

THE GOVERNMENT POLICY AND  
PRACTICE OF RACIAL  
DISCRIMINATION AND OPPRESSION  
IN THE UNION OF SOUTH AFRICA

SPOTLIGHT ON AFRICAN, AUGUST 13,  
1953.

Paul Robeson

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Paul Robeson's anti-fascist activism sought full freedom for oppressed people around the world. The singer consistently spoke against segregation and racial violence in the U.S. as well as colonialism in Africa. Anti-fascism impugns white supremacy, then and now.

Transcription by Doug Calvin, YLSN

Paul Robeson Speaks: Writings, Speeches and Interviews 1918-1974, Brunner/Mazel Publishers, New York, 1978.

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*Spotlight on Africa, August 13, 1953*

(Address to the South African Institute of Race Relations, quoted in *East Africa and Rhodesia*, No 9, 1950.)

# I. Apartheid Madness

Speaking in the South African Parliament on March 14, 1945, Dr. Malan's predecessor Jan Smits remarked that everybody "except fools" was agreed on "our fixed policy to maintain white supremacy in South Africa." He was answering a charge from Opposition Leader Malan that the Government was not using the proper measures to "keep the Natives in their place." Nevertheless, Malan and the Nationalist Party won power in 1948 by outdoing the United party in posing as the white electorate's only true savior against "the black menace." They retained power by repeating their performance. Although the system of racial discrimination and segregation in order to maintain domination by the white minority was firmly established by the white minority was firmly established in all spheres of South African life long before Malan came to power, it may be said that during the five years of his administration the South African way of life which Malan calls apartheid has been made

immensely more rigid, circumscribed and cruel for the non-white population. The spate of Malan-sponsored legislation enacted since 1948 includes: The Asiatic Laws (Amendment Act) Act repealing the limited Indian franchise; The Mix-Marriages Act, making the marriage of whites and non-whites a criminal offense; Amendment of the Immorality Act, making sexual relations between “Colored” and white persons, as well as between Africans and whites, a criminal offense; The Population Registration Act, intended to establish the racial identity of every person over 16 years of age, so that there shall be no question of who is subject to the various “apartheid” measures; The Group Areas Act, empowering the Government to delimit areas in which only members of a particular racial group or sub-group may reside or own property (this Actis being enforced despite repeated recommendations of non-implementation by the U.N. General Assembly in 1950, 1951, and 1952; at the present writing, 146,000 Indians in Durban face eviction from their homes, businesses

and institutions, and 75,000 Africans face imminent removal from Western Areas of Johannesburg, with no alternative housing accommodations whatever afforded);

The Bantu Authorities Act, which seeks to establish puppet tribal councils and foster tribal division of the Africans (the present councils and foster tribal division of the Africans (the present limited representation of Africans – by white members – in the South African Parliament is to be abolished);

The Separate Representation of Voters' Act, which would strike some 48,000 "Colored" voters in the Cape Province from the common list of voters and establish a system of separate representation for them such as the Africans now have (declared unconstitutional by the Supreme Court, but the Government continues to seek to have it upheld).

The subservient status of non-white labor, which is the foundation of South African's economy, has been established in law through such measures as the Industrial Conciliation Act No. 36 of 1937, excluding African trade unions from authorized collective bargaining and strike procedures, the Masters and Servants Act, and the Riotous Assemblies Act.

The Malan Government's policy of tightening still further the shackles of African labor is reflected in the statement of Dr. Theo Wassenger, a Nationalist Party, made leader in the House of the Assembly, September 1948: "Africans must be re-tribalized: Zulus must remain Zulus, Swazis must remain Swazis and Xosas Xosas – this is one of the ultimate objectives of apartheid. We cannot allow the development of a mass black proletariat which would be able to muster against the whites." (Guardian, [Cape Town] 23 September 1948). It is reflected in the Government's reply to a question from Senator W.G. Ballinger, June 1949, acknowledging that a Department circular of 28 March 1948, "reaffirms the policy outlined in its circular of the 31<sup>st</sup> of October, 1924 which enjoins Departments and Provincial Administrations wherever possible to substitute civilized [white] labor for uncivilised [African] labour. The former circular also modified this Departments circular No. 8 of 1948, which authorizes the employment of Natives as messengers, to the extent that Natives should only be employed as messengers where the services of European youth at not available." Under the Malan regime the great majority of Africans have been excluded from the benefits of

