

# Demitrios Tsafendas and the Subversion of Apartheid's Paper Regime

ZULEIGA ADAMS

*University of Cape Town*

*This article explores how Demitrios Tsafendas subverted the apartheid regime's immigration system designed to keep out people like himself: those with a history of madness and of what could be seen as impure racial origins. What makes this so remarkable is that, after 20 years of illegal immigration, deportation and stays in mental hospitals, Tsafendas not only circumvented South Africa's identity paper routines, he succeeded in assassinating the man credited as the architect of the apartheid state system.*

*For the apartheid government, what was at stake was how Tsafendas managed to get into the country. The assassination of Verwoerd exposed the irrationality at the core of a racial order maintained by a repressive network that included one of the most efficient security police forces in the world. Since no breach of state security could be found, the answer was sought in the failure of a bureaucracy, known for its excessive recordkeeping, to keep efficient track of the life of the assassin.*

*The article also demonstrates the coexistence within the apartheid state of two technologies of power, and the tensions and contradictions that arose when the methods of a dictatorial police state were used against one section of the population to defend the interests of another. The commission of enquiry into Verwoerd's murder exposed the fault lines of a bureaucratic apparatus overburdened by processes designed to shore up an insecure whiteness*

At 2.10 p.m. on Tuesday 6 September 1966 the final bell rang for the afternoon session of the House of Assembly, the lower house in the South African parliament. There was an air of expectation since the prime minister, Dr Hendrik Frensch Verwoerd, was expected to make an important announcement. Almost the full complement of MPs was present. The public and press galleries were full to capacity. Visitors were still thronging the lobby as Verwoerd made his way through the entrance and took up his position on the prime minister's bench. At 2.14 p.m. a temporary parliamentary messenger walked into the chamber and, striding towards the prime minister's bench, pulled out a dagger and stabbed Verwoerd four times. Gerald Shaw, a journalist with the *Cape Times*, witnessed the murder from the press gallery:

My first memory is of this burly messenger bustling up the floor of the House from the ... lobby entrance... I thought it was odd as they normally walked around in a decorous way and [were] almost invisible as messengers

in the House. Suddenly this messenger loomed above Dr. Verwoerd and whipped out a knife, and began stabbing him. I just saw the knife flailing away. I don't know how many times, but it was more than once.

Shaw recalls being in a state of shock. It was 'as if I was watching a cowboy movie'.<sup>1</sup> A scuffle then ensued as various MPs and security personnel struggled to separate the messenger from the prime minister. In the process the messenger was assaulted and his nose broken. The prime minister was already declared dead by the time the ambulance arrived to take him to Groote Schuur Hospital.

This article is about a remarkable subversion: about a man who gained legal entry into a country whose immigration system was designed to keep out people like himself: those with a history of madness and of 'impure' racial origins. What renders his subversion so remarkable is that Demitrios Tsafendas, after 20 years of illegal immigration, deportation and stays in mental hospitals, not only circumvented South Africa's identity paper regimes, where the 'normative grid was dense, surveillant and discriminatory in a totalizing way',<sup>2</sup> he also succeeded in assassinating the very man who is credited with thinking through the architecture of this grid. He succeeded in gaining access to the country's prime minister, whom he stabbed to death in one the most dramatic and bloody scenes in South African history.

The article explores how Tsafendas subverted the geo-political border regimes of nation states and how he was able to manipulate the densely surveillant and highly racialised immigration paperwork of colonial Southern Africa. It examines how the impact of a high-profile police investigation into a political assassination shaped the documentary corpus collected by the *Commission of Enquiry into the Circumstances of the Death of the Late Dr. the Honourable Hendrik Frensch Verwoerd* (hereafter the commission). In doing so it aims to show how the paperwork of a commission is shaped when taken out of the mundane rhythms of state functioning by an exceptional event requiring exceptional measures to obtain information.

I locate my argument about what the assassination of Verwoerd and Tsafendas' life story tell us about paper and state power in terms of James Scott and Akhil Gupta's work on bureaucracy.<sup>3</sup> I also position this argument in relation to traditional scholarship on apartheid,<sup>4</sup> and as well as the work of scholars drawing on Foucauldian ideas of disciplinary systems of power and governmentality.<sup>5</sup> A brief biographical profile of

1 Gerald Shaw, interviewed in Liza Key's documentary on Tsafendas. See L Key, *A Question of Madness: The Furiosus* (Key Films, 1999).

2 M. Shapiro, 'Partition Blues', *Alternatives*, 27, 2002, 252.

3 See J. C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998); A. Gupta, *Red Tape: Bureaucracy, Structural Violence and Poverty in India* (Durham and London: Duke University Press, 2012).

4 See W. Beinart, *The Political Economy of Pondoland, 1860–1930* (Cambridge and New York: Cambridge University Press, 1982); C. Bundy, *The Rise and Fall of the South African Peasantry* (Berkeley: University of California Press, 1979); M. Legassick, 'Legislation, Ideology and Economy in Post-1948 South Africa', *Journal of Southern African Studies*, 1, 1, 1974; D. Posel, 'The Making of Apartheid 1948–1961: Conflict and Compromise' (Oxford: Clarendon, 1991); H. Wolpe, 'Capitalism and Cheap Labour-Power in South Africa: From Segregation to Apartheid', *Economy and Society*, 1, 4, 1972, 425–56.

5 See A. Butchart, 'Violence, Power and Mental Health Policy in Twentieth Century South Africa' in D. Foster, M. Freeman and Y. Pillay (eds), *Mental Health: Policy Issues for South Africa* (Cape Town: Multimedia, 1997), 236–7. See also A. Butchart, *Anatomy of Power: European Constructions of the African Body* (London: Zed, 1998).

Tsafendas juxtaposes his extraordinary personal history alongside state attempts to pin every individual's identity into apartheid's racial lexicon. I then trace the emergence of an archive on Tsafendas by tracking the work of the commission to show how its investigation of three aspects – the granting of a temporary permit, a permit for permanent residence, and Tsafendas' appointment as parliamentary messenger – demonstrate the failure of the rationality of state power.

### A Regime of Racial Rationalism

The assassination of Verwoerd exposed the fault lines of apartheid governance. Tsafendas' life story had, as we shall see, defied the rules of racial rationalism upon which the apartheid state was based. He had crisscrossed South African and international borders with seeming impunity. His personal genealogy was the very antithesis of a system where racial laws were tightly designed to eliminate frontier zones between white and black. His very presence in South Africa attested to the failure of an immigration regime to keep out 'halfcastes', 'communists', and the 'mentally disturbed', as he was variously referred to in official documentation.<sup>6</sup>

The assassination also demonstrated the co-existence within the apartheid state of two technologies of power: a regime of disciplinary and sovereign power, and the tensions and contradictions that emerge when the methods of a dictatorial police state were used against one section of the population to defend a bourgeois constitutional order for another section. These contradictions emerge in the investigations of the commission into Verwoerd's murder and show how the rationalising imperative of the central state was subverted at the level of the ordinary functionaries in the apartheid bureaucracy. These conflicts were apparent in the procedures followed in the appointment of Tsafendas as temporary parliamentary messenger, his successful application for, first a temporary residence permit and then a permit for permanent residence. The commission exposed the faultlines of a bureaucratic apparatus overburdened by processes designed to shore up an insecure whiteness installed at its centre. The assassination of Verwoerd revealed the core of irrationality at the centre of apartheid's bureaucratic rationalism.

James Scott examines how large projects of modernist state planning have imposed 'maps of legibility' on nature, space and the population for the purposes of statecraft.<sup>7</sup> These maps result in a narrowing of vision that reduces forests, for example, to timber and revenue yields. What lies outside this tunnel vision are the complex ways in which human societies engage with forests: whether for spiritual, medicinal, poetic or economic purposes.<sup>8</sup> Using the example of the development of scientific forestry in Germany, he shows how a combination of three elements,

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6 National Archives of South Africa, Pretoria (NASA), RP 16/1967, 28, *Report of the Commission of Enquiry into the Circumstances of the Death of the Late Dr. the Honourable Hendrik Frensch Verwoerd, December 1966 (Report)* (Pretoria: Government Printer, 1966), 4.

7 Scott, *Seeing Like a State*, 3.

8 *Ibid*, 12.

‘simplification, legibility, manipulation’<sup>9</sup> reduces complex reality to an abstract utilitarian vision. What matters in this vision are not people but human resources, not nature but natural resources, not trees but timber.<sup>10</sup> The overall purpose was efficiency and accuracy in the collection of taxes and the estimation of the number of people that could be conscripted.

