

# IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

Case No. CCT 23/10

In the Matter Between:

**THE CITIZEN 1978 (PTY) LIMITED**

**First Applicant**  
(First Respondent in leave to cross-appeal)

**KEVIN KEOGH**

**Second Applicant**  
(Second Respondent in leave to cross-appeal)

**MARTIN WILLIAMS**

**Third Applicant**  
(Third Respondent in leave to cross-appeal)

**ANDREW KENNEY**

**Fourth Applicant**

And

**ROBERT JOHN MCBRIDE**

**First Respondent**  
(Applicant in leave to cross-appeal)

And

**LARA JOHNSTONE**

**First Amicus Curiae**

**THE FREEDOM OF EXPRESSION INSTITUTE**

**Second Amicus Curiae**

**THE S.A. NATIONAL EDITORS FORUM**

**Third Amicus Curiae**

**JOYCE SIBANYONI MBIZANA**

**Fourth Amicus Curiae**

**MBASA MXENGE**

**Fifth Amicus Curiae**

---

## FILING SHEET

---

Presented for Filing:

1. First Amicus Submissions in response to the Further Directions dated 7 March 2011.



---

LARA JOHNSTONE  
First Amicus, Pro Se  
PO Box 5042, George East, 6539  
Cel: (071) 170 1954  
Email: jmcswan@mweb.co.za

TO: **REGISTRAR OF THE COURT**  
Snr. Registrars Clerk: Delano Louw  
Tel: (011) 359-7400 || Fax: (011) 339-5098  
E-mail: louw@concourt.org.za

AND TO: **WILLEM DE KLERK ATTORNEYS**  
Attorneys for the Applicants  
P O box 84162, Greenside, 2034  
Tel: (011) 717 8562/37 | Fax: (011) 486 4506  
Cell: (082) 880 6844  
Email: wdeklerk@telkomsa.net  
CC: Adv. W. Trengrove, S.C.  
Tel: (011) 291 8600  
Fax: (011) 291 8666  
Cell: (082) 337 0852  
Email: wimtregrove@law.co.za

AND TO: **MASHIANE MOODLEY MONAMA**  
Attorneys for the Respondent  
39 Wierda Road West  
Wierda Valley, Sandton  
**JOHANNESBURG**  
Tel: (011) 303 7900  
Fax: (011) 303 7993 / 7902  
Email: monamar@m4attorneys.co.za  
David Maphakela: dmaphakela@m4attorneys.co.za  
CC: Adv. D.I Berger S.C.  
Tel: (011) 263 8900  
Fax: (011) 263 8956  
Cell: (083) 455 3887  
Email: diberger@chambers.co.za

AND TO: **WEBBER WENTZEL**  
Attorneys for the Second, Third, Fourth & Fifth Amici  
10 Fricker Road, Illovo Boulevard  
**JOHANNESBURG, 2196**

Tel: (011) 530 5607 | Fax: (011) 530 6232  
Ref: D. Milo/O Ampofo-Anti 2039305  
Email: dario.milo@webberwentzel.com  
Email: okyerebea.ampofo-anti@webberwentzel.com  
CC: Adv. Gilbert Marcus, S.C.  
Tel: 011 291 8600 | Fax: 011 291 8666  
Cell: 083 452 5105  
Email: gjmarcus@mweb.co.za

AND TO: **THE MINISTER OF JUSTICE AND  
CONSTITUTIONAL DEVELOPMENT**  
**c/o: THE STATE ATTORNEY**  
8<sup>th</sup> Floor, Bothongo Heights, 167 Andries Street  
**PRETORIA**  
Tel: (012) 309 1500 | Fax: (012) 328 2662/3  
**c/o STATE ATTORNEY**  
95 Market Street, Cnr. Kruis Street  
North State Building, 11<sup>th</sup> Floor  
**JOHANNESBURG**  
Tel: (011) 330 7600 | Fax: (011) 337 6200  
Cell: (082) 926 0705  
Email: Vdhulam@justice.gov.za  
Ref: Mr. V Dhulam

# IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

Case No. CCT 23/10

In the Matter Between:

