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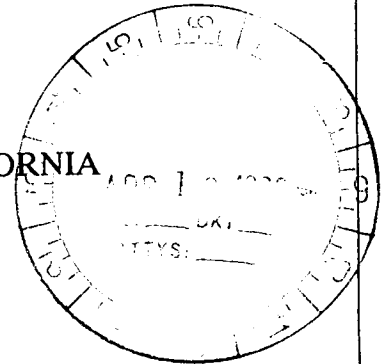
5 Attorneys for Defendants Margaret Thaler
6 Singer and Janja Lalich

ENDORSED
FILED
San Francisco County Superior Court

APR 15 1996

ALAN CARLSON, Clerk
BY: ST. DOUGLAS Deputy Clerk

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9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO



13 LANDMARK EDUCATION
14 CORPORATION, a corporation,

15 Plaintiff,

16 vs.

17 MARGARET THALER SINGER, an
18 individual, JANJA LALICH, an individual,
and DOES 1 through 100, inclusive,

19 Defendants.

Case No. 976037

**DECLARATION OF MARGARET
THALER SINGER IN SUPPORT OF
DEFENDANTS' SPECIAL MOTION TO
STRIKE COMPLAINT
[C.C.P. § 425.16]**

Date: May 1, 1996
Time: 9:30 a.m.
Place: Dept. 10, Rm. 414

(Trial Date: None)

20
21 I, Margaret Thaler Singer, state and declare:

22
23 1. I am a defendant in the above-entitled action and the primary author
24 of Cults in Our Midst: The Hidden Menace in Our Everyday Lives (hereinafter the
25 "Book"). I have personal knowledge of the matters set forth in this declaration and could
26 competently testify thereto if called as a witness.
27
28

1 **BACKGROUND**

2 2. As set forth in the attached curriculum vitae (Exh. A (attached
3 hereto)), I am a licensed clinical psychologist, an emeritus adjunct professor in the
4 Department of Psychology at the University of California, Berkeley, and in the private
5 practice of psychology. I have written more than one hundred articles published in
6 professional journals throughout my career.

7 3. I have been a practicing psychologist, teacher, and researcher for
8 nearly fifty years. My primary area of research has centered around individual and group
9 influence with a particular emphasis on the study of cults and thought reform. Over the
10 years, I have counseled and interviewed more than 3,000 current and former cult members.

11 4. In 1978, I was awarded the Leo J. Ryan Memorial Award, named in
12 memory of the U.S. Congressman murdered in Jonestown. I also held a Research Scientist
13 Award from the National Institute of Mental Health and was the first woman and first
14 clinical psychologist elected president of the American Psychosomatic Society. In addition,
15 I have received numerous national honors for my research, including awards from the
16 American Psychiatric Association, the American College of Psychiatrists, the National
17 Mental Health Association, the American Association for Marriage and Family Therapy,
18 and the American Family Therapy Association.

19 5. I worked at the Walter Reed Army Institute of Research, Washington,
20 D.C., during the years 1952 - 1958. A major portion of my work at that time was with Drs.
21 Edgar H. Schein, Robert J. Lifton and others at the Walter Reed Army Institute studying
22 the effects of thought-reform programs (also called "coercive persuasion" or more
23 colloquially "brainwashing") on American military personnel who had fought in the Korean
24 War as seen upon repatriation. Drs. Schein and Lifton are widely viewed within the
25 psychological profession as preeminent authorities in the field of thought reform.

26 6. Later, Dr. Schein and I collaborated in a follow up study on former
27 prisoners of war to assess their functioning five years after repatriation. As part of this
28 latter work, I interviewed a series of civil internees who had been exposed to thought

1 reform programs in mainland China. I have continued to study persons who have been
2 subjected to coordinated programs of coercive influence and behavior control as these
3 programs have evolved over the years.

4 7. I have included material about thought reform in many courses I have
5 taught since approximately 1964. Since 1978 I have taught DSM III, DSM III-R, and DSM
6 IV (The Diagnostic and Statistical Manual of Mental Disorders, American Psychiatric
7 Association, 1980, 1987, and 1994) to approximately five thousand professionals and
8 trainees. In each of these courses on diagnosis I have included a basic overview of thought
9 reform programs.