He shows how in France the process of crafting a modern state administration was bound up with introducing standardisation in measurement. The introduction of the metric standard eliminated all the varieties of local units of measure, much in the same way that the national language eliminates the varieties of local dialects.<sup>11</sup> Standardisation in measurement promoted centralisation in administration in the same way that centralised banking paved the way for a single national currency.<sup>12</sup> It paved the way for standardisation in other spheres such as taxation and land valuation. Uniformity in measures meant creation of a single legal code applicable to all irrespective of social status.<sup>13</sup> And this in turn led to the creation of a national citizenry, legible from the state’s point of view, for the purposes of administrative efficiency. But as he points out, it also led to a ‘cultural revolution’: <sup>14</sup> the creation of a national entity, ‘the French citizen’, subject to the same laws and measures.<sup>15</sup> The apartheid state, as I show below, aimed at the same uniformity and standardisation with regard to the racial ordering of South African society. Race would be its map of legibility; through legislation it would eliminate the vagaries of biology. The Population Registration Act of 1950 was the foundation upon which every other piece of apartheid legislation depended.<sup>16</sup> Thiven Reddy has argued that the passing of this Act eliminated all ambiguity characteristic of racial categories in previous legislation. The population register made possible ‘a grand dictionary of state’,<sup>17</sup> whose terms of reference became the *only* way of speaking and naming its subjects. He shows that without such a dictionary it would not have been possible to institutionalise separate development in all spheres of social and political life. The bureaucratic edifice of the apartheid state was organised and structured by this ‘grand dictionary’, giving rise to separate government departments for the purposes of day-to-day administration. Once institutionalised, he argues, the categories of race classification became naturalised, accepted in people’s minds as natural, biological reality.

In order to achieve this on the scale it envisaged, the apartheid government introduced a legal framework that overburdened the state bureaucracy. In contrast to Scott, who analyses the creation of a rationalising state bureaucracy, Akhil Gupta is concerned with understanding how, despite the rationalising impulses of the

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9 *Ibid.* 11.

10 *Ibid.* 13.

11 *Ibid.* 31.

12 *Ibid.*

13 *Ibid.*

14 *Ibid.*

15 *Ibid.* 32.

16 T. Reddy, ‘The Politics of Naming: The Constitution of Coloured Subjects in South Africa’ in Z. Erasmus, ed., *Coloured by History, Shaped by Place: New Perspectives on Coloured Identities in Cape Town* (Cape Town: Kwela, 2001), 73.

17 Reddy, ‘The Politics of Naming’, 72–4.

modern state bureaucracy in post-colonial India, it produces arbitrariness in the provision of care.<sup>18</sup> He shows how this production of arbitrariness leads to invisible forms of violence in which the poor 'are killed' because of their inability to access 'basic necessities of life'.<sup>19</sup> He asks: 'What are the juridical and social conditions that make the violence of such exceptional poverty normal?'<sup>20</sup> This violence, he argues, is not a result of the absence of care; on the contrary, the Indian state more than any other postcolonial state is involved in a plethora of development programmes and projects to assist the poor. Yet they still die of poverty on a scale not seen in any other nation state. The answer is in the way that government attempts to help the poor 'are shot through with contingency and chaos in which bureaucratic action repeatedly and systematically produces arbitrariness in the provision of care'.<sup>21</sup> To make sense of this arbitrariness, he argues that we need to move away from the idea of the state as 'a single cohesive apparatus'.<sup>22</sup> The state should be understood as 'consisting of congeries of institutions with diversified levels, agencies, or bureaus, agendas, functions, and locations'.<sup>23</sup> Far more important is 'to pay close attention to the routinised practices of different branches and levels of the state'.<sup>24</sup>

It is precisely these 'routinised practices' of various sections of the apartheid bureaucracy that came under scrutiny when Verwoerd's assassination was investigated. The brief of the commission was to investigate 'the neglect of duty' by the various civil servants responsible for letting Tsafendas into the country and making it possible for him to obtain employment in parliament where he had direct access to the prime minister.

For the most part, historical scholarship on apartheid has focused on the visible material expressions of the exercise of power. The power possessed by an authoritarian state apparatus has typically been analysed in terms of its vertical manifestation – in the way in which it shaped the *structural* conditions of *groups* of people. More recently, some scholars have begun to draw on Foucault's distinction between sovereign and disciplinary power. Alex Butchart, for example, has argued that the South African state exhibited both forms of power during the twentieth century. The pre-apartheid period was characterised by a slow but steady growth of disciplinary power which used science and rationality to find a solution for the 'black peril'. For Butchart, this period in South African history corresponds with the rise of the human sciences, in particular anthropology, ethnology, psychology and sociology.<sup>25</sup> The shift to disciplinary technologies focused largely on understanding 'the African mind'.<sup>26</sup> In

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18 A. Gupta, *Red Tape: Bureaucracy, Structural Violence and Poverty in India* (Durham and London: Duke University Press, 2012), 6.

19 *Ibid.* 5.

20 *Ibid.*

21 *Ibid.* 14.

22 *Ibid.* 33.

23 *Ibid.* 45.

24 *Ibid.*

25 Butchart, 'Violence, Power and Mental Health Policy', 240. Saul Dubow in his *Illicit Union: Scientific Racism in Modern South Africa* (Cambridge: Cambridge University Press, 1995) has also documented the rise of an institutional and public intellectual and scientific culture in early modern South Africa. He traces the origins and development of disciplines such as zoology, marine biology, physical anthropology, anatomy, palaeontology and archaeology.

26 Butchart, 'Violence, Power and Mental Health Policy', 238–9.

Butchart's view, the 1960s represented a definitive return in South Africa to a society in the grip of sovereign power. Violence by both the state and its opposition was normalised as legitimate. The year 1960 represented 'a great rupture', a move away from a dependence on disciplinary power and the inauguration of 'overt political violence' on the part of the state.

Deborah Posel's work has focused more on the apparatus developed by the apartheid state to extend the tentacles of disciplinary power – its 'governmentality'. The National Party initiated a major reorganisation of the structures of government, a reorganisation that was not simply about repression. It was about effectiveness, rationality, order, control. According to Posel, measurement in the form of statistical knowledge was an important element in this rationality. In this respect it followed a post-war global trend in the world, where the welfare state was emerging with its large centralised bureaucracies. Centralised planning was a key component of modernist influence upon what Posel terms 'statecraft'. If the state was going to govern along these lines, it needed to know its population. For the apartheid state it was important to 'know' the black population, so that it could plan efficiently for its removal where necessary, allocate labour resources in precise proportion to the needs of agriculture and industry, and effect a corresponding distribution of resources in terms of housing and education. The state apparatus that developed to effect a racial reordering of South African society operated with no less efficiency than the organs of state in the most modern of democracies.<sup>27</sup>

It was Hendrik Verwoerd, as minister of Bantu Administration, who effectively developed the major ideas that were to influence the operationality of the apartheid state. It was not that he or the National Party came with a ready-made blueprint for how apartheid was going to work. Rather, Posel argues, to implement apartheid as policy meant a reorganisation of the state. And it was the reorganisation of the old Native Affairs Department into a more efficient and modernised Bantu Administration by Verwoerd that was the precursor for reorganising the bureaucratic apparatus of the apartheid state as a whole.<sup>28</sup> It was a question of 'managing the contact zones between black and white' to ensure that contact took place only for economic necessity. For this to happen, the state needed information: accurate statistics that counted the number of black people in the country, the rate of their reproduction and so on. This was needed to predict the labour needs of different sectors of the economy and to estimate the precise labour needs for each town, city or region.<sup>29</sup>

Posel then argues that apartheid was about imposing control and order over the massive and uncontrolled movement of black people into white urban areas. It was Verwoerd who proposed a 'modernist' and technicist solution to 'the urban native

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27 See D. Posel, *The Making of Apartheid, 1948–1961: Conflict and Compromise* (Oxford: Clarendon, 1991); D. Posel, 'Modernity and Measurement: Further Thoughts on the Apartheid State', seminar paper (University of the Witwatersrand Institute for Advanced Social Research, August 1996); D. Posel, 'What's in a Name? Racial Categorisations under Apartheid and Their Afterlife', paper presented at 'The Burden of Race? Whiteness and Blackness in Modern South Africa' Conference organised by History Workshop and Wits Institute for Social and Economic Research, July 2001).