**THE CITIZEN 1978 (PTY) LIMITED**

**First Applicant**  
(First Respondent in leave to cross-appeal)

**KEVIN KEOGH**

**Second Applicant**  
(Second Respondent in leave to cross-appeal)

**MARTIN WILLIAMS**

**Third Applicant**  
(Third Respondent in leave to cross-appeal)

**ANDREW KENNEY**

**Fourth Applicant**

And

**ROBERT JOHN MCBRIDE**

**First Respondent**  
(Applicant in leave to cross-appeal)

And

**LARA JOHNSTONE**

**First Amicus Curiae**

**THE FREEDOM OF EXPRESSION INSTITUTE**

**Second Amicus Curiae**

**THE S.A. NATIONAL EDITORS FORUM**

**Third Amicus Curiae**

**JOYCE SIBANYONI MBIZANA**

**Fourth Amicus Curiae**

**MBASA MXENGE**

**Fifth Amicus Curiae**

---

**FIRST AMICUS SUBMISSIONS IN RESPONSE TO THE FURTHER  
DIRECTIONS DATED 7 MAY 2011**

---

1. These submissions are made in response to the further directions issued by the Chief Justice on 7 March 2011. The directions request for short submissions in answer to the question:

“Should the Court find that any statement The Citizen published about Mr. McBride was actionably defamatory, would it be appropriate, in view of the findings of the High Court and the nature of the submissions before the Supreme Court of Appeal and this Court, for the Court to order The Citizen to publish an apology?”

2. As detailed in the First Amicus Heads of Argument: These submissions (a) address alternative legal arguments to those of both the Applicant and Respondent, i.e. from a Radical Honesty culture/religion perspective; (b) ‘argues points deemed too far reaching for emphasis by parties intent on winning their particular case’<sup>1</sup>; (c) ‘apprises the court of broad-based legal, social, economic, ecological and cultural enquiry implications for its consideration to avoid unintended consequences for groups not before the court,’<sup>2</sup> (d) informs the court of information to base its decision on a larger, more comprehensive, and more accurate reality based natural law legal framework, so that the court’s final judgment shall include a fully-informed refined legal analysis, which provides equal protection to all SA’s tribes<sup>3</sup>; and (e) provides a perspective from a culture practicing sincere sensate forgiveness.

#### First Amicus Cultural Forgiveness, Reconciliation and Apology Differences to Parties:

3. First Amicus is not a member of either the Applicant (Citizen) or Respondent (McBride) culture of intellectual fake insincere ‘forgiveness’ and ‘reconciliation’; nor its hypersensitivity to ‘insults’. Radical Honesty are far closer to Pema Chodron’s views of ‘insults’ – “The job of a spiritual friend is to insult you” -- as detailed in Pema Chodron: Troublemakers<sup>4</sup>.
4. In Radical Honesty we very brutally clearly define what we mean by forgiveness<sup>5</sup>, and no Radical Honesty member would ever pretend to another that they have forgiven them, until they have gone through the process of reaching sensate forgiveness. Sincere forgiveness is also a process of acute personal responsibility; so that we can honestly forgive ourselves for our contribution to the misunderstanding<sup>6</sup>.

---

<sup>1</sup> Luther T. Munford, When Does the Curiae Need an Amicus?, 1 J. App. Prac. & Process 279, 280 (1999).

<sup>2</sup> Paul M. Sandler & Andrew D. Levy, Appellate Practice for the Maryland Lawyer: State and Federal: Amicus Briefs 331 (1994).

<sup>3</sup> Paul M. Smith, The Sometimes Troubled Relationship Between Courts and Their “Friends”, note 2, at 26 (1998).

<sup>4</sup> Pema Chodron "Troublemakers": <http://www.youtube.com/watch?v=m7qFi52FX1Q>

<sup>5</sup> Heads of Argument: II Truth and Forgiveness Social Contract Principles

<sup>6</sup> Heads of Argument: IV: TRC Fraud: ‘Crime of Apartheid’ Falsification of History

5. Nobody in the Radical Honesty community would ever force anyone to make an apology; or even recommend that such an apology be made; for we believe that the only apologies that contribute to meaningful sincere spontaneous and loving relationships are those that are totally 100% sincere, from the gut and the heart. We do not do public relations - i.e. bullshit the public<sup>7</sup> -- with fake insincere apologies.
6. First Amicus submissions in this matter were to provide the Applicant (Citizen) and their SANEF media - If It Bleeds, It Leads and How and Why Journalists avoid the Population Environment Connection<sup>8</sup> -- colleagues; and the Respondent (McBride) and his fellow ANC Frantz Fanon Black Liberation Theology Black Power Breeding War terrorist's colleagues; an opportunity.