10 8. In addition, I have lectured on aspects of thought reform programs in
11 the United States and abroad on approximately one hundred occasions at various
12 professional meetings, including invited addresses to the American Psychological
13 Association, the American Psychiatric Association, the American Sociological Association,
14 and the Society for Clinical and Experimental Hypnosis, as well as to various law
15 enforcement agencies and other organizations.

16 9. I have been qualified as an expert witness in state and federal courts in
17 many states around the country as well as in a court in London, England. Most of my
18 testimony has been on thought reform and the effects of deceptive and coercive influence
19 techniques and language as applied to specific individuals.

20 10. I also have addressed in writing the U.S. Congress and the executive
21 branch about thought reform and undue influence. I have given written statements to the
22 Subcommittee on Health of the House of Representatives Ways and Means Committee and
23 to the U.S. Department of Justice.

24
25 **PUBLIC STATEMENTS ABOUT INDIVIDUAL AND GROUP INFLUENCE**

26 11. Over the past two decades, I have spoken frequently in the press and
27 in the media about issues of thought reform, influence, persuasion, and group dynamics.
28 Last year alone, I was interviewed well over 100 times about these subjects as follows:

1 a. I appeared as an invited guest to speak as an expert on
2 approximately 30 local, national, and international television programs (for CNN
3 International, CNBC, CBS Network News, Fox TV, Japan-American TV, and many others);

4 b. I appeared as an invited guest to speak as an expert on
5 approximately 30 local, national, international radio programs (for CBS National Radio,
6 National Public Radio, BBC Radio, Australian Radio, Canadian BBC radio, and many
7 others);

8 c. I was interviewed by numerous news reporters for newspapers
9 and magazines including, among many others, the *Los Angeles Times*, *Washington Post*, *San*
10 *Diego Union Tribune*, *San Francisco Chronicle*, *Psychology Today*, *New York Magazine*; and

11 d. I acted as a consultant for such television programs as ABC's
12 *Nightline with Ted Koepel*, CBS's *Prime Time News*, NBC's *First Person with Maria*
13 *Shriver*, the *McNeil/Lehrer Report*, and *Nippon TV* and for numerous radio programs.

14 12. Throughout the years, I also have spoken regularly about issues of
15 thought reform, influence, persuasion, and group dynamics in a variety of other public
16 arenas, including U.S. and foreign universities, professional association and society
17 meetings, and military settings. Last year, for instance, I gave public talks to such large
18 groups as the National Institute of Mental Health, U.S. Submarine Base, San Diego,
19 Uniformed Services University of Health Sciences Program, Seattle Forensic Society, and
20 Berkeley Presbyterian Church, among others. In addition, I have been invited to speak at
21 the University of Heidelberg and at numerous other events.

22 13. In many of the interviews and other public discussions described above,
23 I have discussed commercially sold large group awareness training ("LGAT") courses. The
24 message that I have attempted to convey in those forums is the same as the one stated in
25 the Book. That is, I repeatedly have stated that individuals must assess critically whether
26 the self-help group or New Age seminar that they are considering is a legitimate enterprise
27 or an organization that uses thought reform and other deceptive and dangerous techniques.

1 THE WELL-PUBLICIZED CONTROVERSY SURROUNDING
2 WERNER ERHARD AND HIS PROGRAMS

3 14. A great deal of public controversy has surrounded Werner Erhard and
4 his programs, "est" (Erhard Seminars Training) and its offshoot The Forum, for many years.
5 Back in 1977, one journal observed: "As the popularity of est has grown, so has the mass
6 media interest in it. By now hundreds of magazine and newspaper articles, books, and
7 radio and television features have examined the est experience." E. Babbie & D. Stone,
8 *Biosci. Commun.* 3:123-40 (1977) (Exh. J (filed separately herewith).) I know this to be so
9 based on my reading of so much of that literature.

10 15. The est and Forum programs have raised a number of issues of great
11 public concern, sparking controversy both in the United States and abroad. One significant
12 public health and safety issue discussed in the media and the press is whether these
13 programs cause psychological harm. In England, for instance, *The London Times* ran a
14 three-part series investigating The Forum and concluded:

15 But [the reporter] saw people undergoing humiliation and other kinds
16 of emotional trauma that have no place in respectable management practice
17 or sound psychological counselling. The training sessions were a potent brew
18 of arcane philosophy, smooth salesmanship, amateur psychiatry, psychological
19 brow-beating and New Age mysticism. Such techniques pray upon human
20 suggestibility and are designed to induce dependency, confusion and self-
21 doubt.