28 Posel, 'Modernity and Measurement' 14.

29 *Ibid.* 15.

problem': 'Your [Bantu Affairs officials'] first problem is uncontrolled influx, from which the other uncontrolled conditions arise, and to solve that problem requires that you know your labour needs'.<sup>30</sup> According to Posel, the apartheid system was a 'hankering for order' that was engendered by the rapid social change overtaking the country in the 1940s.<sup>31</sup> Industrialisation in wartime South Africa had led to a massive increase in black urbanisation. The components of this '*swart gevaar*' ('black menace') were seen to be the breakdown of tribal discipline; 'loose' native women forming itinerant unions; permeable racial boundaries on the margins of society, the social threat of the overwhelming numbers of black over white in the cities, and the growing shanty towns giving visual expression to the 'black menace'.<sup>32</sup>

Control over society would now be re-established through its reorganisation on the basis of race. One of the first pieces of legislation that the National Party passed was the Prohibition of Mixed Marriages Act 55 of 1949, outlawing marriage between whites and blacks. This was followed by the Immorality Amendment Act 21 of 1950, which banned sexual relations between Europeans and non-Europeans. These two pieces of legislation addressed 'the problem of biology', the immediate problem of racial interbreeding. But apartheid was also a spatial solution to the problems of racial control of the population. The Group Areas Act and the Population Registration Act, also passed in 1950, imposed a new atlas on the physical landscape. Social contact between different races would, it was hoped, be reduced to bare necessity. These two measures reorganised the basis upon which the state managed its allocation resources.

Apartheid's ideologues imagined a society in which every race knew and observed its proper place – economically, politically and socially. Race was to be the critical and overriding fault-line: the fundamental organising principle for the allocation of all resources and opportunities, the basis for all spatial demarcation, planning and development, the boundary for all social interaction, as well as the primary category in terms of which this social and moral order was described and defended. Clearly then, the political project which ensued was inseparable from the imagining of race and racial difference, and the rationality implicated in it.<sup>33</sup>

The Separate Amenities Act, passed in 1953, provided for the separation of all public amenities including beaches, cinemas, theatres, public toilets, buses, trains and hospitals. Where there were not enough facilities for the different race groups, separate entrances were created in hospitals, separate seating arrangements in buses. Alongside the laws of 'grand apartheid', these measures were enshrined in so-called 'petty apartheid', but they did not have 'petty' consequences. They produced new modes of knowing the self and its others. Individuals who did not 'fit' into the

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30 Cited *ibid*, 16.

31 Posel, 'What's in a Name?', 2.

32 *Ibid*, 3.

33 *Ibid*, 2.

categories of the new order were forced into a frontier zone between black and white. Racial mapping had implications for the mapping of other social anomalies: the mad, the poor, the unemployed, the criminal, and the sexually aberrant. The state had to provide separate hospitals, prisons, mental institutions and other facilities for all race groups. It constantly placed the state's resources under duress, leading to an ongoing refashioning of technologies of governance. In the next section I provide a biographical sketch of Tsafendas to show how his personal life history was the antithesis of what apartheid's ideologues aimed to achieve.

### **Demitrios Tsafendas: A Condensed Biographic Profile**

In order to understand how Tsafendas succeeded in subverting the apartheid regime's dense racial and immigration regime, it is necessary to provide a biographical profile, as his personal history provides a context for understanding his almost blatant disregard for the racial establishment that prevailed in South Africa. I offer here, as briefly as is possible, a biographic profile of Tsafendas, the details of which he himself provided in a statement to the police on the 11 and 12 September 1966.<sup>34</sup>

Demitrios Mimikos Tsafandakis (Tsafendas) was the illegitimate child of a mother he never knew. All that is known about her is that she had a German father and a Swazi mother, and was regarded as a mulatto in colonial Lourenço Marques. His father, Michaelis Tsafandakis, was born on the island of Crete in 1885, but the family moved to Alexandria in Egypt. Both Greece and Egypt had been part of the Ottoman Empire, and although Greece was an independent state since 1830, it was not uncommon for its subjects to migrate freely across the Mediterranean. From there Michaelis immigrated to South Africa in 1914, and finally to Lourenço Marques in 1916. He began a liaison with Amelia, his domestic worker, who gave birth to Tsafendas and disappeared a year later. Michaelis Tsafandakis was left to care for the child. In the meantime, as was the custom among Greek immigrants all over the world, a marriage was being arranged for him by his family in Alexandria. His bride to be was Marika Sakelis from the Greek community in Port Said, Egypt. On the advice of a neighbour, Tsafendas was sent to live with his paternal grandmother in Alexandria, Egypt so as not to burden the young bride with a young child that was not hers. When his grandmother became too frail to look after him, his father brought him back to Lourenço Marques, now aged seven.

Tsafendas did not adapt well to his new surroundings and family, so his father decided to send him to boarding school in South Africa, to Middelburg in the Transvaal. When Michaelis experienced financial difficulties during the Great Depression, Tsafendas was taken out of boarding school and placed in an Anglican mission school. He lost interest in school and began working, attending night classes at the Portuguese Mission School in Lourenço Marques. In 1935 he made his first

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34 NASA, K150, vol 3, Suid Afrikaanse Polisie, file 3, subfile 1/5, Aanhangsel B, 'Demetrio Tsafendas States' and Aanhangsel A, 'Die Geskiedenis van die Persoon Wat die Wyle Dr. Verwoerd die Dodelike Wonde Toegedien Het Deur Kolonel E. G. McIntyre Opgestel'.

application for permanent residence in South Africa, which was turned down. It was about this time that he discovered the identity of his mother. He entered South Africa illegally in 1936 and occupied a number of short-term positions before being deported back to Mozambique. In 1937 his father, stepmother and their four children applied for, and were granted, permanent residence in South Africa. Tsafendas applied, again unsuccessfully, and again entered South Africa illegally in 1938. He attended Progress College in Cape Town for three months, training as a welder, and worked for a while for the British Mining Supply Company, doing 'essential war service'.

He left for Cape Town in 1941 to take a job as a mess boy on a Greek merchant ship, the *SS Livanos*. When the ship docked in New Brunswick, Canada, he was arrested by Canadian authorities and detained, first at Montreal and then Halifax. He escaped with two other seamen and crossed the St Croix River into the United States. He was arrested by the United States Coast Guard at Bangor, Maine, and detained for contravening U.S. immigration laws. It was then that he became sick and was admitted to the Boston Psychopathic Hospital. From there he was transferred to the Metropolitan State Hospital in March 1943. In August the same year he was discharged and placed on the *SS Pillory*. When this ship returned to Boston, Tsafendas accepted service on a number of ships until the end of the war. In February 1945 he was placed on the Greek ship, *Maria Nicolao*, for deportation, but returned to New York on the *Robin Locksley* in December 1945. In February 1946 he was placed on the *Hood Victory*, but returned on the same ship. During this period he became ill a number of times and was admitted to the American Army Hospital in England, another hospital in Charleston, South Carolina, and New York's Ellis Island Hospital. When he returned on the *Hood Victory*, he was admitted to the Grafton State Hospital in New York. He remained there until 27 September 1947, when he was placed on the *SS Marine Jumbo* and deported to Greece.

In Greece he obtained work as a translator with an American post-war reconstruction project in 1949. He was granted a refugee passport and travelled to France, Spain and Portugal in search of work. In Portugal he was arrested as his refugee passport was not recognised. He was detained here for six months for refusing to do military service. When he was released, he was not allowed to leave the country, but was granted permission to trade as a hawker. He sold embroidery and other items to tourists. When he tried to leave Portugal again in 1953 on his refugee passport, he was re-arrested and detained for a year at Fort Casias. It was during this period, according to Tsafendas, that he was given electric shock treatment.

After his release he was issued with a Portuguese passport and travelled to Germany. Here he became seriously ill and was hospitalised at the Oxenzoll Krankenhaus for six months.<sup>35</sup> From Germany he went to Sweden, Denmark, back to Germany and then Portugal where he stayed until 1958, resuming his trade as a hawker. He visited the Brussels Trade Fair to sell his goods but claimed that he was unsuccessful 'because of Chinese competition'. He returned yet again to Germany,

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<sup>35</sup> See Z. Adams, 'Demitrios Tsafendas: Race, Madness and the Archive' (Unpublished PhD thesis, University of the Western Cape, 2012), chapters 2 and 4.

but then left for England in 1959. Here again he was ill and hospitalised again on the Isle of Wight. The British immigration authorities deported him to Germany.

