

DUE PROCESS DENIED—LSM’s QUARANTINE OF TITUS*

On a cold clear Saturday night in October, the moon gradually rose over the pristine Rocky Mountains surrounding Whistler, BC, Canada, venue of the next Winter Olympics. Late in the night groups of men gradually emerged from the Telus Conference Center, sober-faced and talking in hushed tones. Clearly this was not the *après-ski* crowd. On the contrary, these were godly men attending LSM’s Elders’ Training.¹ A marathon 5-hour session had just ended in which evidence was presented and judgment pronounced. The evidence is summarized in an 18-page brief entitled,² “Different Teachings and Dissenting Views of Titus Chu...” The judgment consisted of a “Quarantine Letter”³ signed by 63 “blending co-workers,” representing six continents and many countries. It directs⁴ “*all the saints to...mark Brother Titus Chu and those who disseminate his divisive views and his dissenting speaking and turn away from them.*” It urges believers “*to keep a watchful eye on these contagiously divisive persons and to cease interaction with them.*” Moreover, it admonishes followers “*not to read the materials published and spread by these brothers in printed form or on the Internet,*” because they “*spread spiritual sickness and death.*” In any Christian group such a verdict is severe. It is particularly harsh in a close-knit faith-community like the Lord’s recovery.

Discipline should be the outcome of a fair and transparent quasi-judicial process at which the “accused” answers charges and presents his own evidence in self-defence. In this case, the “accused” was neither notified nor present. Brother Titus Chu was “tried and convicted *in absentia.*” The “prosecution’s case” was clearly presented. The “case for the defence,” however, was conspicuously absent. Only one side of the story was presented. LSM’s “Defense & Confirmation Project,” led by Dan Towle, was given every opportunity to present their “evidence,” both oral and written. In stark contrast, no opportunity was provided to present a defence. Nevertheless, judgment was pronounced; a verdict was declared; a sentence was passed. Here we ask: Was this a “fair trial”? Was this disciplinary hearing balanced or biased? What happened to due process?

What is “Due Process”?

Under the US Constitution, both the 5th and 14th amendments guarantee “due process of law.” They guarantee no person will be deprived of life, liberty, property, etc. through improper procedures. Everyone has the right to “**procedural due process.**” In layman’s terms, this means⁵ “*All parties who may be affected by a judgment are entitled to a fair hearing. At the very least, this means advance notice of what is to be claimed against them, the opportunity to confront and cross-examine those who are testifying against them, and an opportunity to tell their side of the story.*” A lawyer explains further,⁶ “Procedural due process is essentially based on the concept of “fundamental fairness”...it includes an individual’s right to be adequately notified of charges or proceedings involving him, and the opportunity to be heard at these proceedings.” The kind of proceedings or “hearing” to which one is entitled includes the right to:⁷

1. An unbiased tribunal.
2. Notice of the proposed action and the grounds asserted for it.
3. Opportunity to present reasons why the proposed action should not be taken.
4. The right to present evidence, including the right to call witnesses.
5. The right to know opposing evidence.
6. The right to cross-examine adverse witnesses.
7. A decision based exclusively on the evidence presented.
8. Opportunity to be represented by counsel.
9. Requirement that the tribunal prepare a record of the evidence presented.
10. Requirement that the tribunal prepare written findings of fact and reasons for its decision.”

When these properties, designed to guarantee fundamental fairness, are absent any decision is rendered suspect because biased processes tend to produce unjust and unfair outcomes.

LSM’s Quarantine--Was There Due Process?

A “trial,” or disciplinary hearing, occurred in Whistler, BC, Canada, at LSM’s Elders’ Training. Oral testimonies were given; written was evidence presented; the accused was convicted and judgment was pronounced. The verdict was quarantine. Based on the criterion outlined above, we

ask: Did the proceedings at Whistler, BC, Canada, conform to the requirements of due process?