22 There is a growing body of evidence that manipulative pressure like
23 this, without proper checks and safeguards, can lead to long-term stress,
24 nervous breakdown or clinical depression.

25 "Mercenary Mindboggling," *The London Times* (Jul. 23, 1992) (Exh. J).

26 16. This health and public safety issue has been discussed in newspaper
27 articles, *see, e.g.*, R. Howe, "Self-Help Course Allegedly Shattered A Life," *The Washington*
28 *Post* (Jul. 7, 1992) ("Three days after attending the Forum, according to testimony, Ney
suffered a breakdown and was committed to a psychiatric institute in Montgomery
County."); K. Metzler, "Woman Wins Suit Over Ill Effects of Self-Help Course," *The*
Washington Times (Jul. 16, 1992) (\$382,000 default judgment entered against Werner
Erhard for plaintiff's participation in The Forum), in magazine articles, *see, e.g.*, J. Main,

1 "Trying to Bend Managers' Minds, *Fortune* (Nov. 23, 1987) (noting the psychological issues
2 raised by Erhard's programs and others), in books, *see, e.g.*, K. Hoyt, *The New Age Rage*, at
3 170 (Fleming H. Revell Co. 1987) (discussing Erhard's philosophy and concluding that "the
4 New Age movement not only encourages borderline personality disorders, it also offers its
5 followers support for the very problems it helps create in them"); and in psychological
6 journals, *see, e.g.*, C. Powell, "The Induction of Acute Psychosis in a Group Setting,"
7 *Canadian J. of Psychiatry*, vol. 4 (1979) ("Although there is by now a well established
8 American literature on casualties from Encounter and T-Groups, and more recent
9 organizations such as "est," there have been few reports published in Canada."). (All the
10 above references are contained in Exhibit J.)

11 17. Another recurrent public issue that has attracted much attention in the
12 media and the press has been (and continues to be) whether est/Forum properly belongs in
13 the workplace. Once again, the number of articles, magazines, journals, books, and other
14 literature that address this issue is too numerous to recount in full. A representative article
15 appeared in *The San Diego Union-Tribune* (Aug. 7, 1994), stating:

16 But employees and ex-employees will talk. And the story they tell is
17 not a pretty one. Apparently, the Erhard-Landmark-Forum mystique
permeated the company, particularly at the management level. * * *

18 "They were pressing people to get involved, but a lot of employees
19 thought it was a cult," says a former employee.

20 Exh. J; *see also* P. Lopez-Johnson, "Personal Seminars Spur Questions," *Santa Barbara News*
21 *Press* (Jun. 11, 1994) (controversy when city manager asked employees "to take the [Forum]
22 seminars and offered to cover the cost with city money") (Exh. J).

23 18. Another recurring controversy over the years has been whether est and
24 The Forum can be classified as "cults." The public record is replete with references to
25 these programs as "cults," "cultic," or "cult-like." *See, e.g.*, M. Landler, "EST Leaders
26 Recharge the Batteries of New Clientele, *The New York Times* (Mar. 13, 1988) ("The Cult
27 Awareness Network, a Chicago-based group whose founders include former cult members,
28 believes that the Forum ... brainwash participants into signing up for ever more advanced