Tsafendas wanted to return to Africa. He decided to go to Egypt via the Balkan states. From Piraeus he went to Alexandria, where the Egyptian authorities arrested him and placed him on a boat to Beirut. He visited Palestine and Turkey, where he obtained work teaching English. In 1961 he made his way back to Portugal via the Balkans, passing through Bulgaria, Greece (where he visited his father's relatives in Crete) and Italy.

In 1962 the Portuguese government granted him amnesty to return to Mozambique. In October 1963 he returned to Lourenço Marques on board the *Principi Perfecto* and the following month he obtained a permit for temporary sojourn to enter South Africa. He travelled from the Komatipoort border post to Pretoria with his stepmother and stepbrother. Back in South Africa after two short spells of employment, he left for Rhodesia in July 1964 to visit his sister. From there he went to Malawi, back to Rhodesia, and then to Mozambique. In March 1965 he arrived in Durban by ship. He was employed in a number of jobs, one of which was as a court interpreter.

He then travelled to Cape Town via Port Elizabeth, arriving in August 1965. He went to stay with the Daniels family in Bellville South, in the city's northern suburbs. His restless movement continued even within city bounds. Between August 1965 and September 1966, he lived at different times in the suburbs of Observatory, Vredehoek, Woodstock, Lansdowne, Green Point and, finally, Rondebosch. During this period he worked at Table Bay Power Station and City Tramways, and for the Marine Diamond Corporation.

Unbeknown to the apartheid authorities, it was following this bewilderingly restless history that he began his job as temporary parliamentary messenger in the House of Assembly on 1 August 1966. In the sections that follow I track the investigation of the commission, heeding Ann Stoler's advice on the Dutch colonial archive about the benefits of 'reading along the archival grain'. For Stoler, 'reading along the grain' means understanding the logic of existence of an archive, the traces of affect and the emotional economy within which it operates.<sup>36</sup> This kind of reading can tell us about 'the anxieties' that animate the production of documents. Rather than reading for the 'absence or ubiquity of knowledge', one examines the partial and incomplete comprehension that it registers.

### **The Preliminary Investigation into Verwoerd's Murder**

The nature of the commission's enquiry was shaped by the preliminary police investigation and the paper corpus that accumulated as a result. The investigation was led by the head of the security police and deputy commissioner of police, Major-General Hendrik van den Bergh, and the head of the detective branch, G. J. Joubert. They in-

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<sup>36</sup> A. Stoler, 'Colonial Archives and the Arts of Governance: On the Content in the Form' in C. Hamilton, V. Harris, J. Taylor, M. Pickover, G. Reid and R. Saleh (eds), *Refiguring the Archive* (Cape Town: David Philip, 2002), 92.

terviewed anyone and everyone who had had direct contact with Tsafendas: relatives, landladies, employers and fellow employees across the length and breadth of southern Africa (Mozambique, Rhodesia, Zambia, Malawi and South Africa). Journalists, lawyers, doctors, immigration and consular officials also handed over records related to their dealings with Tsafendas. Telecommunication between South Africa and Portugal, Greece, Turkey, Egypt, Lebanon, Germany, France, the United States, the United Kingdom and Canada produced even more documents about Tsafendas.

It was not Tsafendas' guilt that was in question. The task was a political not a juridical one. He had stabbed Verwoerd in full public view and the whole of the all-white parliament was witness to the murder. What animated the police investigation was to determine whether Tsafendas had acted alone or was part of an organised conspiracy.

By 8 September Major-General Van den Bergh announced that the preliminary investigation was complete. The matter was now in the hands of the attorney-general of Cape Town, Advocate W. M. van den Berg. After studying the documentation, he would decide whether Tsafendas would be tried immediately without a preliminary investigation.<sup>37</sup> As we have seen, Tsafendas had led a complex life. If the security police were in quest of a conventional political motive or a carefully organised plot, they were disappointed. In the end they could find no connections to any political organisations and no discernible political motive. There were no 'terrorists' or 'communists' lurking behind Verwoerd's murder. All that was revealed was that a man, a very odd one, reputedly of Greek origin, employed as a temporary parliamentary messenger, bought a set of knives on the morning of 6 September and at the first opportunity that presented itself, and without much fuss, went up to the prime minister and stabbed him to death.

It had taken Van den Bergh, a man seasoned in matters of state security who interrogated Tsafendas personally, a mere two days to conclude that they were dealing with someone who was mad. When news of the assassination first reached him in Pretoria, Van den Bergh had instructed his subordinates to find out if the security police had any files on Tsafendas. At the same time he contacted his counterparts in Portuguese-ruled Mozambique, the PIDE (Polícia Internacional e de Defesa do Estado), for any information they might have on Tsafendas. While Major D. J. Rossouw began his interrogation of Tsafendas in Caledon Square in Cape Town, Lieutenant-Colonel Van Wyk was dispatched to Rhodesia and Mozambique to gather all possible information about the man. There, the British South African Police and the PIDE had already begun their own investigations.<sup>38</sup> When Van Wyk arrived in Lourenço Marques on 12 September, he was met by Sub-Inspector A. Vaz, who informed him that he had been instructed by police headquarters in Lisbon to provide all possible assistance to the South African authorities. This had to be done discreetly,

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37 See 'Tsafendas in die Hof: Geen Borgtog', *Die Burger*, 9 September 1966, 1.

38 NASA, K150, vol 3, file 3, subfile 1/5, 'Report: Dimitrio Tsafendas or Dimitrius Tsafandakist', PIDE, Beira, 19 January 1965. Also see notes 39 and 40 below.

as the Portuguese government did not want to be seen to assist the South African regime publicly.<sup>39</sup> In Beira, Van Wyk was provided with an office to conduct interviews and given access to individuals who knew Tsafendas, and who had been ordered by the district commander of police, Captain Rui Tavara, to report to him. The special branch of the British South Africa police in Salisbury, Umtali and Marandellas had already prepared their own security reports on 9, 10 and 13 September respectively.<sup>40</sup> By the time Van Wyk arrived there, he was presented with thoroughly researched accounts of Tsafendas' activities in Rhodesia.

This information that security police had obtained from their counterparts across southern Africa was supplemented by information secretly received by the Department of Foreign Affairs through its embassies in Washington, London, Lisbon and Bonn.<sup>41</sup> By 3 October the security police were able to produce a comprehensive account of Tsafendas' life history. A document entitled 'The History of the Person that inflicted the Fatal Wounds upon the Late Dr. Verwoerd'<sup>42</sup> was compiled by Colonel E. G. McIntyre. This was based on the investigative fieldwork of Van Wyk and a number of other security police personnel, the interrogation of Tsafendas by Major Rossouw which resulted in an 11-page signed statement by Tsafendas, and a number of 'Secret documents from trustworthy contacts in other countries'. The commission's own reconstruction of Tsafendas' history, in chapter 11 of its report, would draw heavily on this document.

What emerged was a life story that wove a complex web of legal and illegal immigration, deportation, internment and escape from mental hospitals, and a mind-boggling story of living and working in 15 different countries. As details of this history entered the public domain, it became increasingly clear that Tsafendas was '*glo versteurd*' (apparently disturbed).<sup>43</sup>

The focus of public and official concern now shifted from the why to the how. Someone with such a history was obviously mad. His history explained his madness and his madness explained his history. But how was it that this madman was allowed to gain access to the country's great leader? How did he manage to obtain employment in parliament? How did he even gain entry into South Africa? South Africa's immigration policy was expressly designed to exclude immigrants of mixed racial backgrounds, let alone one with such a history of mental deficiency. Shedding light on these questions was the brief of the commission of enquiry set up to 'Investigate the Circumstances of the Death of the late Dr The Honourable Hendrik French Verwoerd'.

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39 NASA, K150, vol 3, file 3, subfile 1/5, 'Bedrywighede: Dimitrio Tsafendas: Mosambiek en Rhodesia', 20 September 1966.

40 *Ibid*, 'Memorandum: Demitrio Tsafendas', Special Branch Headquarters, Salisbury, 9 September 1966; *Ibid*, 'Security Report: Assassination Dr. Verwoerd' Special Branch, Umtali, 10 September 1966; *Ibid*, 'Security Report: Assassination Dr. Verwoerd' Special Branch Marandellas 13 September 1966.