Frantz Fanon:

"For the native, life can only spring up again out of the rotting corpse of the settler.. [...] .. At the level of individuals, violence is a cleansing force. It frees the native from his inferiority complex and from his despair and inaction; it makes him fearless and restores his self-respect." - Frantz Fanon, The Wretched of the Earth: Handbook for Black Liberation

Black Liberation Theology:

"The goal of black theology is the destruction of everything white, so that blacks can be liberated from alien gods." -- James H. Cone, A Black Theology of Liberation (p.62)

"While its true that blacks hate whites, black hatred is not racism" - James H. Cone, Black Theology and Black Power (p15)

"There will be no peace... until whites begin to hate their whiteness, asking from the depths of their being: 'How can we become black?'" - James H. Cone, A Black Theology of Liberation (Preface)

There is no place in this war of liberation for nice white people who want to avoid taking sides and remain friends with both the racists and the Negro." - James H. Cone, Black Theology and Black Power (p.15)

---

<sup>7</sup> Radical Honesty Guru Scott Ginsberg describes Edward Bernaysian PR protocols as "the ever-rising tide of corporate and political bullshite". <http://www.hellomynameisblog.com/2009/02/greatest-branding-secret-in-history-of.html>

<sup>8</sup> First Amicus Heads of Argument: [7] Equity will not allow a statute to be used as a cloak for fraud: Mainstream Access-to-Discourse-Gatekeeper Editors censorship of nonviolent political grievances and problem solving activism facilitate a pressure cooker socio-political reality for their 'If it Bleeds, it Leads' corporate propaganda profits, in knowledge application of in knowledge application of: (1) 'As long as there is some possibility of getting results by political means, the chances that any political group or individual will turn violent are truly radically small, or maybe vanishingly small'; (2) 'The exposure in the media is what gets people's attention. People follow what is happening in the news, not what is happening in the courts'; (3) '[Editors] abuse of media power, by means of strategies whereby they abuse public discourse/free speech resources; by providing certain parties with preferential and special access to such public discourse, and severely restricting or denying others any access to such public discourse'; (4) Mainstream media avoid addressing or enquiring into root causes of problems as reported in How and Why Journalists Avoid Population - Environment connection; and censor non-violent root-cause problem solving activism.

"Reconciliation to God means that white people are prepared to deny themselves (whiteness), take up the cross (blackness) and follow Christ (black ghetto)." - James H. Cone, *Black Theology and Black Power* (p150)

Terrorists:

"The moderate blacks were not selling the papers. We were presenting a non-violent strategy, that did not say 'Burn, baby Burn'. A strategy that said people must come together and sit down around a negotiating table. And this is not sensational stuff; it does not sell the papers." - Rev. John Gogotya, ANC: VIP's of Violence

7. To inform them - and the court -- that there is another form of forgiveness and reconciliation as practiced in the culture known as Radical Honesty<sup>9</sup>; and how and why living in accordance to Radical Honesty's principles; the South African 'TRC social contract' is founded upon TRC Fraud<sup>10</sup>.
8. Neither Applicant (Citizen), nor Applicants media (SANEF & FXI) colleagues; nor respondent (McBride) or his Black Liberation Theology Terrorist (violence on the rotting corpse of the settler reconciliation) colleagues were remotely interested. They are not required to be; but they might wish to take responsibility for the fact that they are not.
9. It is my personal opinion that ordering the Citizen to give McBride an insincere apology could plausibly be a legal Black Liberation Theology public relations -- destroy 'whiteness' to cultivate White Guilt -- tactic. However there are many whites who may want to be black, some even call themselves 'Wiggers'; so it is not for Radical Honesty to coerce any individual from another culture, or any other culture to amend their cultural ways of resolving disputes. If they are happy joining a culture that requires them to abolish their whiteness, and to fake 'white guilt', that is their prerogative. If Black South Africans prefer to avoid taking any personal responsibility for their own failures and [wish to] blame [every piece of constructive criticism they receive on white racism, to foster white guilt; they shall never receive anything remotely resembling sincere respect. But maybe they are not remotely interested in sincere respect?
10. Radical Honesty does not think that this ordering of fake apologies works, but perhaps because one of the things that Radical Honesty is very concerned about is: Does any practice work??? If it doesn't work, then we ditch it. Our culture is not interested in hanging onto cultural practices for the sake of BS ourselves its some kind of tradition that we respect our ignorant ancestors to have done. If the practice does not work, then we ditch it. The Applicant and Respondents masculine insecurity cultures are far more concerned with manipulating the ignorant masses by means of public relations BS, to keep their fraudulent exponential population and economic growth breeding war

---

<sup>9</sup> Amicus Heads of Argument: Radical Honesty Truth and Forgiveness Social Contract Principles; and

<sup>10</sup> Amicus Heads of Argument: TRC Fraud: 'Crime of Apartheid' Falsification of History

ponzi schemes going<sup>11</sup>. The Applicant requires fake reconciliation, for how else would the consequences of fake forgiveness make its If It Bleeds, It Leads corporate profits front pages? The Respondent requires fake reconciliation, because they require "direct confrontation to mobilize their followers"<sup>12</sup>. People who have sincerely forgiven, and who practice sincere forgiveness are impossible to mobilize into mobjustice groups!