1 courses."); M. Polak, "Did est create yuppies," *Philadelphia Enquirer* (Dec. 31 1989) (Erhard
2 "denies he's a cult leader" in interview); S. Pressman, "Taking Cults to Court for
3 Psychological Injuries," *New Jersey Law Journal* (Mar. 9, 1992) (feature story on attorney
4 "who likes to put American cults on trial" and who has sued Landmark); R. Behar & R.
5 King, "The Winds of Werner," *Forbes* (Nov. 18, 1985) ("When last heard from in these
6 pages ... Erhard was riding high with his consciousness-raising cult"); N. Chesanow, *New*
7 *Woman*, "est" (Jan. 1987) ("[T]hey are occasionally accused of being brainwashed members
8 of a cult, charges The Forum creator, Werner Erhard, adamantly denies."); P. Martin, Cult
9 Proofing Your Kids, p. 25 (Harper Collins 1993) ("Some of these types of groups would
10 include Synanon, the Forum (formerly est) ..."); G. Mather & A. Nichols, Dictionary of
11 Cults, Sects, Religions And The Occult p. 105 (Harper Collins 1993) ("Forum's popularity,
12 like so many of the self-styled personality CULTS, went into sharp decline in the 1980s.");
13 M. Langone, Recovery From Cults, p. 194 (W.W. Norton & Co. 1993) (referring to est
14 under heading, "Dissecting The Cult's Ideology"); B. Larson, Larson's New Book of Cults,
15 pp. 224-27 (Tyndale House 1989) (devoting entire section to The Forum in section entitled
16 "An Encyclopedia of Cults"); S. Hassan, Combating Cult Mind Control (Park Street Press
17 1988) (after noting that est is "now renamed the Forum," stating that "the more intensive est
18 programs exhibit certain qualities which I have defined above as characteristic of a cult.");
19 W. Martin, The New Cults p. 105 (Vision House 1980) ("[S]tructurally and sociologically
20 [est] fits the definition of a cult"). (All the above references are contained in Exhibit J.)

21 19. The controversy over the proper classification of est and The Forum is
22 not one that has concerned me. What has concerned me as a psychologist, teacher, and
23 citizen are the health and safety issues and the workplace issues raised by these programs.
24 As a result, I have studied and discussed the activities within these programs, but have not
25 characterized est or The Forum as a "cult" in any of my writings, public talks, or judicial
26 testimony.

1 KNOWLEDGE OF ERHARD, EST, AND THE FORUM

2 20. Over the past two decades, I have studied LGAT programs, such as
3 Erhard's est and its offshoot The Forum. My knowledge of est and The Forum derives
4 from several sources:

5 a. Pursuant to federal court orders, I attended six LGAT sessions
6 as an expert witness -- two of which were sponsored by est and The Forum in 1984 -- to
7 evaluate the potential psychological impact of these programs on participants;

8 b. I have interviewed and/or treated approximately 50 or more
9 individuals who have taken the est or The Forum training;

10 c. I have reviewed various videotapes and audiotapes used to train
11 est and Forum leaders, including taped lessons given by Erhard;

12 d. I have read approximately ten books and hundreds of articles
13 and other literature about est and The Forum; and

14 e. I have received and reviewed materials about est and The
15 Forum while participating as an expert witness in cases involving them, including internal
16 studies, promotional materials, and deposition testimony of various individuals about them.

17 21. One of the materials that I read while participating as an expert, in (I
18 believe) Ney v. Landmark Education Corp., No. 91-1245-A (E.D. Va.), and one of the
19 materials we relied upon in writing the Book, is a brochure about The Forum produced by
20 Landmark's predecessor, Werner Erhard & Associates (a true and correct copy of which is
21 attached hereto as Exhibit B). "The Promise of The Forum," the brochure states, is to
22 produce magical results:

23 Your participation in The Forum takes you beyond a mere understanding of
24 *being*, beyond even an occasional, unpredictable experience of *being*, and
25 provides you with direct access to the domain of *being* itself. This is the
26 magic of The Forum.

27 Exh. B (emphasis in original).
28

1 22. The brochure also emphasizes that Erhard created The Forum and is
2 based on his "study, teaching and original work" (*i.e.*, est):

3 Werner Erhard's work, the principles and technology of which are used in the
4 Forum, is indebted to the dialogue and committed action which has shaped
5 our civilization. The results produced from the programs he created -- based
6 on more than 25 years of study, teaching and original work -- have been the
subject of twelve books and are substantiated by 22 independent research
studies.

7 (Exh. B.)

8 23. A 1993 internal memorandum from Landmark's Chief Operating
9 Officer and brother of Werner Erhard confirms the fact that The Forum is based on
10 Werner Erhard's original "technology" (*i.e.*, est):

11 The nature and material of Landmark Education's initiatives, projects, and
12 programs is based on a technology originally developed by Werner Erhard
13 with whom Landmark Education has a licensing arrangement for the rights to
this technology. **It is on this technology that Landmark's work stands today**
and from which it continues to evolve.