41 *Ibid*, 'Telegram: Top Secret', South African Embassy, London to Secretary of Foreign Affairs, Cape Town, 7 September 1966; *Ibid*, 'Telegram: Secret', South African Embassy, London to Secretary of Foreign Affairs, Cape Town, 9 September 1966; *Ibid*, 'Immediate Telegram: Top Secret', South African Embassy, Washington to Secretary for Foreign Affairs, Cape Town, 8 September 1966.

42 *Ibid*, Aanhangsel A.

43 'Tsafendas Glo Versteurd', *Die Burger*, 9 September 1966, 15. 'Versteurd' directly translated means 'disturbed', but in its psychological use means 'insane'. It is a more polite term than the Afrikaans word for 'mad', 'mal'.

## The Commission of Enquiry

The commission was proclaimed into existence by the state president on 22 September 1966. Justice J. T. van Wyk, a judge of the appellate division of the Supreme Court, was appointed chairman and sole member. His formal terms of reference were: ‘To enquire into and submit a report on all aspects relating to the death of the late Dr. the Honourable Hendrik French Verwoerd which the said Commission deems to be in the public interest.’<sup>44</sup>

He began work on 26 September 1966, just over two weeks after the assassination, and concluded his report by the end of November 1966. Van Wyk sent letters to all government departments and parastatals, requesting all information of their dealings, if any, with Tsafendas. One hundred and five people testified before him, including Tsafendas himself. The commission received copies of all the documents of the police investigation and their dealings with the overseas secret services, the secret communications between the South African embassies and foreign governments, and copies of all records relating to Tsafendas’ stays in various countries and hospitals. The National Archives in Pretoria houses 12 boxes containing this accumulated material: the commission’s own investigation, the police investigation, transcripts of the trial, and the final report.

The commission was not investigating murder or madness. That was the domain of the lawyers, judges and psychiatrists involved in the summary trial in the Cape High Court, presided over by Cape Judge-President Beyers from 17 to 20 October 1966. Its report did, however, note a general connection between ‘assassinations and mentally disordered persons’.<sup>45</sup> Its concern instead was the bureaucratic apparatus of the apartheid state whose tentacles Demitrios Tsafendas had managed to elude. Its goal was to find out exactly *who*, because of ‘neglect of duty’, had made his subversion of apartheid bureaucracy possible. The enquiry took the form of a detailed forensic audit of how files and folders moved between various government departments and officials. In the process Tsafendas’ history, scattered across the geography of 15 different countries and carried aboard 13 different ships, was extracted along the grain of the archive of the apartheid bureaucracy. His madness was subverted to the demands of reason, robbed of its volition, and relegated to a marginal role. Here we find no dialogue between reason and unreason but, to cite Foucault, ‘a monologue of reason about madness’.<sup>46</sup>

Although not concerned with guilt or innocence, the commission had to take cognisance of the proceedings of the trial and ensure that its work did not pre-empt the judicial process. At the same time, it relied heavily on that process to execute its own mandate. In a letter to the attorney-general, the secretary to the commission wrote:

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44 See Government Notice 1435, 23 September 1966.

45 *Report*, 28.

46 M. Foucault, *Madness and Civilisation: A History of Insanity in the Age of Reason*. (London and New York: Routledge, 2001), xii.

The Honourable Judge van Wyk is eager not to do anything that might prejudice the trial. For this reason it would be appreciated if you could provide the Commission with a list of possible witnesses so that the Commission does not interview them before the trial. However, it would be appreciated if you could make available all information in your possession, as well as a brief summary of all residential and employment places of the accused, with an indication of the results of interviews with employers, landlords, fellow employees, friends etc and an indication of who conducted the said interviews.<sup>47</sup>

To carry out its mandate, the commission had to translate questions about 'how' into questions about 'who'. Officially declared 'mentally disordered' and unfit for trial, Tsafendas could not be held responsible for his deed. He was now a state-president's patient. Although it accepted the findings of the High Court in Cape Town 'without any reservation',<sup>48</sup> they did not necessarily make the task easier. As bizarre as Tsafendas' life history appeared, even more bizarre were some facts that emerged from the preliminary investigations. Between 1935 and 1963, Demitrios Tsafendas made no less than nine applications for permanent residence in South Africa.<sup>49</sup> His application had been refused on all nine occasions. He had been placed on the 'Stop List' of the Department of the Interior on 11 September 1959. Yet he entered the country with a temporary permit in November 1963. In January 1964 he was also granted permanent residence. Then there was the mystery of why a deportation order for the removal of Tsafendas, signed by the minister of the Interior on 9 August 1966, had not been served by 6 September 1966. It was still lying on the desk of an official in the Department of the Interior on the day that Tsafendas assassinated Verwoerd.

The commission organised its enquiry around a set of questions that narrowed the circumstances associated with Verwoerd's murder considerably. The assassination of the apartheid regime's most accomplished and gifted leader was rendered as a problem of whether there was 'any neglect of duty on the part of any person which facilitated the commission of the deed or without which the deed probably would not have been committed'.<sup>50</sup> The scope of this question was further subdivided into a set of discrete, pointed questions, concentrating at an increasing level of detail. Below are examples of these sets of questions:

5i.

- (a) Who is responsible for this person's entry into South Africa?
- (b) On what grounds and on what conditions was he admitted?

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<sup>47</sup> NASA, K150, vol 1, Staatsdepartemente, file 1, Letter, Secretary of Commission to Attorney-General, Cape Town, 26 September 1966 (my translation).

<sup>48</sup> *Report*, 16.

<sup>49</sup> Reasons were not given on most of the nine occasions, except when he applied from Greece and from the United Kingdom. Reasons given included that he 'was a half-caste', had 'communistic leanings' and was a previous illegal immigrant. See *Report*, 4 and 5.

<sup>50</sup> *Ibid*, Annexure B, 30.

- (c) What facts were known to the official or officials concerned who authorized his entry?
- (d) To whom did they convey any such information?
- (e) Was there any neglect of duty in this connection? ...

5ii.

- (a) Who granted permission for temporary sojourn in this country?
- (b) What was known to the officials concerned?
- (c) What investigations were made?
- (d) What should have been made?
- (e) Was there any neglect of duty in this regard? ...

5iii.

- (a) Did any department or official at any time receive any knowledge which would have made withdrawal of permission for permanent residence desirable?
- (b) To whom was such knowledge conveyed?
- (c) What steps were taken as a result?
- (d) Was there any negligence in this regard?<sup>51</sup>

This clearly was an enquiry into the failure of the rationality of state power as it operated at the lower levels of administration. Verwoerd's assassination was not primarily a result of a breach of state security at the highest level, but 'a neglect of duty' at the everyday level of functionality of government administration.

The commission's investigation took the form of a detailed historical audit of these files and folders. This was no easy task. Tsafendas had used different variants of the spelling of his first name and surname, depending on his circumstances. Officials, who were mostly Afrikaans-speaking, sometimes transliterated his name from Tsafendas to Stafendas.<sup>52</sup> Then there was the fact that his applications to enter South Africa spanned a period of almost 30 years. During this time South Africa had been through numerous political changes, resulting in corresponding changes in the administration of immigration. These shifts ranged from simple name changes to the incorporation of departments into other departments or the creation of new separate departments. This resulted in files and folders being shifted, shunted and renamed, according to different filing systems. We must also bear in mind that immigration to South Africa was not a simple affair. Depending on one's racial classification, and here the categories also underwent name changes (for example, 'Asians' became 'Indians', or 'Chinese' became 'Whites'), one's application would be handled by a different authority.

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<sup>51</sup> *Ibid.*

<sup>52</sup> Some of the folders in NASA still contain the spelling 'Stafendas'. In the records of the Correctional Services Department; he is often referred to as 'Stafendas' instead of Tsafendas. 'Stafendas' also appears on the covers of the files of the commission's documentation in NASA.

What would be the commission's evidentiary strategy? How was the commission going to find connections between the disparate strands of this history, lodged as they were within files and folders of government departments that had undergone changes in names in a bureaucratic culture known for its obsessive record-keeping?

### **The Permit for Temporary Sojourn**

On 2 November 1963, the passport control officer in Lourenço Marques, J. J. van den Bergh, had issued Tsafendas with a permit for temporary sojourn. He explained how this had occurred, despite the fact that Tsafendas' name appeared on the Stop List of the Department of the Interior.

I wish to point out that the Stop List in this office are, as a rule, checked thoroughly before Temporary Permits or Visas (where necessary) are issued to persons entering the Republic on a visit. In the case of Tsafendas, it is extremely difficult to recall the exact circumstances under which this man was granted admission into the Republic. According to the particulars on the D.I.10, it was a Saturday morning and this office issued 64 actual permits, which indicates that this office must have been under great pressure.