### Court Must Clarify Any Fake Forgiveness, &/or Reconciliation, and/or Apology Ruling as Binding on Applicant & Respondents Cultures Only:

11. First Amicus arguments consequently have only been concerned with providing any party interested in sincere - in your gut - forgiveness and reconciliation, the opportunity to explore such sensate forgiveness, and to invite the other party to resolve the issue by means of sincere forgiveness.
12. Any ruling on issues of forgiveness, reconciliation, dignity, 'insults to dignity', should not be binding on members of the Radical Honesty culture<sup>13</sup>, who do not practice this fake intellectual BS public relations image management forgiveness of fake insincere apologies and fake reconciliation, and psychological and spiritual insecurity hyper-sensitivity to alleged 'insults'.
13. Radical Honesty culture members have different definitions and meaning for forgiveness - clearly defined - who require our culture's members to acquire particular skills and competencies, and to practice what we preach in regards to our Truth and Forgiveness social contract.

Respectfully,



Lara Johnstone  
Radical Honesty SA

---

<sup>11</sup> Exponential Economic & Population Growth World Economy Runaway Train Ponzi Scheme; heading for Cliff of Finite Resources!  
<http://why-we-are-white-refugees.blogspot.com/2011/03/exponential-economic-population-growth.html>

<sup>12</sup> Wikileaks: CableGate: ANC avoid defining "one-man one vote"; & need direct confrontation to mobilize their followers:  
<http://why-we-are-white-refugees.blogspot.com/2010/11/wikileaks-cablegate-anc-avoid-defining.html>

<sup>13</sup> First Amicus Heads of Argument [V] Radical Honesty: Culture and Religion; or Refugee Status



Table of Authorities: As detailed in: Radical Honesty Amicus: Heads of Argument:

I. LEGAL PRINCIPLES ADDRESSED AND RELIED UPON: .....	06
A. Multicultural Conflict-of-Laws Substantive Due Process: Clarity & Impartiality .....	06
B. Bolam Test: Common Law Reasonableness Test: Skill & Competencies .....	08
C. Political Necessity: Freedom of Speech & Civil Disobedience .....	10
D. Judicial Activism: A More Searching Judicial Enquiry: Search for Truth .....	12
E. Ecolaw 101: Laws of Sustainability: Ecological Social Contract .....	13
II: TRUTH AND FORGIVENESS SOCIAL CONTRACT PRINCIPLES .....	16
A. Radical Honesty Overview: Being Specific about Anger and Forgiveness .....	17
B. Stanley Milgram Studies on Obedience: Legal, Socio-political Implications .....	17
C. Common Law Reasonableness Test: Skills and Competencies .....	19
D. Rule of Law & Forgiveness: Individuality, Independence & Integrity .....	19
III: POPULATION POLICY COMMON SENSE PRINCIPLES .....	21
A. Thou Shalt Not Transgress Carrying Capacity Prophets .....	21
B. Eco-Numeracy: Exponential Functions and Carrying Capacity .....	22
C. Tragedy of the Commons: Limited World, Limited Rights .....	23
D. Overpopulation: Resources Scarcity and Resource War Violence .....	24
E. Demographics and Violence: Youth Bulges .....	25
F. Population Pressures, Resource Wars and National Security .....	25
G. How and Why Journalists Avoid the Population-Environment Connection .....	26
IV: TRC FRAUD: 'CRIME OF APARTHEID' FALSIFICATION OF HISTORY .....	28
A. Negligent or Intentional Avoidance of Key Concept Definitions? .....	28
B. Amnesty Meaning Changed without Due Process? .....	28
C. Was Truth and Reconciliation Seen to be Done? .....	29
D. Did 'Evil Apartheid' raise Black living standards to Highest in Africa? .....	31
E. Apartheid: Crime Against Humanity; or Just War for Demographic Survival? .....	33
F. Nature & Causes of Apartheid: A Just War for Demographic Survival? .....	35
G. Farm Murders: A Rainbow TRC Peace, or Racial Hatred War Reality? .....	40
V. RADICAL HONESTY: CULTURE & RELIGION; OR REFUGEE STATUS? .....	41
A. Radical Honesty Culture of Forgiveness Banned in SA Multi-Culture Courts .....	41
B. 40 SA Media: Endorse Legal and Political Persecution of RH White Refugee .....	44
CONCLUSION: TRC SOCIAL CONTRACT: A FRAUDULENT PR PUBLICITY STUNT .....	48
RELIEF: RECOGNIZE RADICAL HONESTY, IMPLEMENT CHOICE OF LAW RULES.....	49
TABLE OF AUTHORITIES.....	50

## TABLE OF AUTHORITIES

Multicultural Substantive Due Process: Minorities, Clarity, Impartiality, Conflict of Interest, etc.

