

<http://pressherald.maintoday.com/news/state/060109gentlewind.shtml>



Monday, January 9, 2006

Judge throws out Gentle Wind lawsuit

By GREGORY D. KESICH, Portland Press Herald Writer

© 2006 Blethen Maine Newspapers Inc.

A federal judge has thrown out a racketeering and defamation lawsuit filed by a Maine-based spiritual healing organization against former members who wrote that they had been financially and sexually exploited by the group's leaders.

Senior U.S. District Judge Gene Carter found that "no reasonable person could conclude" that the former members of the Gentle Wind Project, Judy Garvey and her husband, Jim Bergin, violated federal racketeering laws when they worked with the operators of Web sites to publish articles in which the couple compared the organization to a "mind control cult."

Carter also dismissed claims of defamation and "false light" invasion of privacy, saying they did not belong in federal court.

The decision was welcomed by Bergin and Garvey as the end of their three-year legal battle, which began when they started speaking publicly about their 17-year involvement with Gentle Wind.

In their articles, which are quoted in the lawsuit, Bergin and Garvey allege that Gentle Wind controlled their lives, leading them to sell a profitable publishing business in Massachusetts and donate tens of thousands of dollars to the organization.

"After 17 years of keeping our mouths closed and our minds closed, we had a right to speak out," Garvey said. "I think this ruling will make it a whole lot harder to stop a former member of a group to speak out."

Gentle Wind's leaders say the case is far from over. Mary "Moe" Miller, Gentle Wind's president, said the case will proceed, either with a new lawsuit in state court, an appeal in federal court or both. She said the group has lost more than \$1 million in revenue since the articles were published and is not ready to give up.

"Our company was a 22-year-old nonprofit in good standing," Mary Miller said. "Our life's work has been destroyed, and we feel we have to hold the people who did that to us

responsible."

According to court documents, the group took shape in the 1970s when Mary Miller was introduced to plastic "healing instruments" by her former graduate school classmate John "Tubby" Miller.

Over time the group produced a wide variety of products, including brightly colored laminated cards and plastic hockey puck-like discs. According to John Miller and Mary Miller, their design comes in the form of blueprints via telepathic communications from spiritual entities known by the Gentle Wind Project as "The Company."

According to the group, the instruments are distributed for free, but users are asked to donate to the organization. Suggested donations range from \$250 to \$7,800, and the group collected more than \$1 million a year before the bad publicity hit, Mary Miller said.

In the fall of 2003, Garvey wrote an article called "Insiders' Stories" describing sexual rituals that she claimed John Miller said were necessary for the creation of the instruments. She published the article on her own Web site and provided it to the operators of other Web sites, who posted links to the article.

Bergin followed with his own article in which he described his research into "cults and high-control groups" and was struck by their similarity to Gentle Wind.

Bergin, Garvey and the Web site operators communicated through e-mail, which became the basis of the federal claim under the Racketeer Influenced and Corrupt Organization Act, which was developed to prosecute organized crime figures.

Some of the Web site operators settled the case by removing the Gentle Wind content from their sites. One operator, Ian Mander of New Zealand, did not respond to the complaint but was dismissed from the case along with Bergin and Garvey.

Rick Ross, an expert on cults and other groups, refused to remove the content and was dismissed from the case by Carter last year. Ross said he has been sued many times by the groups he writes about on his Web site, but never successfully.

"This type of litigation will not succeed," he said. "These former members have a right to speak, and they have as much right to be out there on the Internet as Gentle Wind does."

Gentle Wind's lawyer said he was disappointed with Carter's ruling, but the group knew that the federal racketeering claim might not hold up.

However, no court has evaluated whether Bergin's and Garvey's accusations are true, which is the question that lies at the heart of Gentle Wind's case. The group says the claims are false and it can prove it, said Daniel Rosenthal of the Portland law firm Verrill

Dana, the group's lawyer.

"Our strongest claims have not been made in any substantial way," he said.

Rosenthal said the group will decide how to proceed within a week.

Staff Writer Gregory D. Kesich can be contacted at 791-6336 or at:

gkesich@pressherald.com