In regard to the checking of the 'Stop Lists', the only explanation I can think of is the possibility that I looked up the name under the index letter 'S', as a result of the sound association in the pronunciation of his surname. Working under such pressure, I might not have taken the passport or D.I.10 form with me to the lists. I may mention here that this was, in fact, the case when I checked the records after the first reports of the event – I looked up the name 'Stafendas'.<sup>53</sup>

He explained further that if he had not checked the Stop List, the factors that may have contributed to the mistaken admission of Tsafendas might have been as follows:

He tendered a Portuguese passport which had been issued to him the same morning by the local authorities ... Since it is known that the Portuguese authorities meticulously check an applicant's circumstances and background before a passport is issued, this could have been a decisive factor, which ... might, under pressure of work, have contributed towards not justifying an extremely intensive checking of records ...<sup>54</sup>

The commission concluded that none of the reasons given by Van den Bergh could be accepted as valid 'excuses'. Tsafendas' admission into the Republic amounted

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<sup>53</sup> *Report*, 18–19; NASA, K150, vol 4, file 1/7, 'Insake: Toelating tot die Republiek, Demitrio Tsafendas', J. J. van den Bergh, 20 September 1966.

<sup>54</sup> *Report*, 19.

to 'a clear case of neglect of duty'.<sup>55</sup> When Tsafendas had arrived in Lourenço Marques from Portugal, he had appealed to his family in Pretoria for help in returning to South Africa. A relative telephoned his stepmother Marika Tsafendakis, who then travelled to Lourenço Marques. In a statement to the police, she said that, since his father had died, she felt it was her duty to help him.<sup>56</sup> It is not clear exactly how this help was given, but once he was granted the temporary permit on 2 November 1963 she and her son Victor, who had arrived from Pretoria to take his mother home, took Tsafendas with them on 4 November 1963. They had crossed the border together at Komatipoort.

In a secret missive to the secretary of the Interior, the consul-general in Lourenço Marques, I. D. du Plessis, noted that the passport control section of the consulate was, in general, under severe pressure due to a heavy workload. Saturdays were always busy days for the passport control offices, as they were only open to the public for the three hours between 8 and 11am. On this occasion, the previous day (Friday, 1 November) was a public holiday in Mozambique and their office had therefore been closed. Saturday, 2 November, the day when Tsafendas was issued with the temporary permit, was therefore 'exceptionally busy'.<sup>57</sup> It is possible that Marika had advised him to apply for a temporary permit under these conditions rather than for permanent residence, and that she had assisted him in the application process. As a member of an immigrant family, she must have had considerable experience of how to subvert minor obstacles in the immigration process. Greek families in South Africa, like other immigrant families, would have known how to assist family members from their country of origin in their attempts to settle in South Africa. Crossing the border in the company of his stepmother and stepbrother would have allowed for a smoother passage into South Africa. On his form of application Tsafendas lied by stating that he was of 'pure white' origin, that he had never been to South Africa before, and also that he had never been arrested.

Van den Bergh bore the full brunt of responsibility for letting Tsafendas into the country. According to his son Gavin, who was interviewed by Liza Key for her film *A Question of Madness*, his father lost his job as a result of the commission's findings and was unable to obtain proper employment for some years later. That Van den Bergh simply made an innocent mistake was inconceivable to those in charge of state security. The security police viewed his 'neglect of duty' in a very serious light. He was subjected to the full might of the secret sovereign violence of the apartheid state.<sup>58</sup> The irony was that the mistake Van den Bergh was punished for was not only one that was commonly made but had also been made by the very apparatus tasked with investigating Tsafendas, the South African police. Volume 3 of the commission's documentation, which contains all the records of the police investigation, makes the

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55 *Ibid.*

56 NASA, K150, vol 10, Uitreksels uit Getuigenis, 'Verslag Insake Besoek aan Familielde van Demitrio Tsafendas', Pretoria, 21 October, 1966.

57 NASA, K150, vol 4, file 1/8, Buitelandse Sake, 'Uitreikking van Vreemdelinge Tydelike Permit aan Demitrio Tsafendas', Secret Communication from Secretary of Foreign Affairs to Secretary of Internal Affairs, 21 September 1966.

58 In the film footage of *A Question of Madness*, Gavin van den Bergh's testimony of his father's treatment at the hands of the security police was not inserted in the final version of the film, but it is available in the rushes.

same mistake on many of the folders, where Tsafendas is misspelt as 'Stafendas', or even in some cases as 'Stefendas'.<sup>59</sup>

## The Permit for Permanent Residence

This section of the commission's report is the most detailed. It presents a laborious account of the biographical information contained in Files G.8226 and N.7771, which held all the damning information about the strange life of Demitrios Tsafendas. The report begins the story in 1931, when Tsafendas' father Michaelatos (in the Greek), or Miquel (in Portuguese), Tsafendakis (also spelt Tsafandakis) first applied to the Office of the Commissioner for Immigration and Asiatic Affairs to send his four minor children (including Demitrios) to school in the Transvaal. This was when a file numbered G.8226 had been opened and entitled 'Tsafendakis'. This office had fallen under the Department of the Interior, which kept a G series of files for applications by white immigrants for permanent residence. In 1935, at the age of 17, Tsafendas had independently applied to enter what was then known as the Union of South Africa 'for the purposes of taking up permanent residence'. His application had been refused. As a result, a file B.3700 was entered under the name 'Demitrio Tsafendas'.<sup>60</sup> This was a file series that dealt with applications for permanent residence under the Immigration Quota Act.

Six years later, in 1937, Maria Tsafendakis had successfully applied for permanent residence for herself and her four minor children (excluding Demitrios). Documentation related to this application had now been filed under G. 8226 under 'Tsafendakis' and B.7771 under 'Tsafandakis'. The former file was also used to file documents relating to Demitrios Tsafendakis and contained documents relating to all his unsuccessful application: in 1935, and then again in 1938, 1941, 1946, 1947, 1948, 1950 and 1959.

Prior to 1953 the Department of the Interior had used a separate series for different kinds of applications that ranged from visas, permanent residence and naturalisation to a change of name. This meant that if a person made, or was involved in, more than one of these applications, as in the case of Tsafendas and his stepmother, their names would appear in more than one series. After 1953 a new filing system was introduced. Now the series was identified by year. When Tsafendas made his application in 1963, for example, a new file was created, 35226/63, which incorporated B.3700.

Then in 1961 a Department of Immigration and Indian Affairs came into being as a separate entity. It was an amalgamation of the offices of the commissioner for Immigration and Asiatic Affairs, and the Directorate of Immigration. Prior to the amalgamation, both offices had been independent entities under the Department of the Interior. The new department took over the functions of applications for

<sup>59</sup> See for example NASA, K150, vol 3, Aanhangsel C, 'Verdere Ondervraging van Demetrio Stafendas vanaf 2.45 op 19/9/66 deur Maj. Rossouw'; and *ibid*, Aanhangsel E, 'Leer WD/10/10/4102 oor Stafendas' on the cover of the file.

<sup>60</sup> *Report*.

permanent residence. The passport control section, previously an integral part of the office for Immigration and Asiatic Affairs, remained with the Department of the Interior as did the files related to this section. This meant that the files related to Tsafendas' history of unsuccessful applications were archived with the Department of the Interior.

When, on 15 November 1963, Tsafendas made his final application to the Department of Immigration for permanent residence, the officials dealing with the application should have consulted with officials from the Department of the Interior. Apparently, it was customary in such a case for immigration officials to telephone the Department of the Interior to check if there was a file and ask for the file number, so that a request could be made in writing. According to the Department of the Interior, this had not been done. According to the Department of Immigration, it was done and had been noted. The commission was thus unable to establish exactly which department, let alone exactly who, had been responsible for the 'neglect of duty'. In short, Tsafendas had obtained permission for permanent residence because of a lack of proper cross-referencing.