Consider the 10 characteristics of a fair hearing enumerated above. Some points are open to subjective interpretation. However, others can be objectively verified. The last two requirements were fulfilled—if one considers the “Quarantine Letter” and the DCP document, along with the 5-hour DVD, as representing the decision, findings, reasons and evidence related to this case. However, numbers 2, 3, 4, 6 and 8 (above) were patently violated during the Whistler proceedings. For the “accused,” there was:

- **NO** notice given of the proposed action and the grounds asserted for it.
- **NO** opportunity to present reasons why the proposed action should not be taken.
- **NO** opportunity to present evidence, including the right to call witnesses.
- **NO** opportunity to cross-examine adverse witnesses.
- **NO** opportunity to be represented by counsel.

We posed the question: **Did the LSM proceedings at Whistler conform to the requirements of due process?** We conclude—**No! Due Process Was Denied.**

This was not a “fair trial,” nor an unbiased hearing. Hence, the outcome is suspect. Why was only the “prosecution’s case” presented? Why was no opportunity given for the “case for the defence”? The accused was not notified, not present and given no opportunity to be heard. The accused could not question either witnesses or evidence. There was an obvious denial of due process. Not only so, the verdict charges the saints not to read materials written by the accused. The “blended co-workers” charge, *“We also admonish the saints not to read the materials published and spread by these brothers in printed form or on the Internet.”* (p. 4) The “blended co-workers” don’t want anyone to re-examine this case, looking at both sides. Are they afraid of an objective appraisal?

Exceeding Righteousness OR “Kangaroo Court”?

In response to this critique, the “blended co-workers” may retort, *“This is not a secular law court. This is the Body, a higher realm. Here constitutional rights like ‘due process’ don’t apply!”* To this I answer, as kingdom people, shouldn’t our righteousness “exceed that of the Pharisees” (Matt. 5:20)? Shouldn’t the standards of justice and fairness in the Lord’s recovery exceed those in the secular world? Secular society guarantees a standard of righteousness in its law courts, arbitration hearings and disciplinary procedures. Shouldn’t the “Lord’s recovery” exhibit (and be seen to exhibit) an even higher standard? We ask: To the objective observer did the proceedings at Whistler exhibit “exceeding righteousness”? Or did they have the appearance of a “Kangaroo court”—a self-appointed tribunal that violates established standards of fairness? Yes, in this instance, the issues involved are “spiritual” (e.g. different teachings,) rather than secular. However, that doesn’t mean basic requirements of justice and fairness can be violated. Even God gives every sinner his “day in court” (Rev. 20:12). The Lord will give every believer a hearing at His judgment seat (Rom. 14:10). Yet at Whistler, even that basic requirement of due process was violated. Established standards of fairness were contravened. Is this how God-men behave?

Where is ‘Due Process’ in the Bible?

Perhaps some will ask: Where is ‘Due Process’ in the Bible? It is in Acts. In claiming his privileges as a citizen (Acts 16:37; 22:25) and appealing to Caesar (Acts 25:11), the Apostle Paul exercised his right to due process under Roman law. Paul was entitled to a hearing before Caesar. He asserted that right. Witness Lee commends Paul for this action.¹⁰

Based on Paul’s pattern, LSM and the “blended co-workers” have claimed their right to due process under US law. Justifying their litigation against Harvest House, LSM says,¹¹ *“We believe that our appeal to the law courts...is in the category of Paul’s appeals in the book of Acts.” Again,*¹¹ *“We consider the appeal to the courts by Living Stream Ministry...to be similar to Paul’s in Acts 25...”* An obvious question arises: LSM and the “blended co-workers” claim their right to due process when dealing with others (e.g. Harvest House). Why then do they deny Titus Chu the same right? Isn’t there a double standard here? Externally, when LSM is the aggrieved party, they claim the right to a fair trial before the US courts. Yet internally, LSM denies (so-called) “dissidents” the right to a fair hearing before an unbiased tribunal. Why the difference? Yes, one is dealing with a “secular”

matter (libel), while the other with "spiritual" matters, (alleged "different teaching"). Yet, shouldn't both be characterized by due process, having an unbiased, fair and open procedure? In Titus Chu's case, this was not done. Accepted standards of fairness were violated. Due process was denied.

