permit discussion under the rules; if that were done, the issue might become so confused that a complete majority would be difficult to obtain.

"The fourth danger was the actual vote of the House. This was in doubt almost up to the end. The Senate Bill was early disposed of, as agreed upon, on Monday morning and the Prime Minister then moved his motion and General Smuts his amendment. The amendment was accepted, which declared war on Germany, by a majority of 13, made up of the Dominionites, Labour and the three Native members, joined to General Smuts' followers.

"Until late in the next day it was not known whether the Prime Minister would resign. It is believed that he demanded from the Governor-General a dissolution, and there was much speculation as to whether or not the Governor-General could refuse. A general election would have been disastrous . . . and the result might easily have been the triumphant return of General Hertzog."

The rest of the letter has apparently gone astray but we know the subsequent course of history. Smuts formed his cabinet but he took no chances of having dissension spread by Parliamentary debates. Having accepted the mandate of Parliament he prepared to rule by proclamation and trusted to a Parliamentary indemnity in the future.

The new Cabinet included members from the Dominion and Labour parties. Smuts himself assumed the portfolio of Defence and as he had been Minister of Justice he knew what was going on in the police force. As far as possible he tried to avoid a repetition of what had happened in 1914 but that there was, in fact, no rebellion, was through no fault of General Smuts. Had the Opposition and the Ossewa Brandwag not been led by men of the highest calibre there is no knowing what would have happened.

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