

Decision of the Hearings Committee

American Mensa Limited

**Hearing of Acts Inimical to Mensa  
Against  
Alan J. Truelove**

February 5, 2000

Richard Amyx, Chairman  
Darlene Criss  
Fred Berg

## Background

The Bylaws-defined composition of the Hearings Committee of American Mensa, Ltd. (the three most recent Past AMC Chairmen), is Richard Amyx, Chairman; Darlene Criss; and Dave Remine.

### The Complaint

On August 23, 1999, James E.T. Lange, a member of Metropolitan Washington Mensa, filed with the Hearings Committee a complaint of acts inimical to Mensa against Alan J. Truelove, also a member of Metropolitan Washington Mensa. A copy of that complaint is included with this decision as **Attachment A**.

The complaint, as filed, contains five separate charges. After discussion, the Hearings Committee agreed that charges 2 and 3 represented poor behavior on Mr. Truelove's part but could not be considered acts inimical to Mensa. Charges 4 and 5 were simply matters of historical fact, not actions that could be heard as acts inimical to Mensa today.

Charge 1 alleged as an act inimical to Mensa:

The filing of a lawsuit, Truelove, *et al v.* Mensa International Limited, *et al*, Civil Action Number PJM97-3463, in the United States District Court for the Southern Division of Maryland. . . . Mr. Truelove had not exhausted his remedies within Mensa when he filed his lawsuit.

### Definition of Acts Inimical

In American Mensa, "acts inimical to the Society" are generally defined in Action Still In Effect 1998-017, adopted on March 28, 1998:

That "acts inimical to the society" are defined as "deliberate acts that are harmful to, or result in harm to, the society."

However, Mensa does have one specific statutory act inimical, which is contained in the *Constitution of Mensa*, Article III.D, "Disputes Within Mensa":

Members having a dispute with Mensa, with any national Mensa or subdivision thereof, or with another member arising out of Mensa-related activities shall exhaust all avenues of settlement and redress within the Society before taking the dispute to external authorities. Failure to do so may be considered an act inimical to Mensa.

On the basis of the Constitution's definition of an act inimical, the Committee agreed that this charge would warrant a hearing if preliminary investigation supported the allegation.

### Settlement and Redress Within the Society

Within American Mensa, the ultimate arbiter of a dispute between a member and the Society is the American Mensa Committee. In fact, a member can address the AMC in a variety of ways. He can start with a local group official and work his way up; he can write to the Chairman of the AMC or to any individual AMC member; or he can write to the Mensa office and request that his communication be forwarded to the appropriate AMC officer or to the AMC as a whole. However, a member's primary means of seeking redress within the Society is to approach the Regional Vice Chairman of the region in which the member resides or to seek the assistance of the Ombudsman.

### The Dispute

The dispute has to do with Mr. Truelove's having been terminated from use of the Mensa Forum on CompuServe (Forum).

Some time prior to November, 1993, Mr. Truelove took a CompuServe account and began participating in the Mensa Forum. Allegation paragraphs 48 and 60 of a draft version of the complaint Mr. Truelove submitted to the United States District Court, which was presented as evidence during the hearing (and which is included with this decision as **Attachment J**), read as follows:

48. In November 1993, Truelove posted several long messages on Inside Mensa.
60. In 1994 [*sic*], a few days after posting the messages referred to in paragraph 48, Truelove was permanently removed from the whole Mensa Forum, including the 'Inside Mensa' section, and has been refused readmission ever since.

An opinion on Mr. Truelove's case written by United States District Judge Peter J. Messitte on June 10, 1999, fixes the date of Mr. Truelove's termination on the Mensa Forum as December 20, 1993.

On October 16, 1997, Mr. Truelove filed suit with the United States District Court. The allegations against Mensa were for breach of contract and "defamation and intentional infliction of emotional distress."

The allegations against Mensa in this suit constitute "the dispute."

## Preliminary Investigation

The activities of the Hearings Committee are governed by Appendix 5 to the Actions Still In Effect, "Policies and Rules Governing the Conduct of Hearings" (Policies).

Having received from Mr. Lange the complaint of acts inimical to Mensa against Mr. Truelove, the Chairman of the Hearings Committee undertook preliminary investigation to determine whether sufficient facts had been alleged to warrant a hearing (Policies, Rule 5 A).

The preliminary investigation consisted of the Chairman's contacting the Ombudsman and the two people who served as Regional Vice Chairmen for Region 2 between 1993 and 1997 and asking them whether Mr. Truelove had ever sought their assistance in resolving his dispute with Mensa and the Mensa Forum.

Sallie Banko, RVC2 from July 1993–July 1995, replied that he had not.

Didi Pancake, RVC2 from July 1995–July 1997, replied that she had never had contact of any kind with Mr. Truelove.

Ombudsman Allen Neuner replied that although he had had correspondence with Mr. Truelove, he had not received a request for his assistance in resolving a dispute.

On the basis of this preliminary investigation, the Hearings Committee agreed that the complaint submitted by Mr. Lange warranted a hearing.

## Notifications

Notifications were then carried out according to Policies, Rule 5 B.

On November 17, 1999, a letter was sent to Mr. Lange informing him of the Committee's decision that a hearing was warranted on the one charge cited in "The Complaint." A copy of this letter is included with this decision as **Attachment B**.

Also on November 17, 1999, a certified letter, with return receipt requested, was sent to Mr. Truelove informing him of the charge. This letter also established the general place of the hearing as

the Metropolitan Washington, DC, area and suggested a tentative date for the hearing of January 22, 2000. A copy of this letter is included with this decision as **Attachment C**.