Acts 15—"the Highest Pattern"—Listening to Opposers

Giving the accused an opportunity to speak, characterizes fairness in due process. It also exemplifies the Biblical pattern. Watchman Nee commended Acts chapter 15 as the unique Scriptural pattern of decision-making in the Church and the work. He called it the "highest pattern," saying,¹² "*Acts 15 has been set before the church...this unique instance is the pattern accepted by the church for the past two thousand years....this is the highest pattern.*" Brother Nee emphasized, at that conference, opportunity was given for all to speak, even opposers.¹³ Based on this, he counselled,¹⁴ "*You should give those who oppose and who have different opinions the opportunity to speak by telling them, 'Speak as much as you wish'...God desires that....The brothers with authority, should ...listen to all the opposing words.*" Contrast this "highest pattern" with the proceedings at Whistler. Was any opportunity given to (so-called) "opposers" to speak? No! Did the brothers assuming positions of authority listen to any "opposing words"? No! Why was the "highest pattern" of Acts 15 not applied? Brother Nee concluded,¹⁴ "*If a brother cannot listen...to the arguments of the opposers, then he is not qualified to be a leader in the church.*" May we ask (based on this word), at Whistler, how many leaders were "disqualified" by their unwillingness to listen to (so-called) "opposers"? Watchman Nee says,¹⁵ "*This is the principle by which things are settled in the Bible.*" Why are things not being settled according to this principle in the recovery? Why were the biblical principles of Acts 15 not being applied by LSM's "blended co-workers"?

"The true Acts 15 Conference...already taken place"

Perhaps the "blended co-workers" will respond saying, "*What transpired at Whistler was neither a "trial" nor a "disciplinary hearing." It was issuing a 'Warning'.*" However, in this case, the "Warning" involved a severe disciplinary measure—quarantine. During LSM's Elders' training, serious accusations were levelled against Titus Chu and a verdict was declared. Many may agree that Whistler was not a disciplinary hearing, but rather the recitation of a predetermined judgment, buttressed by one-sided evidence. But, if indeed the proceedings at Whistler did not constitute a disciplinary hearing, when did such a hearing take place? Perhaps, the "blended co-workers" will retort, "*Where? Elsewhere! When? At an earlier date!*" In that case, we inquire further—Was Titus Chu present? On that occasion were the requirements of due process fulfilled? Or was there a secret, backroom hearing in which Titus was "tried and convicted *in absentia*"? Was it a fair hearing or a "Kangaroo court"?

Some may also respond, "*Whistler was not an Acts 15 meeting! That occurred previously!*" This would not be the first time the "blended co-workers" have asserted a decisive meeting already occurred *in absentia*. The Great Lakes brothers wrote repeatedly to the "blended co-workers" requesting an "Acts 15-type" meeting to resolve the issues surrounding Brother Titus Chu.¹⁶ Eventually, the "blended co-workers" responded, saying¹⁷ "***The true Acts 15 conference that you requested had already taken place*** over a period of many months in meetings of the co-workers from all parts of the earth." Essentially, we were told, "Sorry, the Acts 15 meeting you requested has already happened. You were not invited!"