14 Exh. C, at 1 (emphasis added). A true and correct copy of the memorandum is attached
15 hereto as Exhibit C.

16 24. The 1993 internal memorandum refers to a licensing agreement. That
17 agreement further establishes the close, continuing relationship between Werner Erhard
18 and Landmark. Not only does the agreement license Landmark to use Erhard's intellectual
19 property in presenting The Forum, it also passes control of the license to Martin Leaf, Esq.,
20 in the event of Erhard's death. A true and correct copy of the licensing agreement is
21 attached hereto as Exhibit D.

22 25. Mr. Leaf is a partner in the New York law firm that represents
23 Landmark in this action, Morrison, Cohen, Singer & Weinstein. He is also the same lawyer
24 who deposed me on January 19, 1996, on behalf of Landmark in Landmark Education
25 Corporation v. Cult Awareness Network, No. 94-L-11478 (Circuit Court, Cook County, Ill.).
26 I was subpoenaed to testify in that case as a percipient witness on January 19, 1996.
27 Almost the entire deposition, however, was about the Book rather than the underlying
28

1 lawsuit. Throughout the deposition, Mr. Leaf had a copy of the Book before him. He
2 appeared to be asking me questions from portions of the Book that he had highlighted or
3 underscored.

4 26. My interest in and study of LGATs, in general, and est/Forum, in
5 particular, have been ongoing. Between 1991 and the time I wrote the Book, I spoke to
6 numerous individuals about their experiences as participants in The Forum and read many
7 accounts in the media and the press of other individuals' experiences in The Forum. Their
8 reported experiences were consistent with my direct experience in attending the est/Forum
9 courses, my review of the training materials, and my interviews and treatment of numerous
10 individuals.

11 27. I have read literally hundreds of articles about Erhard, est, The Forum,
12 and related projects. These articles have appeared in such newspapers as *The Wall Street*
13 *Journal*, *The New York Times*, *The San Francisco Chronicle*, *The San Francisco Examiner*,
14 *The San Francisco Daily Journal*, *The Los Angeles Times*, *The Philadelphia Inquirer*, *The*
15 *Chicago Tribune* and *The San Jose Mercury News*; and in such magazines as *Newsweek*,
16 *Forbes*, *New York Times*, *Cosmopolitan*, *Harper's*, and *Psychology Today*.

17 28. The articles appeared in newspapers in various parts of this country,
18 describing experiences with Erhard and his programs in many different states (e.g.,
19 California, Colorado, Florida, Georgia, Indiana, Illinois, Massachusetts, Oregon, New
20 Jersey, New York, Ohio, Pennsylvania, and Texas). The articles also have appeared in
21 foreign newspapers, describing similar experiences abroad (e.g., Australia, Canada, and
22 England).

23 29. A 1991 article that appeared in *Newsweek* magazine is typical of the
24 numerous publications that I have read about Erhard, est, and The Forum before
25 publishing the Book. (Exh. J.) It reports:

26 Over the last 10 years, Erhard has found himself under an increasing barrage
27 of allegations that he was running not so much an enlightenment program as
28 an authoritarian cult. Former disciples have come forward with stories of
violence and intimidation by Erhard and his staff.

1 (Exh. J.)

2 30. The *Newsweek* article also notes that "[a]s est's luster dimmed, Erhard
3 updated it with the Forum." (Exh. J.) The article refers to The Forum as a "[y]uppified
4 1980s version" of est. (Exh. J.) According to *Newsweek*, Erhard "formed a management-
5 consulting firm called Transformational Technologies that brought his ideas to corporate
6 America." (Exh. J.) *The Wall Street Journal* had made a similar report years earlier,
7 referring to The Forum as "a \$525 version of est for yuppies." (Exh. J.) See also P. Boyer,
8 "From est to Worst," *The Washington Post* (Dec. 9, 1993) ("By the early 1990s, with the
9 Source (Erhard) in exile in Mexico -or was it Switzerland? -- lieutenants carried on under a
10 new name, the Forum."); "The guru and the commisars," *Chicago Tribune* (Dec. 8, 1986)
11 ("The 'est' approach and updated versions of it are a bit too gaseous for most Americans,
12 even Californians.")