The Chairman received the return receipt on December 6, indicating that Mr. Truelove had received the letter on November 30.

### **Challenge of Hearing Committee Composition**

On December 2, 1999, the Chairman received by email a letter from Mr. Truelove challenging the positions of Darlene Criss and Dave Remine on the Hearings Committee. The Chairman also received a copy of the same letter by U.S. mail on December 14. The letter that arrived by U.S. mail was signed, but not dated. However, because that letter arrived within the 15-day time for challenge allowed by the Policies, it is included with this decision as **Attachment D**.

Policies, Rule 6 A, says, "If, in the judgment of the other members of the Hearings Committee, the challenge is warranted . . . that member shall not serve and the vacancy shall be filled as set forth in the Bylaws." Two of the three members of the Committee having been challenged, the Chairman became the only "other member." After consultation with Interpretive Counsel, the Chairman decided not to honor the challenge of Darlene Criss. The basis for Mr. Truelove's objection was his claim that a judge had referred to Mrs. Criss as "prejudiced" during a trial held in 1971. That statement, which had been taken out of context, was the single dissenting opinion in the case, and it referred not to Mrs. Criss's being prejudiced but to a concern that her testimony would prejudice the jury. In any event, the court case Mr. Truelove cited occurred 28 years earlier, before Mrs. Criss joined Mensa, and was wholly irrelevant to Mensa.

On December 16, Dave Remine decided to recuse himself from the Hearings Committee in response to Mr. Truelove's challenge. A copy of the letter in which Mr. Remine announced that he was stepping down is included with this decision as **Attachment E**.

According to the Bylaws, the next people in line to serve on a Hearings Committee after the three most recent Past Chairmen are the three most recent past First Vice Chairmen who are not currently serving on the AMC. In the present case, these people would be, in order, Sallie Banko, Fred (Bear) Berg, and Rose Lee B. Crutcher.

Because either Sallie Banko would be called as a witness at the hearing or her testimony about her contact with Mr. Truelove would be entered as evidence, she could not serve on the Committee.

Fred Berg indicated both his availability and his willingness to serve, and he moved into the vacant position on the committee.

On December 27, 1999, a letter was sent to Mr. Truelove responding to his challenges of Darlene Criss and Dave Remine and informing him of the new composition of the Committee: Richard Amyx, Chairman; Darlene Criss; and Fred Berg. This letter also included confirmation of the hearing date of February 5. A copy of this letter is included with this decision as **Attachment F**.

A copy of the December 27 letter to Mr. Truelove was also sent to all participants in the hearing. Attached to that letter was a copy of the material from Mr. Truelove's web page that he offered in support of his challenge of Darlene Criss. A copy of that web page content is included with this decision as **Attachment G**.

On January 23, 2000, the Hearings Committee Chairman received from Mr. Truelove an email letter offering opinion on both the validity of the scheduled hearing and Mrs. Criss's position on the Committee. Although this letter is not a formal part of the notification process, a copy of it is included with this decision as **Attachment H**.

## Premises

Suitable premises for the hearing having been located during January, on January 24 a letter was sent to all participants announcing the place of hearing as the Embassy Suites Tysons Corner (Vienna, Virginia), setting forth a general procedure for the hearing, and stating several pertinent rules from the Policies. A copy of this letter is included with this decision as **Attachment I**.

## The Hearing

The hearing was called into session by Chairman Amyx at 9:10 a.m., Saturday, February 5, 2000, at the Embassy Suites Tysons Corner, in Vienna, Virginia. Present were the members of the Hearings Committee, the complainant, and the accused; witness Sallie Banko; American Mensa Ombudsman Allen Neuner; Interpretive Counsel Sam Samsil, and a small number of Mensans who had come to observe the hearing (a list of observers is included with this decision as **Attachment T**).

The Chairman began with some administrative matters before commencing the hearing proper. Mr. Truelove interrupted during the administrative matters and insisted on continuing his objection to Mrs. Criss's position on the panel. During the course of this interruption, Mr. Truelove distributed copies of a draft of his suit, to which he referred later and which is included with this decision as **Attachment J**.

At the conclusion of the administrative matters, Mr. Lange read his charge. Both parties were then offered the opportunity to make an opening statement. Mr. Lange did so; Mr. Truelove waived an opening statement.

### First Witness: Sallie Banko

Mr. Lange called his first witness, Sallie Banko, RVC of Region 2 from July 1991 through June 1995.

Mr. Lange asked Ms. Banko whether Mr. Truelove had approached her after December 10, 1993, to ask for her help in resolving his difficulty with the Mensa Forum. Ms. Banko replied that he had not.

Mr. Lange then asked Ms. Banko whether she had approached Mr. Truelove and made the services of her position as RVC available to him. She replied that she had; that she had sent an email message to Mr. Truelove inviting him to contact her. She said she knew that Mr. Truelove would be at the Tidewater Dismal Swamp Regional Gathering. She informed him that she would be there also, that there would be a "rap session" at which he could speak with her, and that in any case she would be present at the RG all weekend. Ms. Banko said, "He never approached me; he did not show up at the RVC rap session."

Ms. Banko further explained that she had, in approximately August, 1995, returned to the AMC first as an appointee to fill the vacated position of Second Vice Chairman. When the First Vice Chairman resigned, she moved into that position, which she held until July 1997. She stated that Mr. Truelove had never contacted her about his difficulty with the Mensa Forum and that, to the best of her knowledge, he had never brought his difficulty to the AMC.