The Great Lakes brothers challenged the "blended co-workers'" assertion that "a true Acts 15 Conference...had already taken place." They wrote:¹⁸

"According to our understanding an "Acts 15" type meeting is constituted by having all the interested and affected parties attend. ...the affected parties surely include Brother Titus Chu and Brother Yu-Lan Dong from Brazil. However, in your letter to Brother Titus, you acknowledge that Brother Titus was not present.¹⁹...More generally you admit that (in your words) "*the brothers who have expressed disagreement...on this matter were not present in those meetings.*"²⁰

Dear brothers, since the brothers most affected by this issue were not present, how can you claim *ex post*, in their absence, that a "*true Acts 15 Conference...[has] already taken place*"? Surely the absence of affected brothers and even brothers who disagree, violates a necessary condition for a "true Acts 15 conference." [Great Lakes brothers, Feb. 28, 2006]

The point here is that there is a pattern of the “blended co-workers” conducting hearings *in absentia*. Not only was Titus Chu absent from Whistler; he was also absent from earlier gatherings directly affecting him. The “blended co-workers” claim to have conducted “Acts 15”-type gatherings to decide matters related to Brother Titus Chu. However, their own correspondence indicates that Titus Chu was not present! Again, the requirements of “due process,” accepted standards of fairness, and the biblical pattern have all been violated. The affected parties were not present at meetings deciding their fate. Due process was denied.

“Brother Lee did it; We can do it.”

Lastly, let me anticipate another justification for the quarantine—“Brother Lee did it; So, the “blended co-workers” can also do it.” Brother Lee’s quarantine of certain brothers in the late 1980’s may be used by some to justify current measures. Please permit me to briefly respond with two points:

- (1) What Witness Lee did, the “blended co-workers” cannot necessarily do. They have not inherited Brother Lee’s position. The “Phoenix Accord”²¹ was signed by both the “blended co-workers” and Titus Chu. They all declared,²² “We acknowledge Watchman Nee and Witness Lee as our spiritual fathers in the Lord.” They acknowledged themselves and each other as “spiritual children,” in relation to Witness Lee, belonging to the “next generation.” The passing of the “father” [W. Lee] does not bequeath the “fatherhood” to any sub-set of children. No group of sons can declare to the other children, “We have the fatherhood now. We can do whatever our father did!” It doesn’t work that way. Fatherhood is neither bequeathed nor inherited. No individual member of the next generation succeeds to the position of “father” in relation to the rest. Both the “blended co-workers” and Titus Chu are brothers (in relation to one another) and senior co-workers in the recovery. We reject as unfounded, the (unqualified) proposition “Whatever Brother Lee did, the ‘blended co-workers’ can do.”
- (2) Applied across the board, this proposition—“We can do whatever Brother Lee did”—assumes Brother Lee never made any mistakes. Perhaps this is the “blended co-workers” concept.²³ Yet, Witness Lee himself, on several occasions, acknowledged making mistakes. He said,²⁴ “do not think that any leader could not make a mistake. Only the Lord Jesus, the unique Leader, never made any mistake, [A]ll of us...have made many mistakes.” He also wrote,²⁵ “I have always intended to do the right thing, I have nevertheless made many mistakes, even some big mistakes.” Moreover, the view that he never erred, is contradicted by Brother Lee’s “deep repentance” in his final public speaking. He was speaking²⁶ “Concerning the matter of receiving people according to God,” which surely has implications for rejecting (quarantining) people. In this context, Brother Lee said,²⁷ “We all made mistakes in this matter in the past, I myself included; I confess that, I had, for this matter and before the Lord, a very painful repentance.” Is it not conceivable that Brother Lee’s repentance (at least to some degree) included the quarantining of certain brothers in the 1980’s? If this is indeed a possibility, justifying the present quarantine based upon historical precedent risks blindly repeating past mistakes. The lack of due process and the absence of anything approximating a fair hearing, only raises those risks and casts doubt on the validity of the present quarantine.

Nigel Tomes

November, 2006

NOTES

* The views expressed here are my personal views. They do not necessarily express the views of any other elders, workers or any local church with whom I am associated.

1. Officially known as the “International Training for Elders and Responsible Ones” (ITERO) held in Whistler, BC, Canada from Thursday, October 5 to Saturday, October 7, 2006.

