

Gentle Wind Not Done Blowing

Same Allegations, Different Court: Blue Hill Couple Face New Lawsuit

By Tom Wazars

PORTLAND — A federal racketeering and defamation lawsuit filed against a Blue Hill couple has been dismissed by U.S. Senior District Judge Gene Carter.

Now many of the same allegations are resurfacing in a new civil suit filed last week in York County Superior Court.

James Bergin and Judy Garvey were accused in the federal suit with posting false, defamatory and fraudulent statements on their Web site about The Gentle Wind Project (GWP) and conspiring with others to post similar statements on other Web sites.

Incorporated in 1983 and once headquartered in Blue Hill, the nonprofit group now based in Kittery claimed in its federal lawsuit that Bergin and Garvey were among 11 defendants who publicly accused GWP of being a cult.

Both Bergin and Garvey were involved with the project's organizers over a 17-year period, beginning in 1982. The federal lawsuit alleged that the rise about their experiences with the group were not only defamatory under Maine law but through linkage to other Web sites, violated federal racketeering statutes.

The suit, filed in May 2004, contends the 11 defendants publicly accused individuals GWP advocates of being members and leaders of a cult that engages in mind control, sexual rituals, extortion and child abuse and neglect.

Mary Miller, a social worker and GWP's co-director, describes the organization as a "education research group that studies alternative health technologies."

Among those technologies are "healing instruments" embedded with various combinations of herbs, salts, minerals and precious stones. The group has claimed its technology "comes from the spirit world, not the human world."

In his Jan. 3 ruling, Carter

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— Judy Garvey, Blue Hill

said Bergin, Garvey and others named in the suit "never acted as an organized entity" and that "neither the content of the communications nor their use lend any support to the plaintiff's contention."

Within a week of Carter's dismissal of the suit, GWP attorney Daniel Rosenthal of the Portland law firm Verrill & Dana filed a new lawsuit in York County Superior Court that again names Bergin and Garvey as defendants.

The civil suit filed Jan. 4 seeks punitive damages, attorney's fees and an injunction that would prohibit Bergin and Garvey from posting false and defamatory statements on their Web site.

"The new suit makes the same claims that were part of the federal court action, which was more about the relationships and course of action taken by a number of people," Rosenthal told *The American*.

"This focuses on the content of the statements made and the truth of those statements. It alleges that the campaign on the Internet was extremely damaging in the reputations of the people involved and prompted people who might otherwise be involved not to be."

Rosenthal said donations to GWP have "gone down by a substantial amount" as a result of statements posted and published about the group.

According to the group's federal tax filings, donations to the group for the fiscal year that ended Aug. 31, 2004 were \$1.18 million. That compares to donations of \$1.81 million for the pre-

vious budget year, which ended on Aug. 31, 2003.

Garvey said last week that the long legal defense she and her husband have endured has proven expensive.

"We've put out a large amount and have nothing to fall back on, but we're not bankrupt yet," she said.

Garvey said the dismissal of the federal suit was a victory for free speech as it relates to postings and Web links on the Internet.

"We have as much right to be out there as they do," she said of Gentle Wind. "We're very pleased not only with this victory but by the number of people who supported us; Not financially, but by believing that we have the right to tell our story and to express our concerns."

Among those supporters, she said, was the Harvard University law school's Berkman Center for Internet & Society. According to the Center's Web site, law student David Russack assisted the defense in preparing the legal analysis included in the successful motion for summary judgment.

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