### Cross-Examination by Mr. Truelove

Mr. Truelove asked Ms. Banko whether she had inquired about his membership records during November and December 1993 to determine whether he was a member of American Mensa during that time. Ms. Banko replied that she had not.

## **Second Witness: Allen Neuner, Ombudsman**

Mr. Lange asked Mr. Neuner whether he had been approached by Mr. Truelove, during or after December 1993, asking for his assistance in the matter of Mr. Truelove's being foreclosed from using the Mensa Forum. Mr. Neuner responded that Mr. Truelove had sent him a copy of the complaint [ultimately filed in the U.S. District Court] together with a cover letter, but that the cover letter made it clear that Mr. Truelove was not looking for assistance in resolving the matter.

Mr. Lange then asked Mr. Neuner whether he had been contacted by any other ombudsman—the International Ombudsman or another national ombudsman—concerning Mr. Truelove's complaint against American Mensa. Mr. Neuner responded no.

Mr. Lange asked Mr. Neuner whether he had heard from an Alison Truelove with regard to Mr. Truelove's complaint. Mr. Neuner replied that he had. Mr. Truelove objected, remarking that he believed this hearing related to him alone, and asked Mr. Lange about the direction of this line of questioning. Mr. Lange responded that, because Alison Truelove was included in the complaint to the U.S. District Court, he was attempting to give Mr. Truelove more latitude in the matter of having exhausted all means of redress within Mensa, but that, if Mr. Truelove objected, then he would not pursue it further. Mr. Truelove said that his objection stood and that he appreciated Mr. Lange's respecting it.

### **Cross-Examination by Mr. Truelove**

Mr. Truelove distributed into evidence a letter he had written to Mr. Neuner on April 28, 1994 (which is included with this decision as **Attachment K**). It was established that three handwritten lines beneath Mr. Truelove's name read "British M. / 0004902 / exp. 1/04/95." Mr. Truelove asked Mr. Neuner to confirm that the handwritten lines were a part of the original letter; Mr. Neuner responded that, to the best of his recollection, they were not.

Mr. Truelove also distributed into evidence a two-page document, an undated draft of his complaint to the U.S. district court, explaining that it was the first two pages of a seven-page attachment to the April 28 letter to Mr. Neuner. This document is included with this decision as **Attachment L**.

Mr. Truelove then distributed into evidence two letters written to Mr. Truelove by Mr. Neuner, one dated May 13, 1994 (**Attachment M**), and one dated May 21, 1994 (**Attachment N**). It was established that the letter dated May 13 contains acknowledgment of Mr. Truelove's claim to membership in British Mensa and that both letters contain statements from Mr. Neuner that the Ombudsman of American Mensa does not have jurisdiction in matters involving members of other Mensas.

It was established that paragraph 3 of Attachment L states that Mr. Truelove has been a member in good standing of British Mensa since 1982.

The Chairman of the Hearings Committee then asked Mr. Truelove several questions pertaining to his country of residence and the duration of his membership in British Mensa. These questions elicited no definitive information. In response to a question asking whether Mr. Truelove's British Mensa membership had expired on January 4, 1995, Mr. Truelove distributed into evidence a two-page document consisting of two letters from British Mensa concerning his membership (**Attachment O**). On the basis of these documents, Mr. Truelove asserted that his British Mensa membership had been paid through January 4, 1998.

Mr. Truelove distributed into evidence a letter from him to Rod Vickers, International Ombudsman, dated May 21, 1994 (**Attachment P**). Citing this letter, Mr. Truelove stated his belief that he had concluded his attempts to settle with American Mensa, and he read two paragraphs from that letter into the taped record:

This matter referred to will certainly lead to a Civil charge (as Neuner puts it) by me (and possibly others) against American Mensa, in the U.S.

District Court, DC. As I have received no reply from American Mensa Chair Amyx, and only the attached reply from Neuner (Attachment N), I feel that this concludes my attempt to settle with American Mensa.

To repeat my statement to Neuner, this correspondence does not admit that Article III, section D of the International Constitution is lawful - indeed that clause is clearly unlawful and against public policy, and easily demonstrated to be such, under US law; in addition my membership (October 1962) predates the above clause, and therefore it has no application to me.

Mr. Truelove distributed into evidence a letter to him from International Ombudsman Rod Vickers, dated June 1, 1994 (**Attachment Q**), reading into the record portions of two paragraphs:

Your letter begins "Re Complaint to International Ombudsman" and asks me to "Please regard this letter and its attachments as a formal complaint."

Also, I would not want to act in such a way as to prejudice your case in the U.S. District Court. (Has your suit been filed? And if so, who has been served?) It may be that in filing a suit you have tied my hands in the matter until the disposition of that suit."

Mr. Truelove asked Mr. Neuner if he would like to add any qualifying information to his written statement that the Ombudsman of American Mensa has no jurisdiction over members of British Mensa; Mr. Neuner replied that he did not.

Mr. Truelove then asked Mr. Neuner had ever received any other complaints about the Mensa Forum, to which Mr. Neuner responded, "Only from Alison Truelove."

Mr. Truelove asked Mr. Neuner whether he had taken any follow-up action after writing the letters (Attachments M and N), and Mr. Neuner replied that he had not.

Mr. Truelove asked Mr. Neuner whether a member of British Mensa would be required to report any complaint to a Regional Vice Chairman of American Mensa; Mr. Neuner responded that, in his opinion, a Mensa member who was solely a member of British Mensa need not refer a complaint to any officer of American Mensa.