2. The full title is: Different Teachings and Dissenting Views of Titus Chu and Certain of His Co-workers by “Defense & Confirmation Project” (October 8, 2006). Posted on, “AFaithfulWord.org,” an LSM-approved website. Hereafter, we refer to this as DCP’s “Different teachings.”

3. The title in full is: A Warning to all the Saints and all the Churches in the Lord’s Recovery Concerning Titus Chu and those who Promote and Disseminate his Divisive Teachings, Publications, Practices and Views.”

(October, 1, 2006) Signed "on behalf of all the blending co-workers in the Lord's recovery" by 63 brothers representing various continents and countries. Posted on the LSM-approved website, "AFaithfulWord.org." Hereafter, we refer to this document as the "Quarantine Letter" or "Warning Letter."

4. Quotes from LSM's "Quarantine Letter" p. 4

5. Quote from: "The Right to Due Process of Law", Canadian Civil Liberties Association, www.ccla.org. We note further that although the 5th and 14th amendments refer specifically to the US federal and state governments, the US courts have applied the right to due process beyond interactions with the government. For example the Courts in a California case "imposed due process-like requirements on a orthodontic society that refused to admit a new member, *Pinsker v. Pacific Coast Society of Orthodontists*, 526 P.2d 253 (Cal. Sup. Ct. 1974). This case held that the decision of the Society to exclude or expel a member could not be "arbitrary" and that the Society had to allow an affected individual a meaningful opportunity to respond to the charges against him." [The Private Due Process Train Is Leaving The Station," American Bar Association <http://www.abanet.org/adminlaw/news/vol23no4/statenew.html>]

6. Cornell Law School, Legal Information Institute, http://www.law.cornell.edu/wex/index.php/Due_process

7. The following 10 points were enumerated by "The late Judge Henry Friendly in his well-regarded article, "Some Kind of Hearing," [123 University of PA Law Review, 1975, p. 1267.] Judge Friendly generated this list that remains highly influential, as to both content and relative priority.

8. Quote from LSM's "Quarantine Letter" p. 4

9. "Kangaroo court" defined as, "An unfair trial in which the rights of the accused and precepts of justice are ignored and the outcome is usually known beforehand." Cornell Law School, Legal Information Institute, http://www.law.cornell.edu/wex/index.php/Kangaroo_court

10. Witness Lee writes, "*Paul knew the value of Roman citizenship. He knew that Roman law protected those who were Roman citizens...Now...Paul, according to Roman law, appealed to Caesar.*" (W. Lee, Life-study of Acts, p. 578) Moreover, Brother Lee does not view Paul's appeal as motivated by self-interest. He writes, "*Without this appeal, [Paul] would have been killed...and he would not have been able to write his last eight Epistles.*" (W. Lee, Acts, p. 577) *Paul's appeal prolonged both his life and his active ministry, because Without such an appeal, the Apostle Paul might have been killed... and thus his life might not have been preserved for the finishing of the course of his ministry.*" (W. Lee, Acts, p. 577)

11. "Is our Appeal to the Courts in Accordance with Scripture?" Contendingforthefait.com web-site

12. Watchman Nee, Church Affairs, p. 151

13. "I want the brothers to pay attention to this matter that it was the apostles and the elders who played the primary role in discussing matters in the church and that it was also the apostles and elders who later made the decision in these matters. **But when the apostles and the elders made decisions, they had to listen to the opposing brothers.**" (Watchman Nee, Church Affairs, p. 152)

14. The quotation in full says: "The apostles and elders of Jerusalem met and also allowed these brothers to come and present their arguments. You should give those who oppose and who have different opinions the opportunity to speak by telling them, "Speak as much as you wish." Never consider that this is not spiritual. God desires that the responsible brothers, the brothers with authority, would be those who can listen to others. The responsible brothers, the brothers with authority, should have the ability to sit and listen to all the opposing words. If a brother cannot listen to the speaking of others, to the arguments of the opposers, then he is not qualified to be a leader in the church." (Watchman Nee, Church Affairs, p. 152)