the Unemployment Insurance Act, and Africans have been legally barred from skilled labor in the building trades by the terms of the Native Building Workers Act. The Native Laws Amendment Act was passed providing for the removal of an African from an urban area, even though he may have been born and lived there permanently, if he is unemployed for 72 hours. Legislation now pending would abolish independent African trade unions altogether and establish Government-approved "company unions" in their place. Minister of Labor B.J. Schoeman reported NY Times correspondent Albion Ross from Pretoria, April 18, 1953, was prepared to secure Parliament's approval of "something close to a system of concentration camps for the black proletariat."

II.

## II. Tyrannical Suppression of Opposition

“...the Natives must be made clearly to understand and to realize that the presence and predominance of the white race will be preserved at all hazards, and that all attempts to destroy its hegemony, whether overt or covert...will promptly punished...”

The quotation is from page 5 of the Report of Natal Native Affairs Committee for the year 1906-7. The idea enunciated has remained the chief principle of South African statecraft down through the decades. The present Nationalist Government has observed and applied it with exceptional persistence and severity. “Any organization that does want to acknowledge the color bar has no right to exist in South African,” Malan’s Minister of Economic

Affairs, Eric H. Luow, said in 1949. The Government's record of victimization of individuals and organizations supporting democratic rights for all South Africans shows Mr. Luow's statement to be in fact state policy.

To silence opposition to its policies the Malan Government was at first content to use the expedient of having a magistrate issue an order banning a scheduled meeting. Thus, for example, Mr. Sam Kahn, Member of Parliament representing Africans and a bitter opponent of the Nationalists' "apartheid" program, was served with the following magistrate's order dated 17 March, 1949: "Whereas in terms of Section 1(4) of Act 27 of 1914, as amended, there is reason to apprehend that feelings of hostility between Europeans and Non-Europeans would be engendered by the assembly of a public gathering in any place in this town to which the public has access to hear and address by Mr. Sam Kahn M.P. on the subject of "Apartheid or Equality," acting under the special authority of the Minister of Justice, I do hereby prohibit such assembly in the municipal area of Springs for the purposes aforesaid." African and Indian critics of Malanism were similarly muzzled. The Riotous Assemblies Act and other measures were also invoked to curb free assemblage and free speech.

Then, in 1951, with mammoth public demonstrations against the Separate Representation of Voters' Bill taking place in Cape Town, the Nationalist Government pushed through Parliament, by the narrow margin of 69 votes to 62, the so-called Suppression of Communism Act, the first of its' own laws for silencing and punishing its opponents. As noted by even anti-Communist newspapers and leaders in South Africa, this law marked the establishment of a police-state fascism in the country.

The implementation of the Suppression of Communism Act has demonstrated the truth of this judgement. Invoking this law the Malan Government has:

- banned the publication of the *Guardian*, the first instance of the suppression of a newspaper in South Africa;

- ousted Mr. Sam Kahn and Mr. Fred Carneson, the duly elected representatives and spokesmen for Africans, from their respective seats in the House of Assembly and the Cape Provincial Council;

- "named Chief of James A. Luthuli, President General of the African National Congress; Dr. G. Naicker, President of the South African Indian

Congress; scores of other leaders of these two organizations; and white and non-white leaders of trade unions and of other organizations, ordering them to (a) not to address or attend meetings, (b) not to visit certain specified areas for any purpose, (c) to resign from offices and membership in specified organizations in which they served;

--arrested, prosecuted, and sentenced African, Indian, and "Colored" leaders of the organizations which conducted the Campaign of Defiance of Unjust Laws, and others, white and non-white, who were charged with having violated the "naming" order previously cited;

--conducted police raids and searches of the offices of various organizations and on the homes of leaders of the organizations.

