

ICSA CONFERENCE

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Decline of the Gentle Wind Project: How Former Members Withstood a Lawsuit and Secured a Victory for Free Speech

James Bergin, M.A.; Judy Garvey; Arthur Dole, Ph.D.; Cathleen Mann, Ph.D.

The panel will discuss the successful legal process experienced by former members of Gentle Wind Project (GWP), Jim Bergin and Judy Garvey, when they were sued by GWP over a 2½-year period in U.S. District and Maine state courts. GWP sought to suppress their personal stories, “A Husband’s Perspective” and “Insiders’ Stories,” which describe their experiences over 17 years with the group. How cults may predictably attempt to use the law to silence and possibly destroy former members and their supporters will be examined. The roles of the courts, attorneys, expert witnesses, cult education organizations, the Internet, the legal costs, and, ultimately, the involvement of Maine’s Attorney General, will be described. Bringing the GWP up to present-day, the panel will discuss how a cult responds to legal sanctions and exposure by morphing to another guise, in GWP’s case, to Family Systems Research Group.

As a result of their successful defense, Bergin and Garvey’s Website Wind of Changes (www.windofchanges.org) remains online as an in-depth resource and watchdog for former members of GWP and other cults. The site also symbolizes a strong victory for free speech on the Internet—a right that is all too often threatened when an individual or organization with deep pockets and a willing law firm attempts to use the civil legal process to silence whistle blowers.

Background: Bergin and Garvey will also describe how they were slowly immersed in this new-age psychotherapeutic cult, even as successful academic book publishers. The resulting disastrous 17-year saga included separation from each other; great difficulties for their children; estrangement from extended families, friends, and community; large losses of money through contributions and no-interest loans to the GWP leaders; and, most serious, the dependency on John “Tubby” and Mary “Moe” Miller as self-proclaimed authorities on and intermediaries between the so-called “spirit world” and many life decisions. How Bergin and Garvey finally ended their dependency on this mind control, repaired their relationship, and rebuilt their lives will encourage former members and their families, and provide a model for therapists and other professionals.

Ill Wind: Deposition Concerning the Gentle Wind Project

Arthur A. Dole, Ph.D., ABPP

I will share my experience as an expert witness for the defense in GWP vs. Garvey, Bergin, and others. A young lawyer, Daniel Rosenthal of Verrill Dana, one of two lawyers representing the plaintiffs, deposed me from 9 A.M. to 4 P.M. in the offices of the defendants' attorneys, Drummond Woodsum & MacMahon, in Portland, Maine.

Present were defense counsel Jerrol Crouter, defendants Jim Bergin and Judy Garvey, two representatives of GWP (Shelly Miller and Pam Ranheim), plus a legal stenographer.

Over several months I had prepared by reading self-descriptions of GWP, a dozen or so thick, bound folders of documents, and accumulated depositions. Finally, the day before my deposition, Mr. Crouter met with me in his office to discuss procedures and the information submitted in my expert-witness statement to the Court.

My professional opinion, as an expert witness, related to the case can be summarized as follows:

1. GWP's claim that its products and procedures were scientifically based did not meet acceptable research standards. Accumulated testimonials by GWP participants and followers were not "double-blind studies." In short, GWP, in my view, was unethical and possibly in violation of Maine law.
2. Judging by the experiences of Garvey and Bergin and some of GWP's own descriptions, GWP resembled a harmful cultic group. Specifically, they applied covert hypnotic methods (e.g., "healing instruments") to entrap members and to obtain donations of their funds and time under false pretenses.

In the later Motion for Summary Judgment to the Federal Court Judge, Mr. Crouter brought in some of these aspects of my deposition. Taken together with the other expert's deposition, these facts introduced by experts seemingly helped the Judge's decision to dismiss the Federal charges in the case. A victory for free speech!

And the defense team may have contributed to the case for Steven Rowe, the Maine Attorney General, to sue GWP for violating the state Fair Practices Act. Rowe won. In restitution, GWP must redress the financial harm done to some of its unwitting victims.

It's an ill wind that blows nobody good.

The Role of the Expert in Civil Litigation Against Cults: A Winning Case Against the Gentle Wind Project from Maine

Cathleen A. Mann, Ph.D.

The expert functions as an educator to the finder of fact (either a judge or a jury). The word "expert witness" is often misleading, because only sometimes does the expert actually get to be a witness in a court proceeding.

The expert works in conjunction with the attorney as a consultant helping to establish the strategy of the case.

The expert assists the attorney in developing questions for active cult members and for opposing experts (if any).

The expert often submits to a deposition, which is an activity designed to test the credibility, knowledge, and stamina of the expert. Discussion will be held on how the expert prepares for deposition, and common lawyer techniques designed to frustrate or impeach the expert before trial.

Sometimes the expert gets to testify in court, but most cases settle before that. I will discuss how settlement is often a desired outcome. However, getting the case decided in the legal system means that new case law may be developed. Going to court is often more risky for a multitude of reasons.

I will also discuss some specifics of how I prepared for deposition in the Gentle Wind case, and will provide some strategies used by GWP's attorneys to attempt to remove me as an expert.