- » Opinion of Weeramantry J in the Case Concerning the Gabcikovo-Nagymaros Project (Hungary v Slovakia) (1998) 37 International Legal Materials 162 206.
- » United States v. Carolene Products Co. , 304 U.S. 144 (1938)
- » Lithgow & others v. United Kingdom (1986) \* EHRR 329 § 110
- » R v Sussex Justices, Ex parte McCarthy ([1924] 1 KB 256, [1923] All ER 233)
- » Smit NO and Others v King Goodwill Zwelithini Kabhekuzulu and Others (10237/2009) [2009] ZAKZPHC 75 (4 December 2009)
- » Sandra Lovelace v. Canada, Communication No. R.6/24 (29 December 1977), U.N. Doc. Supp. No. 40 (A/36/40) at 166 (1981).
- » International Court of Justice: South West Africa Cases: (Ethiopia v. South Africa; Liberia v. South Africa) Second Phase, Judgement of 18 July 1966; Counter-Memorials of South Africa
- » Ex parte Minister of Native Affairs: In re Yako v Beyi 1948 (1) SA 388 (A) at 397.
- » The Truth About The Truth Commission, Anthea Jeffery, SA Inst. Race Relations (SAIRR), 1999
- » Assessment of the Probable Results of Activities of the Truth and Reconciliation Commission (TRC) as perceived by Former Chiefs of the SADF IRO the SADF, by SA Defence Force Contact Bureau
- » Immigration and Refugee (IRB) Ruling by Mr. William Davis: Case MA8-04910: Brandon Huntley

Reasonableness Test: Culture Practices of Necessity Nonviolence Skills, Capabilities

- » Bolam v. Friern Hospital Management Committee [1957] 1 WLR 582; [1957] 2 All ER 118
- » Daborn v Bath Tramways [1946] 2 All ER 333; Watt v Hertfordshire County Council [1954] 2 All ER 368; Gray v Stead [1999] 2 Lloyd's Rep 559; Philips v William Whiteley [1938] 1 All ER 566.
- » Civil Disobedience and the Necessity Defense, by John Alan Cohan, UCLA; Pierce Law Review.

Ecolaw 101: 'Sine Qua Non' for all Rights: Environment, Sustainability, Carrying Capacity

- » Opinion of Weeramantry J in the Case Concerning the Gabcikovo-Nagymaros Project (Hungary v Slovakia) (1998) 37 International Legal Materials 162 206.
- » Van Huyssteen NO v Minister of Environmental Affairs and Tourism 1995 9 BCLR 1191 (C)
- » Proposed Legal Principles for Environmental Protection and Sustainable Development, adopted by the WCED Experts Group on Environmental Law, WCED Our Common Future (1987) 348
- » World Population Plan of Action: adopted at the UN World Population Conference at Bucharest in August, 1974; Appendix 1 to Life and Death of NSSM 200
- » How and Why Journalists Avoid the Population-Environment Connection, by T. M. Maher, Univ. of SW Louisiana, Pop. and Environment, Vol 18, No 4, Mar 1977.
- » World Scientists Warning to Humanity, issued 18 November 1992, issued by 1700 leading scientists from 70 countries, including 102 Nobel Prize laureates in Science.
- » Al Bartlett: (i)Arithmetic of Growth: Methods of Calculation I; (ii)Arithmetic of Growth: Methods of Calculation I; (iii) Arithmetic, Population and Energy: Sustainability 101; (iv) The Essential Exponential!; (iv) Reflections on Sustainability, Population Growth and the Environment
- » Garrett Hardin: (i) Living within Limits; (ii) Limited World, Limited Rights; (iii) Stalking the Wild Taboo; (iv) Tragedy of the Commons;
- » Thomas F. Homer-Dixon, Jeffrey H. Boutwell & George W. Rathjens; Environmental Change and Violent Conflict, Scientific American, Feb 1993
- » Choucri, Nazli: Population & Conflict: New Dimensions of Population Dynamics; Population Dynamics and Local Conflict
- » National Security Council, National Security Study Memorandum (NSSM 200): Implications of Worldwide Population Growth for U.S. Security and Overseas Interests, DC Dec 10, 1974, 227 pp.