### **Redirect Examination by Mr. Lange**

Mr. Lange asked Mr. Neuner whether he had received any further communication from Mr. Vickers or other Mensa Ombudsmen; whether he had taken any action on the basis of the letters; and whether he considered the letter to him from Mr. Truelove a request for action. Mr. Neuner's response to all these questions was no.

Mr. Lange asked Mr. Neuner whether, in his opinion as Ombudsman, he considered the letter from Mr. Truelove to Mr. Vickers (Attachment P) to be a request for Mr. Vickers to take action. Mr. Neuner responded that he did not.

Mr. Lange asked Mr. Neuner whether, if he had considered Mr. Truelove's letter to him to be a complaint (Attachment K), even though Mr. Truelove asserted himself to be a member of British Mensa, he would have taken some action. Mr. Neuner replied that he would not have taken action directly, but he would have attempted to make contact with the British Ombudsman or equivalent person about it.

In summary, Mr. Lange asked Mr. Neuner whether he considered, on the basis of documents presented in evidence, that Mr. Truelove had filed a complaint. Mr. Neuner responded that he did not consider that a formal complaint and request for action had been filed with either the American or the International Ombudsman.

### **Mr. Truelove Continues**

Mr. Truelove asked Mr. Neuner to affirm his statement that he did not consider the letter (Attachment K) to be a request for action. Mr. Neuner responded, "There is no request for the Ombudsman to become involved in settling the dispute; that is correct."

There followed here a fairly lengthy diversion into a question of ownership of the CompuServe Forum (which the Chairman had declared irrelevant); a restatement of Mr. Neuner's previous testimony; and a question from Mr. Truelove that amounted to a restatement of the Section III D of the Mensa Constitution (a conclusion of law).

[The hearing recessed at 10:30 for a fifteen-minute break.]

Mr. Truelove continued questioning Mr. Neuner, having distributed into evidence an "Affidavit of David Remine" (**Attachment R**). This affidavit was part of Mr. Truelove's case against Mensa in United States District Court. There then ensued a discussion among the participants in the hearing that did not bear directly on matters germane to this hearing. There was agreement that paragraph 11 of Attachment R reads "Alan J. Truelove was terminated from authorized use of the Inside Mensa section of the Mensa Forum operated by American Mensa, Ltd., on the CompuServe computer network. The termination occurred on December 20, 1993."

Mr. Truelove raised the question of what the word "suspension" in American Mensa Bylaws Section IX (5) might mean. Mr. Truelove drew specific attention to the first two sentences of that section; namely, "A member may be suspended from specific activities, offices, positions or functions, for a specified time, or suspended from membership for a specified time, or expelled from membership, for acts inimical to the society. No member shall be suspended or expelled from American Mensa, Ltd. except following a fair and impartial hearing by the Hearings Committee at which hearing the member shall have the right to present his/her case."

It was agreed, at least by Mr. Truelove and Mr. Lange, that activities subject to "suspension" could include the use of the Mensa CompuServe Forum. Mr. Lange noted, however, that such a matter had never been considered by a Hearings Committee and had not even been suggested until the course of this discussion.

### **Further Evidence from Mr. Lange**

Mr. Lange introduced into evidence a certified copy of the "Civil Docket for Case # 97-CV-3463," Mr. Truelove's suit against Mensa, marked "CLOSED" (**Attachment S**). He stated that he had got this copy on January 27, 2000, and that he had heard of no further action with regard to the case between then and the time of the hearing.

Mr. Lange then recalled Ms. Banko to testify. He asked her whether, during her terms of service on the AMC, she had ever had any communication with or from the International Ombudsman regarding this case. Ms. Banko responded that, to the best of her recollection, she had not. Mr. Lange then asked Ms. Banko whether anyone on the AMC had had any communication with the International Ombudsman involving this case. Ms. Banko responded that, to the best of her recollection, she had not.

### **Cross-Examination by Mr. Truelove**

Mr. Truelove asked Ms. Banko whether, as an RVC, she had ever received any communication from International Mensa regarding a member of another national Mensa. Ms. Banko responded that, to the best of her recollection, she had not.

### **Mr. Truelove's Evidence in His Defense**

Mr. Truelove stated that it was his contention that his termination from participation in the Forum in December 1993 constituted a suspension of membership service. He said that he was a member



of British Mensa only at that time; nonetheless, he complained to various Mensa officials. Mr. Truelove then cited again his letter to Mr. Neuner (Attachment K), along with his belief that “this constituted a very reasonable and complete appeal to the Ombudsman for action. His testimony to the contrary is totally meretricious and speaks ill of his competence in the office. It is burdensome for a person who has been offended like me, a complainant, to have to repeat everything in words of one syllable in a letter to the Ombudsman. . . . I claim he was derelict in duty.”

Mr. Truelove also cited again his letter to Mr. Vickers (Attachment P) and the response from Mr. Vickers (Attachment Q), saying, “. . . and he did imply that he really didn’t want to get involved if a suit was being filed. . . . He didn’t raise the necessity for any internal resolution prior to filing suit . . . and I believe he had a duty to do so.”

In summary, Mr. Truelove said, of the letters written to the American Mensa Ombudsman and the International Ombudsman, noting that each was accompanied by a seven-page draft of his suit against Mensa, “These two things constituted what anyone could reasonably ask of an attempt to reconcile and settle the differences, and I did nothing further until I filed for good and sufficient reasons, which I’ve alluded to [being similarly terminated from use of another computer bulletin board or mailing list], I filed suit October 16, ’97 in the U.S. District Court . . . , which is the sole complaint against me today.”