15. W. Nee says: "...they allowed the brothers to speak and allowed anyone who wanted to come to attend. Those who wanted to speak were given the opportunity to express their opinions. **This is the principle by which things are settled in the Bible.**" (Watchman Nee, Church Affairs, p. 153)

16. For example, on February 28, 2006, the Great Lakes brothers wrote to the 21 "blended co-workers" reiterating their earlier request: "Due to the serious repercussions we foresee arising from your (June 4, 2005) letter to Brother Titus, we wrote saying '**we request a time of fellowship with all the [21] brothers who signed your letter, Brother Titus, and a representative number of brothers from among us. We feel that according to Acts 15 this is the way to resolve any difficulties that have arisen and persist.**'" (Great Lakes brothers, June 12, 2005)

17. 21 "Blended co-workers" response to the Great Lakes brothers dated, December 6, 2005.

18. Great Lakes brothers Letter to 21 "Blended co-workers" dated, February 28, 2006

19. The 21 "Blended co-workers" wrote to Titus: "At the international co-workers' fellowship in April 2005 **Although you were not present... your ministry and publications were one of the main subjects discussed**" ("Blended co-workers" Letter to Titus Chu, dated, June 4, 2005).

20. "Blended co-workers" Letter to Titus Chu, dated, June 4, 2005.

21. A document produced in February, 2003 when fourteen senior co-workers and respected brothers from the local churches in North America came together in Phoenix, AZ. See, "The "PHOENIX ACCORD" An Historic Document – Presentation & Commentary" on www.concernedbrothers.com

22. This was point #7 under "Principles." The point reads in full: "We acknowledge Watchman Nee and Witness Lee as our spiritual fathers in the Lord whose ministries constitute the basis for the teaching and leading in the recovery today." [For more see ""The "PHOENIX ACCORD"... fn. 21, above.]

23. We say this based upon the attempt to interpret Brother Lee's final repentance (discussed below) as a repentance on behalf of the local churches. On AFaithfulWord.org the LSM-brothers state: "What Brother Lee said in the Chinese-speaking conference was his observation and realization before the Lord **that the churches receiving his ministry had at times failed** in the past to live up to that standard." Brother Lee "shared with the saints his grieving **that the churches under his ministry had caused offence** through coming short in our practice of these truths." When compared to the transcript (below) note the shift in emphasis away from Brother Lee personally to the local churches. "Repenting for Offending the Body of Christ — What Did Witness Lee Really Say?" www.afaitfulword.org/articles/Offending.html

24. The quote in context reads: "My point is this—**do not think that any leader could not make a mistake**. Only the Lord Jesus, the unique Leader, never made any mistake, It is absolutely impossible for Him to be mistaken. However, **all of us**, including Peter, **have made many mistakes**." [W Lee, One Accord for the Lord's Move, Elders' Training, Book 7, p. 113, emphasis added.]

25. The quote in context reads: "Although I have always intended to do the right thing, **I have nevertheless made many mistakes, even some big mistakes**. I certainly hate these mistakes, but I can testify that they have afforded God the opportunity to show forth His wisdom. Therefore, I can thank the Lord for all my mistakes." [W. Lee, Life-study of Ephesians, p. 273]

26. The published version reads: "We have much to learn concerning receiving people according to God and according to His Son. **Because of our negligence in this matter in the past, we have offended the Body of Christ and many brothers and sisters** in the Lord. For this reason, **I had a deep repentance** before the Lord. Brothers and sisters, **I hope that we can see our past mistakes...**" (W. Lee, The Experience of God's Organic Salvation Equaling Reigning in Christ's Life, Chp. 6)

27. A translation from the Chinese transcript. See "Brother Lee's Spirit of Painful Repentance and Solemn Charge in His Final Public Message.." On www.concernedbrothers.com
<http://www.concernedbrothers.com/repent/BroLeesRepentanceWhyMissedTheMark4.pdf>