In a vain effort to put a stop to the Campaign of Defiance of Unjust Laws last year, the Government, in addition to arresting and prosecuting leaders of the resistance movement, imposed heavier sentences (imprisonment up to two months) upon those taking part in the defiance actions, resorted to abusive treatment of some of the volunteers jailed, and imposed humiliating corporal punishment (whipping with a cane) upon youth volunteers under 21 years of age and upon some of the women volunteers.

Next, in February, 1953, the Government introduced and secured speedy passage of the Public Safety Act and the Criminal Law Amendment Act. These laws, as Edward Hughes (Wall Street Journal, April 14, 1953) writes, have been “Widely interpreted as removing such basic rights as freedom of speech and press in South Africa.” More than this, they are laws whose excessively harsh, repressive, and fascist provisions can only be compared with Hitler’s edict. The first prosecution under the Criminal Law Amendment Act, against an African leader, Arthur Matyala, occurred in March, only a few days after the Act was gazetted.

Further to intimidate and smash all opposition, the Government has repeatedly conducted raids and searches on the offices of the African National Congress, South African Indian Congress, Springbok Legion, and African trade unions, and on the homes and offices of these organizations. Such raids were made July 30, 1952, and again during June and July, 1953. The search warrants used in the latter raids authorized the police to seize what they might regard as evidence of treason, sedition, or other offenses among documents relating to the affairs of 14 unspecified organizations (in addition to those raided the list included youth organizations, and other bodies, such

as the South African Society for Peace and Friendship with the Soviet Union, the Transvaal Peace Council, and the Congress of Democrats). Peaceful assemblages of supporters of African rights have been banned or broken up by the police. Thus, for example, a reception planned in Durban, April 25, 1953, for Chief Luthuli was banned by Mayor Osborne, and a meeting of several thousand non-white, people at Umzabalazo Square, Durban, on January 30, 1953, to discuss the need of more schools for their children was interrupted and stopped by police, who grabbed Chief Luthuli and Mr. J.N. Singh and took them off to police headquarters.

The account of the Government's suppression of peaceful and legitimate protest against racial discrimination and oppression cannot be concluded without reference to the record of wanton killing of Africans by the South African police. It is worth noting that in dispersing crowds of non-whites and in dealing with so-called disorders involving non-whites, the South African police are in the habit of using not tear gas or streams of water from a fire-hose, but their clubs and guns. 1949 saw Africans shot down by the police at Johannesburg's Western Areas, Randfontein and Krugersdorp. In January,

1950, Newclare was the scene of further police shootings. On May 1<sup>st</sup>, of the same year the police smashed “Freedom Day” demonstrations killing 18 Africans in the Johannesburg area. Thus the record continues down to 1952, when in the space of a few weeks from October 18 to November 9, Africans were killed and scores wounded by police in disorders at Port Elizabeth (11 dead), Johannesburg (3 dead), Kimberley (13 killed), and East London (11 dead).

It is reported that in four and a half years of Nationalist rule, up to November 15, 1952, there were 29 outbreaks of violence involving Africans and the police, with a total of 238 persons killed and 1,146 injured (*N.Y. Times*, Jan 3, 1953, p. 60). The tempo of police assaults has increased in ratio to the increased severity of repressive legislation. History has taught us that mass murder is the ultimate form of political repression and control under fascism.

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# III. THE SOUTH AFRICAN GOVERNMENT FLOUTS THE RULE OF LAW

Government by arbitrary decree is more and more replacing government by law in South Africa. Such laws as the Suppression of Communism Act and Public Safety Act were enacted precisely to dispense with Parliament and enable the Government to rule by rule by decree. In opposing the Suppression of Communism Bill, the United Party opposition introduced an amendment (defeated by the Nationalist majority) which declared that the Bill “creates a fascist depotism, in that it clothes the Executive with unnecessarily wide and despotic powers, fails to provide for full and effective access to the courts, and makes intolerable inroads upon the freedom of the citizens, including the power to violate the sanctity of the home.” By the terms of the Public Safety Act, Parliament’s sanction is no

longer required for the declaration of a national emergency and martial law.