When Tsafendas filled out the official application form for permanent residence, he was careful to hide the fact that he had applied unsuccessfully before. He also chose not to mention that he had been deported. This led officials in the Immigration Department to assume that he was applying for the first time. In his application he had also declared that he had never been found guilty of any criminal offence, or of trespassing of any laws, or of being deported from any other country.<sup>61</sup> This time all his documents were in order: proof of employment and income, addresses of next of kin, a medical report stating that he was 'not mentally or physically defective in any way'. He even had the required x-ray report stating that he was not 'afflicted with tuberculosis' or any other 'infectious, loathsome, or contagious disease'.<sup>62</sup> The one requested document that he did not submit was his birth certificate. This would have clearly revealed his racial identity. Regulations, however, stipulated that a sworn affidavit could be accepted in place of an original birth certificate. The only document that still had to be obtained was a police report from Lourenço Marques. In an interview on 18 January 1964, Tsafendas was asked about his addresses in Lourenço Marques, so that a security report could be obtained. He informed the official that he had not lived in Lourenço Marques since 1935. Hence it was not deemed necessary to obtain the police report.<sup>63</sup>

That Tsafendas had blatantly lied on his form was clear to all by now. The commission conducted a thorough investigation of the Immigration Department's procedures. A letter to the secretary for Immigration requested copies of all documents related to regulations and procedures governing the department's work. The letter also contained four pages of detailed questions related to the processing of Tsafendas'

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61 NASA, K150, vol 4, file 1/7, Departement van Immigrasie, 'Memorandum oor die Aansoek om Blywende Vestiging Kragtens die Wet op Vreemdelinge deur Demetrio Tsafendas'.

62 *Ibid*, Bylae A, D, E.

63 NASA, K150, vol 4, file 1/7, 'Memorandum oor die Aansoek'.

application.<sup>64</sup> The reply by the secretary for Immigration consisted of ten pages of detailed answers and a number of attachments.<sup>65</sup> Between 26 September and 1 November 1966, no fewer than ten letters went back and forth between the secretary of the commission and the secretary for Immigration. They all dealt with questions and answers related to procedures and practices followed, in general and in the case of Tsafendas, with commentary on whether they were adhered to or not. The Department of Immigration officials responsible for processing applications for permanent residence were placed under severe scrutiny during the commission's investigation.

### **The Removal Order**

In September 1965, the report tells us, Tsafendas applied to the Department of Interior for reclassification as 'a Coloured'. His application was handled by the regional representative of the Cape Town office of the Department of the Interior, Population Register Section. This office did have a file on Demitrios Tsafendakis. It contained a letter dated 18 June 1942 which dealt with Tsafendas' application for an exit permit from the United Kingdom. In this letter the commissioner for Immigration and Asiatic Affairs had written to the chief immigration officer in Cape Town to indicate that the application had been refused. He added:

[F]or your confidential information ... Tsafandakis entered the Union illegally after his application for permanent residence had been rejected. He is a half-caste and engaged actively in Communistic propaganda. The only reason why he was not required to return to Lourenço Marques, where he was born, after he had been convicted for entering the Union illegally, was that he was engaged in work of national importance. The police authorities have now advised me that Tsafandakis was discharged from his employment on account of irregular attendance and loafing. The High Commissioner for the United Kingdom, who was consulted, has requested that facilities should not be granted for Tsafandakis to proceed to England, in present circumstances. As he has now been discharged from his employment, he should be ordered to return to Lourenço Marques forthwith. Please advise me of developments.<sup>66</sup>

Because of the contents of this letter, the regional representative in Cape Town wrote to the population registrar in Pretoria, recommending that Tsafendas be deported. According to the commission's report, this letter did not mention the letter of 18 June 1942 because it was assumed that the information it contained would be at the head office in Pretoria. A new case file on Demitrios Tsafendas was now opened,

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64 *Ibid*, Letter, Secretary of Commission to Secretary for Immigration, 29 September 1966.

65 *Ibid*, Letter, Secretary for Immigration to Secretary of Commission, 3 October 1966.

66 *Report*, 4.

labelled '98070/65'. Between 14 December 1965 and 17 January 1966, File 98070/65 travelled 'backwards and forwards between the Population Registration Division, Passport Control section and the Population Registry'.<sup>67</sup> On 21 January a request was apparently made to see the old case files by a Mr Bosenberg, but no evidence exists that he 'ever saw such a file or files'.<sup>68</sup> Furthermore, between this date and 1 July 1966,

nothing whatsoever was done in the matter. Since all movements of the file were not, as required, recorded on the cover, it is not possible to determine where file 98070/65 was during this period. In a departmental investigation, it was, however, established that from 27 April 1966 to 15 June 1966, the file was lying on the desk of Mr. W. G. Mitchell (temporary clerk) in the Passport Control Section...<sup>69</sup>

The report continued to track the movement of File 98070/65:

On the 1st of July, the file was with Mr. van Litzenborgh. It is not possible to determine with any certainty when it was sent to him, but in the file there is a note indicating that on 21st January, he asked the registry to see Tsafendas' original or old case-files. On the same day, Mrs. A. D. de Beer of the registry informed Miss du Plessis that there was no race file, but there was a file 35226/63 of the Department of the Interior. She had therefore not traced files B.7771 [the Tsafandakis file] and G.8226 [the Tsafendakis file].<sup>70</sup>

Eventually, after a little further handling, File 98070/65 reached the secretary for the Interior on 4 August 1966, and

On the 8th of August, 1966, the Secretary for the Interior submitted a memorandum, to which was attached a removal order to the Minister of the Interior, and on the 9th August 1966, the Minister signed the necessary warrant. On the 1st of September, a letter to the Police requesting them to serve the order on Tsafendas had already been typed, but on the 6th September 1966, the day of Dr. Verwoerd's death, it had not been sent off.<sup>71</sup>

This section of the report, while very precise about this bewildering sequence movements of File 98070/65, remained surprisingly vague about the central question at issue: *who* exactly was responsible for this sequence of delays in paper deliveries and communications? In the end, it did single out Mitchell, the temporary clerk in the Passport Control section, for censure.

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67 *Ibid.* 22.

68 *Ibid.* 23.

69 *Ibid.*

70 *Ibid.*

71 *Ibid.*

It is impossible to identify all culprits. Mr. Mitchell was undoubtedly one ... Mr. Mitchell's explanation is that ... he kept the file with the intention of following up the matter, but because he did not regard it as urgent, as well as because of pressure of work, he did not, however, do so ... His explanation is no excuse.

Mrs De Beer, for her part, was entirely absolved on the grounds that she did not realise that the 'Tsafendakis' and the 'Tsafandakis' files also, in fact, related to Tsafendas.

If a cross-reference to files G. 8226 or B. 7771 had been made on File 35226/63, or if the aliases Tsafendakis or Tsafandakis had been noted on File 35226/63, or on the index cards for these files, she would have traced all the files, and everyone would have realized that the matter was indeed urgent.

From the report it is clear that the bloated apartheid bureaucracy literally lost track of Tsafendas during the course of its day-to-day practices. In the next section I discuss how the same routinised practices operated in the appointment of temporary parliamentary messengers. Their work was complicated by the regulation that only 'a white person' could occupy such a post. Officials simplified their task by using various arbitrary measures to ascertain whether a given applicant was indeed 'a white person'.

### **The Appointment of Tsafendas as a Parliamentary Messenger**

With regard to the House of Assembly, the commission was again concerned with pinpointing responsibility for breach of regulations. The question here became: Who was responsible for appointing Tsafendas as a messenger in parliament? The focus of the enquiry was again directed at the procedures, to ascertain whether there was in fact 'neglect of duty' on the part of the relevant state functionary. The wheels of the apartheid bureaucracy had their own rhythm, demanded by rules that involved excessive cross-referencing and checking. For practical purposes, these procedures often had to be disregarded if anything was to be accomplished. At the lower levels of apartheid state administration, bureaucratic power lent itself to disobedience and reliance on customary practice rather than rigidly standardised regulation.

This, in essence, was the testimony of Mr Burger, senior messenger in the House of Assembly, who interviewed and appointed Tsafendas for the post of temporary parliamentary messenger. One of the requirements for this post was, as noted, that the individual must be 'a White'. It was also stipulated that the candidate should be 'a South African citizen'. Burger was questioned in detail about how these criteria were established in the complex case of Tsafendas. Here is an extract of his testimony before the commission:

The Chairman: ... How did you establish in his case that he was a White and that he was a South African?

Mr. Burger: Sir, I accepted. I asked him: 'Are you a White South African?' Then he said: 'Yes.' Then I said: 'Where is your identity card?' Then he said: 'Sir, I haven't got my identity card with me, but here is the proof [his unemployment card] ... When he gave it, I saw ... the date stamp which says that it is your number – your identity number ... and it had the necessary W, which we accept as White, and he also acknowledged that he was a South African citizen.

Mr. Terreblanche: You simply accept that he is a South African citizen because he said so?