13 31. While I do not have copies of all the newspaper and magazine articles
14 and book excerpts that I read about Erhard, est, The Forum, and Landmark prior to
15 publication of the Book, I do have copies of many. It would be too cumbersome to submit
16 all the copies that I have, so I am submitting true and correct copies of representative
17 articles and book excerpts I read and relied upon in writing the Book. Because of the bulk
18 of these materials, I am submitting them as a separate exhibit, Exhibit J, filed concurrently
19 herewith. The article and excerpts are listed alphabetically by author and tabbed separately
20 in accordance with the accompanying table of contents.

21
22 **TESTIMONY AGAINST ERHARD AND HIS PROGRAMS, EST, AND THE FORUM**

23 32. Over the past twenty years, up until the present, I have testified in both
24 federal and state courts as an expert witness about thought reform and undue influence. I
25 have testified in Alabama, Arkansas, California, Colorado, Connecticut, New York,
26 Pennsylvania, Oregon, Washington, D.C., West Virginia, and Virginia. I also have testified
27 in the Queens High Court in London, England.

28

1 33. As an expert witness, I have testified approximately ten times against
2 Werner Erhard and the programs that he created, including est and its offshoot The Forum.
3 In each of those cases, I testified on behalf of the plaintiff in a manner that was highly
4 critical of Erhard and his programs.

5 34. For instance, in Ney v. Landmark Education Corp., No. 91-1245-A
6 (E.D. Va.), plaintiff Stephanie Ney sued Landmark Education Corporation for her mental
7 breakdown following her participation in The Forum. Her treating psychiatrist, the
8 psychologist who tested her, and her out-patient treating psychologist all specifically noted
9 that her participation in The Forum the weekend prior to her hospitalization was directly
10 related to her mental breakdown.

11 35. In my testimony in the Ney case, I concurred with the professional
12 observations of her treating physicians and caretakers. As stated in my expert report in that
13 case:

14 The standard of care followed in the community by therapists/group leaders
15 conducting groups is ignored and violated by the est/Forum organization in
16 many and significant ways. The est/Forum organization applies a number of
17 powerful and psychologically disturbing, emotionally arousing and defense
18 destabilizing techniques to large groups of people, in an intense, marathon-
like period. The est/Forum organization has been aware that what they term
"SEU's" (severe emotional upsets) have occurred over the years in the course
of the seminars. The est/Forum organization, based on documents, have
been aware of, and has been tracking the occurrences of SEU's since 1981. . .

19 (A true and correct copy of the internal document tracking the "SEU's," which I also relied
20 upon in writing the Book, is attached hereto as Exhibit E.)

21 36. In another case, Gutfreund v. Werner Erhard & Assoc., No. 889174
22 (S.F. Sup. Ct.), I diagnosed Mr. Gutfreund as having Bipolar Mood Disorder which was
23 triggered by his deep involvement in est and related projects. After becoming involved in
24 est, Mr. Gutfreund declined a partnership offer in his company and quit his job with that
25 company without any alternative plans for gainful employment. He then donated much of
26 his time and tens of thousands of dollars to projects associated with Erhard. Ultimately,
27
28

1 Mr. Gutfreund became very ill both physically and mentally, resulting in hospitalization.
2 And having donated his money, he was forced to apply for welfare benefits.

3 37. It was my opinion in Gutfreund that Erhard's programs triggered Mr.
4 Gutfreund's Bipolar Mood Disorder. I testified that participants in those programs are,
5 among other things, "unwittingly subjected to coercive persuasion" by such techniques as
6 isolation from familiar surroundings, control over a participant's time and physical activities,
7 deprivation of sleep and proper nutrition, and peer group pressure. Supp. Decl. of
8 Margaret T. Singer, at ¶¶ 11-13, 18-21, 26-29, 38 (Mar. 18, 1990) (a true and correct copy of
9 which is attached hereto as Exhibit F).

10 38. In yet another case, Afremow v. Werner Erhard, et al., No. 900887
11 (S.F. Sup. Ct.), I examined Ms. Charlene Afremow, a person who had worked closely with
12 Erhard for many years and who had achieved a high-ranking position in his organization.
13 In my testimony, I stated that Erhard's organization is "ideologically driven . . . rather than
14 an ordinary business," that the "tendency of the organization is to conceal and protect the
15 leader (*i.e.*, Erhard) at all costs," that Erhard controls his employees by his personality and
16 through the use of special language, and that Erhard and his organization strongly
17 discourage any rational criticism.