Mr. Truelove then began a second argument in his defense, citing the Affidavit of David Remine (Attachment R). “It appears from Mr. Remine’s two-page affidavit . . . that my termination was a disciplinary procedure. I claim this is obvious. . . .” Mr. Truelove then repeated his assertion that this falls under the definition of suspension of services as set forth in the Bylaws [of American Mensa]. Mr. Truelove continued, “And I assume from what Mr. Remine says that since the only procedure for suspending a member from services is contained in the Bylaws and involves a Hearings Committee and a ratification by AMC, I assume, Mr. Chairman, that that actually took place. . . . Since that took place, guess what? There ain’t no appeal from an AMC decision, Mr. Chairman. Therefore, I have no case to answer . . . and I believe this hearing is totally void and bogus. Thank you very much.”

### **Mr. Lange’s Cross-Examination of Mr. Truelove**

Mr. Lange asked Mr. Truelove if the letter he sent to Mr. Vickers on May 21 (Attachment P) was the only letter he sent to Mr. Vickers. Mr. Truelove responded, “I cannot recall.” Mr. Lange then asked Mr. Truelove if it were the only letter regarding this matter. Mr. Truelove responded, “I cannot recall. My files are in a state of disarray.”

Mr. Lange then cited Mr. Vickers’ June 1 response to Mr. Truelove (Attachment Q) and asked Mr. Truelove whether it was true that he had never responded to that letter, believing he had done all that he felt necessary to resolve the dispute within Mensa. Mr. Truelove confirmed his earlier statement to that effect. When asked if he had replied to that letter, Mr. Truelove said, “I don’t recall whether I replied; in my recollection, I probably didn’t.”

Mr. Lange pointed out that the letter from Mr. Vickers asked Mr. Truelove for something; namely, two sentences reading, “However, [your letter] did not state specifically what action you would like for me to take in the matter. Would you clarify your request for me, please?”

Mr. Lange reconfirmed that Mr. Truelove was a member of British Mensa during 1993 and 1994, when he was terminated from the Forum and when he wrote his letters to Mr. Neuner and Mr. Vickers. He then asked Mr. Truelove when he had joined American Mensa. Mr. Truelove replied, “I don’t recall.” Mr. Lange asked if there had been a time when Mr. Truelove was being carried on the rolls of both British and American Mensa. Mr. Truelove replied, “I don’t recall.”

Mr. Lange then asked Mr. Truelove to confirm that he was a member of American Mensa when he filed his suit on October 16, 1997; and that in the suit he claimed to be a member of American Mensa. Mr. Truelove confirmed that statement.

Mr. Lange referred to paragraph 11 of the Affidavit of David Remine (Attachment R) and asked him to confirm that it was simply a statement of fact, that no cause for Mr. Truelove's termination from the Forum was cited. Mr. Truelove persisted in his inference that the statement was a result of a disciplinary action and must have resulted from a Hearings Committee and AMC action.

### **Questions from the Hearing Committee**

Mr. Berg asked Mr. Truelove whether he had asked any member of the AMC to intercede in his behalf in his dispute with the Mensa Forum. Mr. Truelove responded, "I don't recall."

Mr. Berg asked Mr. Truelove whether he had, at any point, filed charges with the Hearings Committee against those running the CompuServe Forum. Mr. Truelove responded, "A complete answer would be I did not, for the following reason: that I regard the Hearing Committee as incompetent and malicious and specifically I refer to charges I filed over six weeks ago against a person presently here that Mr. Neuner hasn't seen fit to respond to. The reason I did not file charges was because (a) I'm very familiar with the record of the Dosse case and other matters and I regard this Hearings Committee as a farce."

Mr. Berg asked Mr. Truelove to confirm that although Mr. Vickers had asked him for clarification on certain points, he never did respond to that letter. Mr. Truelove replied, "One word, burdensome, is my response."

Mr. Berg asked Mr. Truelove in which country he held citizenship. Mr. Truelove responded that he holds dual citizenship: in the United Kingdom by birth, and in the United States by naturalization, in 1964.

Mrs. Criss asked Mr. Truelove to point out where the Affidavit of David Remine says that the AMC had ratified Mr. Truelove's termination from the Forum or voted on it. Mr. Truelove stated that, on the advice of an international lawyer known for his work in discipline in nonprofit associations, there's no question about it. "The implication is that the AMC ratified a presumably Hearings Committee decision and I fully stipulate and accept that Mr. Remine, in his notarized statement to the case which may or may not be reopenable, his sworn statement is 100% accurate. I stipulate that."

Mr. Berg asked whether, at the time of his suspension from the Forum, he had copies of the *Constitution of Mensa* and Bylaws of American Mensa. Mr. Truelove responded that he had. Mr. Berg asked if Mr. Truelove were then familiar with procedures for hearings. Mr. Truelove responded that he was, and that he had followed them to the letter. Mr. Berg asked if Mr. Truelove were familiar with the rules of procedure for a carrying out a hearing; namely, with regard to notifying a defendant as to the occurrence of the hearing. Mr. Truelove responded that he was. Mr. Berg then suggested that, since Mr. Truelove had never received any notification of a hearing about his being terminated from the Forum, such a hearing had never taken place. Mr. Truelove objected, saying that he might well have been sent emails that have disappeared. "I don't know whether they notified me," Mr. Truelove said. "Maybe they did. I cannot testify of my own knowledge, and my inference from this sworn Federal court statement is that everything was done kosher, tickety-boo fashion. I accept what Mr. Remine says. I'm sorry that the Hearings Committee reached that decision and that I was sanctioned by being suspended from membership service which as counsel has reminded us is indeed included within the meaning of the act."