Section 10(1) of the Suppression of Communism Act reads: “Whenever the Minister [of Justice] is satisfied that any person is in any area advocating, advising, defending or encouraging the achievement of any of the objects of communism...or is likely in any area to advocate, advise, defend or encourage the achievement of any such object...he may... prohibit him...from being within any area defined in a notice...”

Section 3 of the Public Safety Act reads: “The Governor General may...make such regulations as appear to him to be necessary or expedient... suspend in whole or in any part any Act of Parliament of any other law...and any such law which is in conflict with or inconsistent with any such regulation shall be deemed to be suspended...”

The Malan Government with one stroke sets aside all existing law in order to achieve its immediate ends. Thus Section 7 of the Criminal Law Amendment Act adopted this year reads: “A magistrate’s court shall, notwithstanding anything to the contrary in any other law contained, have

jurisdiction to imposed any sentence or make any order provided by this Act.”

The world is well aware of the manner in which the Malan Government has flouted the country's Constitution to remove the “Colored” voters from the common voting list. The Separate Representation of Voter's Act was pushed to passage by the Nationalist majority despite the fact that the voting procedure did not conform with the constitutional requirement. When the Supreme Court's Appellate Division, on March 20, 1952, ruled the Act invalid and unconstitutional because it was not passed by the required two-thirds majority, Malan rejected the decision and secured passage of a Bill (High Court of Parliament) establishing the members of Parliament themselves as the supreme arbiter of the law of the land, and over those of any court. Without waiting for the Supreme Court to act on the validity of the High Court of Parliament Act, Malan on August 27 had Parliament in its new role of High Court set aside the Supreme Court's March 20 verdict. On November 13 the Supreme Court declared the High Court illegal. In the April 15 election the Nationalist Party failed to get to a two-thirds majority in Parliament, but Malan is still determined to have his way, courts or no courts.

Another fight between the executive and judicial branches of the Government developed when in March, 1953, the Supreme Court cast a shadow over Malan's "apartheid" program by upholding the plea of an African that he had the right to use the Cape Town railway waiting room reserved for whites since the facility provided for Africans were inferior. Malan indignantly stated that "The judgement draws a line through the traditional apartheid on the railways as we have always known it," making it clear that "apartheid did *not* mean separate but equal but equal status for non-whites. "If the Nationalist Party wins the election," said Malan, "we shall rectify the matter without delay, and in a way that will leave no court in doubt about the wish and intention of Parliament and the people." (*N.Y. Times*, March 25, 1953)

In the sphere of international conventions the stubborn and arrogant unilateral stand taken by the South African Government is well known. That Government remains the only one of the mandatory powers which has refused to abide by the trusteeship provisions of the United Nations Charter, maintaining exclusive authority and supervision over the mandate territory of South West Africa. It has year after year refused to join with the Government of India in settling the dispute over the

treatment of Indians in South Africa, as recommended again and again by the United Nations General Assembly. It has consistently refused to ratify the Geneva Convention governing the use of forced labor – for the very good reason that, as pointed out in the recently published report of the Committee on Forced Labor set up by the United Nations and the International Labor Organization, “system of forced labor of significance to the national economy appears to exist in the Union of South Africa.”

Prime Minister Malan has declared war to the death against the African, Indian and “Colored” inhabitants of South Africa who, demanding equality and liberty and democracy, refuse to obey the unjust laws of the land. All liberal-minded people endorse and support their struggle for justice.

***It is the South African Government itself which should be called to account for flouting the rule of law.***

# IV. Incitement to Violence

The South African Government has sought to explain the causes of African unrest and protest in terms of Communist incitement, agitation by non-white "extremists" and "radicals," Mau Mau, and interference from those outside South Africa, particularly India. It is never admitted that Africans have genuine grievances, or that they have a long tradition of struggle and require no artificial incitement to arouse them to demand their rights. To admit these things is more than can be expected from those who cling to notions of white supremacy. In the pursuit of scapegoats, the South African white ruling circles propagate fabrications, which in turn breed hysteria and fear among the whites, and in this atmosphere the Government finds sanction for its word and deeds which promote racial hate, oppression, and violence.