18 39. I have given similarly critical testimony about programs designed by
19 Erhard in: (a) Bojorquez v. Werner Erhard, et al., No. 449177 (Santa Clara Sup. Ct.); Blair
20 v. est, et al., No. 82-M-1526 (D. Colo.); Rhodes v. est, No. 22104 (N.Y. Sup. Ct.); Segall v.
21 est, (N.J.); Slee v. Werner Erhard, No. N-84-497-JAC (D. Conn.); Smith v. Erhard (Tx.);
22 Urgell v. est.

23 40. In addition, I have testified in many other cases about dangerous
24 techniques employed by certain LGAT programs. While those cases were filed against an
25 entity or individual other than Erhard and his programs, my testimony at times addressed
26 Erhard and his programs in response to deposition questions or in the course of general
27 discussion. This principally occurred in cases against John Hanley and his program
28 Lifespring.

1 41. I also was retained by Erhard's ex-wife to render an opinion in the
2 Erhards' divorce case. This was a highly publicized and acrimonious divorce case, in which
3 allegations of incest and physical abuse were levelled against Mr. Erhard. Numerous
4 articles were written about the divorce in various newspapers and magazines.

5 42. The *San Jose Mercury News*, for example, reported that one of his
6 daughters said that "her father's desire to control is behind the worst night of her youth, the
7 night Ellen Erhard was choked and beaten in front of her children, taken to a motel and
8 allowed to return home only as a maid." J. Hubner, "All in the Family," *West* magazine,
9 *San Jose Mercury News* (Nov. 18, 1990). And *Newsweek* magazine reported that "two of
10 Erhard's daughters . . . have spilled their own harrowing tale of alleged physical and
11 emotional abuse inflicted, they say, on them and their mother, Ellen." D. Gelman, "The
12 Sorrows of Werner," *Newsweek* (Feb. 18, 1991.)

13 43. After I testified in the Bojorquez case, Werner Erhard, through his
14 counsel Richard Stanislaw, demanded that I not testify again against Mr. Erhard. Mr.
15 Stanislaw stated that Mr. Erhard would not settle that case unless I signed a statement
16 stating that I would not testify against Mr. Erhard or his programs. I refused to do so.
17 After this demand, Mr. Stanislaw called me and again tried to persuade me not to testify
18 against Mr. Erhard or his programs in the future. Once again, I refused.

19 44. As I observed in the Book, many groups attempt to use litigation to
20 stifle views that are unfavorable to the image that a particular group wishes to convey to
21 the public. According to its 1993 internal memorandum, Landmark adopted a policy to
22 respond "aggressively" to statements in the media that are contrary to "the facts" as it sees
23 them. (Exh. C.) This aggression has taken the form of attempting to screen material upon
24 threat of suit, seeking retractions, and threatening and filing suits, among other things.
25 True and correct copies of newspaper articles reflecting this activity are attached hereto as
26 Exhibit G.

1 THE BOOK

2 45. The Book is primarily based on the work that I have done during my
3 fifty-year career as an expert in group behavior and influence techniques. In writing the
4 Book, we relied on my interviews and discussions with thousands of current and former cult
5 members and their relatives and friends, as well as with participants in various training
6 programs such as est and The Forum. We also relied on, among other things, numerous
7 articles from academic journals that I previously had written and lectures I had given, as
8 well as other journal, newspaper, and magazine articles. In addition, we relied on internal
9 documents and materials of the groups discussed in the Book, which I obtained from
10 current and former group members and from lawsuits in which I participated as an expert.

11 46. Between 1991 and the time that I wrote the Book, I spoke to
12 numerous individuals about their experiences as participants in est and/or The Forum. The
13 experiences they shared were consistent with one another and independently corroborated
14 by the many newspaper and magazine articles and books that I read about Landmark and
15 The Forum. I had no reason to believe that these individuals were being anything other
16 than honest and forthright in their discussions with me.

17 47. In the Book, we briefly discuss Landmark and The Forum (pages 202-
18 204) in a chapter that discusses large group awareness training groups ("LGATs") and the
19 workplace. This discussion provides readers with a proper historical perspective about
20 LGATs and describes some of the public controversy that has surrounded them.