Here ended the examination phase of the hearing.

Mr. Lange and Mr. Truelove then delivered closing remarks.

Mr. Truelove left the hearing at 12:16 p.m.

The hearing was adjourned at 12:19 p.m.

## Footnote to the Hearing

In the three minutes remaining in the hearing following Mr. Truelove's departure, the Chairman described what happens next; that is, how the Hearings Committee will reach its decision and publish that decision, and read into the record the following admonition:

In order to avoid the appearance that one party may have some advantage over the other, all parties are reminded that they may not communicate privately with the Hearings Committee as a whole or with its separate members. This restriction on communication includes both written and oral communication, and will continue throughout the hearing and until the Hearings Committee has published its decision on the charge.

This same admonition was included in the letter that was sent to both Mr. Lange and Mr. Truelove by U.S. mail on January 24 and by email on January 25.

That admonition notwithstanding, on Friday, February 18, the Chairman of the Hearings Committee received a letter from Mr. Truelove by FedEx. The subject line on that letter read "Re Further Documentation and Comments Re Hearing of Charges." The Chairman returned the enclosed materials to their envelope, unread. These materials will not be read prior to the issuance of the Hearings Committee's decision, nor will receipt of them prejudice the Hearings Committee's decision.

## Facts As Found by the Hearings Committee

The Hearings Committee met immediately following the hearing to review the evidence and testimony presented in the case and come to its decision. The evidence and testimony fell into three broad categories:

1. Mr. Truelove's country of membership.
2. The question of Mr. Truelove's making use of the Regional Vice Chairman and Ombudsman as part of his exhausting "all avenues of settlement and redress within the Society before taking the dispute to external authorities."
3. Mr. Truelove's defense argument that he had been removed from the CompuServe Forum by action of a Hearings Committee and the AMC.

### Mr. Truelove's Country of Membership

The questions of when Mr. Truelove was a member of British Mensa and American Mensa could not be resolved from the evidence presented at the hearing. The Committee agreed that it was confusing at best and was not conclusive no matter how it was considered.

On February 7, the first business day following the hearing, the Chairman contacted the business offices of both American Mensa and British Mensa and asked what their membership records showed for Mr. Truelove. Unfortunately, the membership records of both organizations are incomplete prior to 1994 or 1995; however, what could be verified is this:

- Mr. Truelove joined or rejoined American Mensa as of April 1, 1996, has been a member of American Mensa continuously since, and has paid dues through March 31, 2000.
- Mr. Truelove joined British Mensa in 1982 and was a member of British Mensa from 1994 until July 1997, except for a two-month lapse during June and July of 1996.

The Committee does not dispute Mr. Truelove's claim to membership in British Mensa during 1993. Its primary concern was his dates of membership in American Mensa.

The Committee does note, however, that Mr. Truelove was a member of both British Mensa and American Mensa during 1996, except for the two-month lapse cited, in violation of Section III.B.3 of the *Constitution of Mensa*.

## Use of RVCs and Ombudsman

### Regional Vice Chairmen

Testimony of both Ms. Banko and Mr. Truelove establish that Mr. Truelove did not contact a Regional Vice Chairman or any other member of the AMC for assistance in resolving his dispute before filing his suit.

### Ombudsman

The Committee acknowledges that Mr. Truelove did write to both the American Mensa Ombudsman and the International Ombudsman before he filed his suit on October 16, 1997. The question is whether, in his letters, he actively sought the help of the ombudsmen in resolving his dispute. In that regard, the Committee notes these facts:

- According to the Affidavit of David Remine (Attachment R), Mr. Truelove's access to the Forum was terminated on December 20, 1993. Mr. Truelove's letter to the American Mensa Ombudsman (Attachment K) is dated April 28, 1994, and his letter to the International Ombudsman (Attachment P) is dated May 21, 1994. Both these letters had a seven-page draft of his suit attached. It is therefore clear that Mr. Truelove began drafting his suit *before* he contacted the ombudsmen.
- In his letter to the American Mensa Ombudsman (Attachment K), Mr. Truelove said, "This letter does not imply that I concur with any regulation to the effect that legal disputes must first be submitted to the Ombudsman, and I regard such as against public policy or otherwise unlawful. Nowhere does this letter contain a statement of a problem or a request for the American Mensa's Ombudsman's assistance in resolving it.
- In his letter to the International Mensa Ombudsman (Attachment P), Mr. Truelove said "To repeat my statement to Neuner, this correspondence does not admit that Article III, Section D of the International Constitution is lawful - indeed that clause is clearly unlawful and against public policy, and easily demonstrated to be such, under US law; in addition my membership (October 1962) predates the above clause, and therefore it has no application to me."

Nowhere does this letter contain a statement of a problem or a request for the International Ombudsman's assistance in resolving it. Moreover, not only does Mr. Truelove repeat his belief that the provisions of Section III.D of the *Constitution of Mensa* are unlawful, he states a belief that he is exempt from them. Continued membership in Mensa includes agreement to accept and abide by its rules.

- The reply of the International Ombudsman to Mr. Truelove on June 1, 1994 (Attachment Q), says, "Your letter begins 'Re Complaint to International Ombudsman' and asks me to 'Please regard this letter and its attachments as a formal complaint.' However, it did not state specifically what action you would like for me to take in the matter. Would you clarify your request for me, please?" Mr. Truelove did not respond to this letter.