In playing up the bogey of Communism, the Nationalist leaders followed in the footsteps of Smits, who tried to send 52 Communist leaders to jail on charges of conspiring to incite the great strike of African mine workers in 1946. After an extended trial, the Government found it necessary to withdraw the charge – it had no evidence. Malan's Minister of Justice Swart, urging the enactment of the Suppression of Communism Act in 1950, argued that Communism was a vast and deadly conspiracy and that he had reliable information that there was a Communist-instigated plot to poison the reservoirs and water-supplies of the country. Mr. Sam Kahn immediately repudiated the allegation, comparing it to Goering's Reichstag plot, and challenged the Minister to appoint a commission to investigate and determine whether any such plot existed. Mr. Swart ignored the challenge and never launched any investigation or prosecution of the alleged "water poisoners," but in 1952 he again repeated the fabrication and revived the other one about the Communists having incited the African mine workers to strike.

In November, 1952, it became the custom of Malan and his cabinet members to warn the country of the dangers of Mau Mau, implying that it was somehow linked with the Campaign of Defiance of Unjust

Laws and with the clashes between Africans and the police at Port Elizabeth, Kimberly and East London. Mr. Swart said that the South African riots followed the Mau Mau pattern. Mr. Tom Naude, Minister of Posts, said that all whites were threatened by the present attitude of the non-whites, and added, “We have our ‘skietkommandos’ [volunteer vigilante corps] upon who we can rely for defense of our country in an emergency, but the time may come when the women of South Africa may also have to be trained in the use of firearms to defend themselves.” (*N.Y. Times*, Nov. 23, 1953) The Minister of Justice, Mr. F.C. Erasmus, announced that machine guns would be issued to the Skietkommandos. These and similar statements by other Government leaders precipitated a rush by whites to buy guns (Non-whites are forbidden to purchase or own guns).

The allegations made by Nationalist newspapers that the Defiance Campaign was responsible for the police disorders in October and November, 1952, were completely without foundation. On the contrary, it was the leaders of the African National Congress who prevented the disorders from getting out of hand. The conduct of the Defiance Campaign was remarkable for its discipline – during the arrests of thousands of Defiance volunteers not a single act

of violence occurred, though there were ample provocations.

The National Action Committee of the African National Congress and the South African Indian Congress charged that the riots and disturbances which occurred in October and November, 1952, at Port Elizabeth, Kimberley and East London were “deliberately incited and provoked by the Government.” “We challenge the Government,” the Committee’s statement said, “To hold an impartial judicial inquiry into these riots as we have reason to believe that they were actually provoked. Authentic reports suggest that these disturbances were engineered by provocateurs and that the shooting order of Mr. Swart played a major part.” (Minister of Justice Swart announced on November 15<sup>th</sup> that he had instructed police officials not to wait until their men were killed or injured in riots before they fired. “They have been told to shoot first,” he said.) Opposition leader J.G.N. Strauss also asked for the appointment of an impartial judicial commission to investigate the disturbances. A similar demand was made by liberal white leaders and organizations. The Government turned a deaf ear to all these demands: it refused to order an inquiry.

Following the disturbance at East London, which started when police attempted to break up a religious service for which official permission had been granted, the East London *Daily Dispatch* stated: “But for the imposition of the ban on public meetings there would have been no trouble yesterday at Duncan Village...the Minister of Justice today must feel his responsibility. It was he who gave the police their instructions and it was he who plugged the safety-valve of free speech. On his shoulders must rest the responsibility for the aftermath.”

There is considerable basis for the belief that the Malan Government is set upon a course of deliberately goading and inciting Africans to resort to violence. Since they have only sticks and stones to fight with, they will then be at the mercy of the armed police and skietkommandos. And the Communists, or “Native agitators,” or India will be blamed for the pogroms that follow.