21 48. The Forum is one of the largest and most popular LGATs. It also has
22 been the source of great public controversy and has been discussed in numerous magazine
23 and newspaper articles and books. As a result, it would have been very conspicuous not to
24 have discussed The Forum in a chapter about LGATs. We wrote about The Forum for
25 these reasons. I certainly did not include Landmark or The Forum in the Book for any
26 reason of hatred or ill-will.

27 49. On pages 202-03 of the Book, we describe The Forum and
28 Transformational Technologies. The description is taken directly from promotional

1 brochures distributed by The Forum and Transformational Technologies. A true and
2 correct copy of the brochures that we relied upon are attached hereto as Exhibit B (The
3 Forum brochure) and Exhibit H (Transformational Technologies brochure).

4 50. Upon discussing some of the controversy surrounding The Forum, we
5 reported about the well-publicized incidents involving the Ohio Children Services and the
6 DeKalb Farmers Market (at pages 204-05). In doing so, we principally relied on the *Wall*
7 *Street Journal* and other articles and several consistent reports in Columbus, Ohio
8 newspapers. True and correct copies of those articles are attached collectively hereto as
9 Exhibit I.

10 51. I never have doubted, nor have had reason to doubt, the truth of any
11 statement in the Book, including those that directly address Landmark and The Forum.
12 The Book was carefully researched and edited, and I believed our sources to be trustworthy
13 and reliable.

14 52. I understand that Landmark claims that the mere mention of The
15 Forum in the Book allows for the attribution of any and all statements regarding cults to
16 Landmark. This was not my intent when writing the Book, nor do I have any reason to
17 believe that it was Janja Lalich's intent. The Book is written in distinct chapters, categories,
18 and headings. Passages that were meant to refer to a particular group, including The
19 Forum, actually mention that group by name.

20 53. We also cautioned readers that they must judge each group mentioned
21 in the Book by its own behavior, and that not every group mentioned in the Book is a cult.
22 At the outset, the Book states in the Foreword:

23 One person's cult, of course, is another's religion -- or, for that matter,
24 political or commercial organization. One must make careful distinctions, as
Singer cautions us, and judge each group by its own behavior.

25 (Book p. xii.) At page 49, we then wrote that "[n]ot all the new religious, personal growth,
26 self-help, or radical psychotherapy organizations are known to use mind control or other
27 cultic techniques of deception."
28

1 54. Next to each reference to Landmark or The Forum, we also reminded
2 the reader to think critically and to make careful distinctions. In the very chapter that
3 discusses them, we note up front that:

4 [t]here are many advancement programs, workshops, seminars, and training
5 sessions utilized by companies and corporations in the United States and
6 elsewhere that are legitimate in their intentions and often effective in their
7 outcomes.

8 (Book p. 182.) And immediately before the only other reference to Landmark, the book
9 reads: "[N]ot all the groups mentioned in a category necessarily fall within the definition of
10 a cult; some have been included, as the reader will see, in order to provide a full sense of
11 the emerging social history." (Book pp. 40-41.)

12 55. In the Book, I devoted an entire chapter to the type of intimidation
13 that various individuals and groups employ to silence their critics and to shape public
14 perception -- Chapter 9, entitled "The Threat of Intimidation." (Book pp. 213-43.) One
15 tactic that I have observed as a professional in this field for many years, and which I wrote
16 about in the Book, is "to scare off critics -- be they researchers, journalists, or private
17 citizens -- with threats, intimidation, lawsuits, and other acts of harassment." (Book p. 213.)
18 I also noted Erhard's propensity in this regard:

19 More recently, a large New York publisher, St. Martin's Press, was
20 greeted with 'blasts of hostility and threats of a libel suit' when it announced
21 plans to publish a new critical account of the rise and fall of est founder and
22 New Age guru Werner Erhard. Similarly, in 1992, Erhard's attorney filed a
23 libel suit against CBS News after "60 Minutes" aired a program critical of him.
24 The lawsuit was withdrawn three months later.

25 (Book p. 228.) Based on many years of observations and study, Landmark's lawsuit against
26 me and Janja Lalich fits this pattern of intimidation and harassment for my speaking about
27 it critically in the courts and in the press and media and to the public at large.

28 I declare under the penalty of perjury under the laws of the State of
California that the foregoing is true and correct. Executed this 15th day of April, 1996, in
San Francisco, California.

Margaret Thaler Singer
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