Further, the International Ombudsman said, "Also, I would not want to act in such a way as to prejudice your case in the U.S. District Court. (Has your suit been filed? And if so, who has been served?) It may be that in filing a suit you have tied my hands until the disposition of that suit."

It is the opinion of the Hearings Committee that, by attaching the draft copy of his suit to his letter to the International Ombudsman, Mr. Truelove gave the International Ombudsman the impression that a suit might already have been filed; in other words, that the filing of a suit preceded contact with the Ombudsman and therefore precluded any action on the Ombudsman's part. Absent a specific complaint and request for action from Mr. Truelove, the International Ombudsman's uncertainty and reluctance to act appear to have a rational basis.

### **Mr. Truelove's Membership and Time Considerations**

In his defense, Mr. Truelove claimed that, because he was a member of British Mensa at the time he was terminated from the Forum and when he wrote to the ombudsmen, he was not required to contact any officials of American Mensa in an attempt to resolve his dispute before filing suit.

The Hearings Committee agrees that Mr. Truelove was not obligated to make use of American Mensa resources for dispute resolution while he was a member of British Mensa. However, the Committee also notes these facts in this regard:

- Mr. Truelove did not present evidence indicating that he had contacted the British Mensa "Complaints Monitor," the British Mensa analogue to the American Mensa Ombudsman.
- Mr. Truelove has been a member of American Mensa from April 1, 1996, until the present, thus giving him a year and a half to seek settlement and redress through American Mensa means before he filed his suit on October 16, 1997.

### **The Phantom Hearing**

The sentence from the Affidavit of David Remine (Attachment R) upon which Mr. Truelove based this part of his defense reads:

Alan L. Truelove was terminated from authorized use of the Inside Mensa section of the Mensa Forum operated by American Mensa, Ltd. on the CompuServe computer network. The termination occurred on December 20, 1993.

It does not state the cause for Mr. Truelove's termination from use of the Forum or the mechanism or agent by which that termination took place. Yet from it, Mr. Truelove inferred that his termination represented a sanction under Section IX(5) of the Bylaws of American Mensa; that a hearing must have been held; that his termination from the Mensa Forum was a sanction imposed by that hearing; that the action of that Hearings Committee was ratified by the AMC; that there was no appeal to the action of the AMC; and that, therefore, the present hearing had no validity.

The Hearings Committee notes these facts in the matter:

- Both Mr. Truelove and Mr. Lange were cautioned at the outset of the hearing that it pertained to the fact of Mr. Truelove's having filed the suit and not the content of it. This line of defense pertains to the content of the suit and is not relevant to this hearing.
- A Hearings Committee is convened *only* in response to a charge of acts inimical. The Chairman read into the record of this hearing policy statement number 1 from the Policies:

The function of the Hearings Committee is limited. It is to:

1. Receive and review charges of acts inimical to Mensa brought before it;
- Mr. Truelove's conduct on the Forum was never alleged to be an act inimical to Mensa; no charges of acts inimical to Mensa were brought against him for it; and no Hearings Committee was convened in the matter.

The Hearings Committee has chosen simply to disregard this line of defense.

## Decision

From the facts found, the Hearings Committee concludes as follows:

- Mr. Truelove did not appeal to the Regional Vice Chairman of his region for assistance in resolving his dispute either when he was a member of British Mensa or when he was a member of American Mensa.
- Mr. Truelove did not ask the American Mensa Ombudsman, the British Mensa Complaints Monitor, or the International Ombudsman for assistance in resolving his dispute. To the contrary, it would seem that he denied the legitimacy of the ombudsmen in the letters he wrote to them; that, by including a draft of his suit when corresponding with the ombudsmen, he was issuing notice or flinging a gauntlet rather than seeking assistance; and that he consciously disregarded a request of the International Ombudsman to clarify his complaint. Further, although Mr. Truelove testified that he found it “burdensome” to be expected to seek help from the ombudsman, he did not find it burdensome to spend four years preparing a suit against Mensa.

This Hearings Committee therefore holds that Mr. Lange was successful in demonstrating his charge that Alan J. Truelove did not exhaust all avenues of settlement and redress within the Society before taking his dispute to external authorities, and that Mr. Truelove is guilty of committing an act inimical to Mensa.

## Sanction

Although the Hearings Committee cannot consider any previous offenses or actions on the part of the accused when hearing the charges brought before it, it can—and it will—when deciding what sanction, if any, might be appropriate.

Long-time active Mensa members or observers will recall, as Mr. Lange cited in his original complaint, that Mr. Truelove filed suit against Mensa in the early 1970s. He was tried by the equivalent of a Hearings Committee at the time and suspended from American Mensa for a period of six years, from 1976 until 1982.

Also, as Mr. Lange cited in his original complaint, Mr. Truelove posted his entire draft suit, which included derogatory remarks about former Mensa officers, on the Internet. It was posting these derogatory remarks, and others, that caused Mr. Truelove to be expelled from the Mensa Forum. Mr. Truelove attempted to bring these derogatory remarks into this hearing as part of his testimony.

While his suit was before the U.S. District Court but before it was decided upon, Mr. Truelove boasted on Internet newsgroups about how much his lawsuit was going to cost Mensa and how dearly Mensa was going to pay. The language used has to make one wonder whether Mr. Truelove was using his suit as a legitimate means of redress of wrong or as a tool to inflict damage upon Mensa.