Mr. Burger: No, the proof is your identity number, and on the employment card it also says that he is a White person ...

The Chairman: Yes, but we are now talking about a South African citizen – not a White!

Mr. Burger: I accepted it. I accepted that he was now a South African citizen because there was his identity number, My Lord, and ...

The Chairman: Were you not aware that aliens may also have identity numbers?

Mr. Burger: No, My Lord, my knowledge did not go so far ... I must admit I fell short there.

The Chairman: The man had a foreign name, not so?

Mr. Burger: Yes Sir.

The Chairman: Did you ask him where he was born?

Mr. Burger: Yes.

The Chairman: What did he say?

Mr. Burger: Lourenço Marques.

The Chairman: Well then, why did you accept that he was a South African citizen? Did you not ask whether he was naturalized or anything?

Mr. Burger: Sir, no. I asked him: 'Are you a South African citizen? Then he said 'Yes', and I accepted that ...

The Chairman: I cannot understand why you accept that a person born abroad, if he says he is a South African citizen, why you accept that he is one? Why did you accept it?

Mr. Burger: Sir, if I slipped up there, I admit it, but in good faith I took it that he was a South African citizen, because he said so, and also he showed me his number. So I failed there, Sir.

The Chairman: But did it not strike you that here was a man who was healthy, he was already 52 years of age, and he was so broke that he was hungry?

Mr. Burger: My Lord, if you see the supply that goes through the House of Assembly as it is, from the supply which I have to take people from, he was one of the best on our record.<sup>72</sup>

Asked what he meant by he was 'one of the best', Burger replied:

He was strong and healthy, My Lord. You see the supply from which I have to get my people is actually (and I have complained to my chiefs) that I have to scour the streets, because nobody wants to do the humble work, under the humble name of a messenger, for a short time. That is where I have to get my workers, because for a young man there are no prospects ...<sup>73</sup>

Burger was then questioned in detail about the record of employment entered on Tsafendas' unemployment card and whether he had not noticed the frequency of short spells of employment.

Mr. Terreblanche: Now you saw, for example, on this thing [his unemployment card] that he had worked for City Engineering, and that he had worked there from the 9th of December '63 to the 3rd of February '64. That is only about two months? And you saw that he had worked for the City Council of Cape Town, from the 13th of September '65 to the 25th of October '65. That is not even – a little over a month? Then you saw that he had worked for Marine Diamond Corporation from the 3rd of February, '66 to the 30th of March '66 – Again only two months?

Mr. Burger: Yes.

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72 *Ibid*, 25.

73 *Ibid*.

Mr. Terreblanche: In other words, this indicated that he was certainly not a good worker?

Mr. Burger: Correct.

Mr. Terreblanche: Did you ask him what kind of work he had done at these places?

Mr. Burger: Yes, Sir, but although one asks them, they just say they worked there ... I did not really worry about every detail ... I am looking for someone who is healthy, who is willing, who will work as long as he is working, and then have to be discharged. That is how I put it to them.

Mr. Terreblanche: Yes, but Mr. Burger, I submit to you that if you get such a record, you must know that he is not a willing worker.

Mr. Burger: Sir, from the supply and the men I use every session, there are many worse.<sup>74</sup>

Burger also testified that when assessing the suitability of an applicant, it was not matters of state security that were uppermost in his mind, but whether the person was likely to commit theft.

The Chairman: Now did it ever strike you that a messenger is placed in a very favourable position to commit sabotage or murder in the House of Assembly? Or did it never strike you?

Mr. Burger: No my Lord, up to the 6th – never! I will put it this way, I could never have expected it.

The Chairman: Now, looking back, do you realise in what a favourable position a messenger is actually to do such a thing?

Mr. Burger: Yes in my weakness, I admit it.

The Chairman: Did anyone ever warn you to be careful because a messenger might do such a thing?

Mr. Burger: My Lord, in the words you have used, no. My Lord, but I must add again, in the sense of theft, yes, because there are members of parlia-

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<sup>74</sup> *Ibid.*

ment and so on, whose offices and possessions are always open – and we were more on the lookout for theft ...<sup>75</sup>

The commission's report concluded that neither Burger nor his two assistants could be held responsible for the appointment of Tsafendas. They found that nothing in his behaviour indicated that he was mentally disordered, or might become dangerous. Burger was said to have conducted his duties 'according to existing custom' and had not been under any instructions to the contrary. He and his two assistants 'were good, decent people who did their duty as they saw fit and knew it ... They simply lacked the knowledge, ability and insight to make a proper selection.'<sup>76</sup>

## Conclusion

The commission's mode of finding evidence was to locate the cause of a political assassination in the failure of officials to follow the rules applicable to the day-to-day functioning of the state's bureaucracy. It failed to acknowledge that the work of these officials was, at times, rendered dysfunctional precisely because of being tethered to the demands to a highly rationalised racial order. This was particularly clear from the testimonies of Burger and the passport control officer Van den Bergh. The very system that it was designed to protect was its own undoing. This was why Tsafendas was able to subvert the system designed to keep him out. Its solution, as is evident in its final recommendations, was to recommend even more efficient regulatory mechanisms of control that attempted to fuse the methods of sovereign power and disciplinary regimes of normalisation.

This article has argued that the apartheid state exercised both sovereign and disciplinary power. The bifurcated nature of the state led to a series of contradictions in the way in which this power was experienced by individuals. While traditional historical scholarship of the apartheid era has tended to focus on the instrumentalist aspect of the apartheid state, more recent scholarship has begun to address the apartheid state as a particular form of rationality of government or, to use Michel Foucault's term, its 'governmentality'.<sup>77</sup> For the apartheid government, what was at stake was how Tsafendas as a madman and a half-caste had managed to gain entry into the country in the first place. His success pointed to the fault lines of apartheid's immigration system that were designed to keep people like him out, madmen and half-castes as well as 'idiots, epileptics, the deaf and dumb, the blind and deaf'.<sup>78</sup> Once inside the country, not only did he succeed in gaining permanent residence, but he also obtained employment in parliament. He had subverted the system of racial rationalism designed to mask the fragile and unstable nature of whiteness.

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75 *Ibid.* 26.

76 *Ibid.* 27.

77 See M. Foucault, *Security, Territory, Population: Lectures at the College de France, 1977–1978* (New York: Palgrave Macmillan, 2009). Chapters 4 and 5 deal with governmentality.

78 S. Perbedy, *Selecting Immigrants: National Identity and South Africa's Immigration Policies, 1910–2008* (Johannesburg: Wits University Press, 2009), 52.

The commission report constructed a narrative of an assassin who was ‘a complete failure, a maladjusted feckless rolling stone’. Yet it was this man who exposed the core of irrationality that resided within a racial order entrenched by an extensive network of repressive state apparatus, which included one of the most efficient security police forces in the world. Since no breach of state security could be found, the answer was sought in the failure of a bureaucracy known for its excessive record-keeping, to keep efficient track of a potential assassin.

There is a final irony that draws attention to the tension between the two technologies of power within the apartheid state in the imprisonment of Tsafendas. At his trial Tsafendas was found to be insane and not responsible for his actions. The law stipulated that mentally ill prisoners are wards of the state and cannot be imprisoned, but had to be sent to a facility for the mentally ill. Tsafendas, however, was sent, after a short spell on Robben Island, to live out his days in the death-row section of Pretoria Central Prison. Here a very specific prison regime existed. Prisoners were kept in complete isolation. They were not allowed to talk anybody, and prison warders were strictly forbidden to talk to them. They were under 24-hour surveillance, and dressed in the barest minimum of clothes. Lights remained switched on for 24 hours. There it was hoped the memory of Verwoerd’s violent and bloody death would be consigned, along with the assassin to oblivion. The irony of Tsafendas being kept on death row was that it was also the section of the prison that often housed the most politically conscious prisoners. Although he never came into contact with any of them, they were well aware of the abuse that warders committed against him. News of Tsafendas’ treatment leaked out on numerous occasions, and the prison authorities were forced to put measures in place to contain the violence against Tsafendas.

In 1994 Tsafendas was moved to Sterkfontein Hospital in Krugersdorp. Here he was interviewed by both film-maker Liza Key and Henk van Woerden. In 1997 Key brought Tsafendas’ story as a case of human rights abuse before the Truth and Reconciliation Commission’s special hearings on the judiciary under apartheid. He died on 7 October 1999 at age 81 in Sterkfontein Hospital and was buried in an unmarked grave in Krugersdorp.