# V. International Peace at Stake

The evil consequences of racist policies and program of the Malan Government are not confined to South Africa. India is bitterly resentful of the abuses heaped upon Indians in South Africa. The Bamangwato tribe of Bechuanaland can blame Malinism for the exile of their chief, Seretse Khama. The Negro people of the United States note many parallels between Jim Crowism and Malan's "apartheid" and indignantly protest the South African's Government's banning of two American Negroes, Bishops of the African Methodist Church, from entering the Union to carry on their church duties. African leaders in the High Commission Territories of Bechuanaland, Basutoland and Swaziland are fully aware of Malan's annexation aims and have vowed that the people will resist being brought under the yoke of South African racism.

Malanism is the enemy of African Liberation movements in every section of the African continent. The Prime Minister has inveighed against the Gold Coast's advance toward self-governance and has warned Britain that the empire would find its "grave" in Africa unless the policy of racial equality is abandoned.

On their side the Gold Coast people say, "The expansionist policy of the union is arousing all Africa to the dangers of racial domination, and we wish to emphasize the importance of United Nations responsibility in deciding the fate of these [inhabitants of Basutoland, Bechuanland, Swaziland, and South West Africa] and other African people. It is very much to be hoped that the effective steps – by means, if necessary, of sanctions – will be taken at the forthcoming General Assembly of the United Nations." (Petition to ad hoc Committee of U.N. on South West Africa, 1952, document A/2261, 21 Nov. 1952, page 19, signed by Kwame Nkrumah, Life Chairman, Convention People's party of Gold Coast, and of other officers of C.P.P.)

Nigeria has also repeatedly cried out against Malanism. An editorial in the West African Pilot (Lagos, Nigeria), Feb 8, 1949, declared "Whatever

be the handicap of the United Nations, we refuse to believe that the big nations in that body are ignorant of how best to bring world pressure to bear on South Africa in and out of the U.N. If South Africa musty brow-beat the U.N. and remain at large to pursue its heinous policy, then the Negro race will have to rely upon themselves and make ready for the liquidation of 2,000,000 South African Europeans the life and death struggle that is to come. It is unavailing to appeal to God who seems to have no hands in our affairs. It must be freedom and equality for the African race or we all – all the races – should march to mass destruction.”

Finally, we may quote a statement made by General Smuts himself in 1950, after he had yielded power to Malan: “If the policy now promulgated in the Union goes through (and there is no reason to suppose it will not go through), a Mason-Dixon line will be established in Africa along the Limpopo, between the Transvaal and Rhodesias, and more from the Union, Bechuanaland, and Angola. There will be incompatible policies on the colour question to the north and south of that line. We know what happened in America; it will happen in Africa as surely as it happened here in America; it will happen in Africa as surely as it happened there if we do not face the problems now”

(Address to the South African Institute of Race Relations, quoted in *East Africa and Rhodesia*, No 9, 1950.)

## Conclusion

The Council on African Affairs appeals to the United Nations to take such measures as may be necessary to halt the present oppression of the ten million non-white people of the Union of South Africa, and to avert the danger to international peace and harmony arising from the pursuit of the South African Government's policy and practice of racial discrimination and oppression. We are confident that with the aid and support of the United Nations, the people of South Africa, white as well as non-white, will willingly strive to achieve equal civil liberties,

equal political rights, equal economic opportunities, and equality for *all* South Africans.

There will be that line. We know what happened here in America: it will happen in Africa now.”

The union is arousing all Africa to the dangers of racial domination, and we wish to emphasize the importance of United Nations responsibility in deciding the fate of these [inhabitants of Basutoland, Bechuanaland, Swaziland, and South West Africa] and other African people. It is very much to be hoped that the effective steps – by means, if necessary, of sanctions – will be taken at the forthcoming General Assembly of the United Nations.” (Petition to ad hoc Committee of U.N. on South West Africa, 1952, document A/2261, 21 Nov. 1952, page 19, signed by Kwame Nkrumah, Life Chairman, Convention People’s party of Gold Coast, and of other officers of C.P.P.)

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