As for the suit itself, of which Mr. Truelove has made much and which considers may be “reopenable,” as he said during the course of this hearing):

At the hearing, the Chairman set down as a ground rule that that suit had been heard and decided in United States District Court, that it was over and done with, and that the content of the suit was not a subject of the hearing. What was relevant to the hearing was only the fact that the suit had been filed. Mr. Truelove seems to pay little attention to rules that do not operate in his favor, and he tried at least twice to revisit his grievances against Mensa. But he consistently overlooks several relevant facts about his own suit. The following information is taken from the opinion of United States District Judge Peter J. Messitte, dated June 10, 1999; quoted material is taken directly from that opinion.

The suit was against four defendants: Mensa International, American Mensa, CompuServe, and L-Soft International (apparently a company similar to CompuServe, which hosted a mailing list based in Australia). Plaintiffs in the case were “Alan J. Truelove, for himself and as Parent and Next Friend of Alison H. Truelove, his minor daughter.” The allegations against Mensa were for breach of contract and “defamation and intentional infliction of emotional distress.”

The breach of contract allegation against Mensa related to Mr. Truelove’s having been terminated from the Inside Mensa section of the CompuServe Forum and his having been deprived of certain rights of Mensa membership. “Under Maryland Law, a breach of contract claim must be filed within three years from the date of breach. . . . Alan Truelove was terminated from the Mensa forum and the Inside Mensa sub-forum on December 20, 1993. The initial complaint in this case was not filed until October 16, 1997, nearly four years later. Any breach of contract claim against the Mensa organizations for his removal from the Mensa forum and Inside Mensa section is accordingly time-barred.”

With respect to the claim of “defamation by reason of statements posted to the Inside Mensa section,” Maryland law states that an action for defamation must be brought within one year after the cause of action accrues.

With respect to the claim of defamation on the L-Soft list, “Finally, the Mensa defendants seek dismissal of Alan Truelove’s claim arising from statements posted to the L-Soft List. The Mensa defendants argue that this claim is barred by s230 of the Communications Decency Act, 47 U.S.C. s230 (West Supp. 1999). The court agrees.”

“His intentional infliction of emotional distress claim meets a similar fate. Maryland’s 3-year limitations period for civil actions in general applies. *See* Md. Code Ann., Cts. & Jud. Proc ss5-101 (1998). Thus, apart from the virtual certainty that no cause of action for intentional infliction of emotional distress could be posited on the facts here pleaded, *See Kentucky Fried Chicken National Management Co. v. Weathersby*, 326 Md. 663, 607 A.2d 8 (1992) (tort applied sparingly and only for opprobrious behavior), this action is also barred by limitations.”

Mr. Truelove has said that his case was dismissed on technical grounds. It seems likely that Mr. Truelove’s own failure to file timely constituted the technical grounds, and he was spared the rigors of having his claim for emotional distress dealt with by the court.

Additionally, the “Mensa defendants” sought dismissal or summary judgment on several grounds. “Their first argument is that the Court lacks subject matter jurisdiction because this suit is based on diversity of citizenship and the amount in controversy does not satisfy the requirements of 28 U.S.C. s1332 (d), i.e., it does not exceed the sum of \$75,000 exclusive of interest and costs. . . .

“Both Plaintiffs allege damages in excess of \$75,000. But whereas Alan Truelove asserts that he has lost valuable business contacts and that his professional reputation has been irreparably harmed as a result of the purported libelous statements posted to the Inside Mensa Section and the L-Soft List, Alison Truelove makes no similar claims. In fact, in support of her prayer for monetary damages Alison Truelove makes no factual allegations whatsoever. She offers no basis for assigning any value to her claim. In light of this omission, the Court finds that Plaintiff Alison Truelove has failed to establish subject matter jurisdiction. Her claims against the Mensa defendants and CompuServe will, therefore, be dismissed.”

In a footnote to the matter of damages, Judge Messitte says, “They pray \$37,501 in actual damages for ‘loss of reputation and loss of membership privileges,’ and \$37,501 punitive damages. Although punitive damages may be considered for jurisdictional purposes in some instances, courts closely scrutinize a claim when the punitive damages claim makes up the bulk of the claim in controversy. [citation omitted] Courts have been skeptical where punitive damages appear to be asserted for the apparent purpose of meeting the jurisdictional minimum. [citation omitted] This Court, to be frank, is skeptical of the punitive damage claim in the present case.”

In a Final Order of Judgment, also dated June 10, 1999, Judge Messitte said, “FINAL JUDGMENT is hereby entered in favor of Defendants Mensa International, Ltd., American Mensa Ltd., and CompuServe, Inc. and against Plaintiffs Alan J. Truelove and Alison H. Truelove. . . .”

So Mr. Truelove’s suit was dismissed because of his failure to file timely and in accordance with precepts of law; and the judge, in rendering an opinion on the causes for dismissal, cast strong doubt on the validity of Mr. Truelove’s claims of intentional infliction of emotional distress and the amount of damages. The inference from the judge’s comments is that, even if the suit had been filed timely and heard, it still would have lost because of doubt about the validity of the claim of emotional distress and the amount of damages.

Mr. Truelove’s suit was effectively groundless, a point that invites questions about his motivation. Each of these actions can be seen as consistent with an intent to cause harm to Mensa. Although this Hearings Committee understands that no sanction it might impose upon Mr. Truelove can prevent him from suing Mensa in the future, it sees no reason why he should be allowed to enjoy the benefits of membership in American Mensa while he does.

On the basis of the findings in this hearing, and considering Mr. Truelove’s history of demonstrated ill will toward Mensa, this Hearings Committee imposes the sanction of expulsion from American Mensa.