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Recovered memories under hypnosis can be a false and unreliable source of information.

Memory as Witness

Psychologists Revisit Tender Topic as Priest Abuse Cases Enter Courtrooms

By Amanda Onion



Nov. 26 — What stuck in Matthew Layton's mind was a nickel.

Several pending cases against clergy are based on repressed memories. But psychologists haven't yet agreed on an understanding of the memory. (PhotoDisc)

The image of a nickel on the side of a gravestone was what he had clung to, he says, while the unthinkable was happening. The priest he had served with was molesting him, he alleges, and now that the awful memory had rushed back some 25 years later, so had the vision of the nickel.

So he went to find it.

Layton, 39, went to the St. Louis graveyard where he had served as altar boy for a funeral performed by his alleged molester and described what he saw to the cemetery's groundskeeper.

"He had no idea what that was," says Patrick Noaker, Layton's lawyer. "Sure enough the groundskeeper took him to a gravestone that had what looked like a nickel on the side of it. It was a family seal, but looked a lot like a nickel."

Layton took a photograph of the seal to use as evidence that his horrible memory that had only recently come back to him was real.

Experts say that offering corroborating evidence is often the only way to confirm a repressed memory is genuine. That's because even scientists are finding it's hard to define when the memories are real. In fact, psychologists can't seem to settle on a definition.

Key Questions

Is a repressed memory one that is erased completely for years only to be activated later by a trigger, or is it one that's deliberately pushed out of mind and then dealt with at a later point?

And what kind of evidence is needed to corroborate a memory? Are, for example, photographs of rediscovered images that had accompanied an experience enough to prove an assault or other crime had happened?

The answers are central to the outcome of several sexual abuse cases now underway — particularly the surge of cases pending against Catholic priests. Depending on a state's statute of limitation laws that determine how long after an assault a case can be brought to trial, proving whether or not a repressed memory is valid can determine if a case ever goes to court.

Elizabeth Loftus, a psychologist at the University of Washington, argues the guidelines remain so vague and the understanding of human memory so fuzzy that a more appropriate court oath might be: "Do you swear to tell the truth, the whole truth, or whatever it is you think you remember?"

"I think we have to step back and take a lesson from what we learned in the last 10 years. One accusation based on flimsy memory can ruin a life," says Loftus, who recently authored an essay on the limited reliability of human memory in *Issues in Science and Technology*.

Others recoil at such declarations. David Clohessy, executive director of the Survivors Network of Those Abused by Priests and a former victim of priest sexual abuse, himself, argues much of the academic debate around repressed memories is insensitive.

"I think that victims have a hard enough time coming forward without some compromised academic standing up saying what happened to you didn't happen," Clohessy said. "I would never want to squelch responsible academic inquiry, on the other hand I think people like Loftus are terribly hurtful to victims."

Malleable Memory

The roiling over repressed memory began long before the recent spate of sexual abuse cases against clergy. Debate became most public in the late 1980s when a number of children at McMartin Preschool in California recalled elaborate, torrid memories of abuse by their teachers during therapy sessions. A jury eventually decided the memories were created under well-intentioned, but misguided prompting of investigators and therapists.

One of the most notorious cases is that of Cardinal Joseph Bernardin of Chicago who was accused of molestation by Steven Cook in 1993. Cook later withdrew the accusations, saying the memories had been formulated in therapy.

Loftus has suggested through her own studies that memories can easily be planted in both adults and children. She describes one recent experiment where she instructed mothers, fathers and other older relatives to tell their adult children or relatives that they had been lost in a shopping mall at the age of 5 and then rescued by an elderly person.

Even though this had never happened, about a quarter of the subjects eventually believed or at least partially believed it had happened to them.

The experiment, Loftus says, reveals the malleable nature of memory.

"Our memories are vulnerable to 'post-event information:' to details, ideas and suggestions that come along after an even has happened," she writes.

Clohessy points out, however, that many of the current cases against priests don't even involve repressed memories, but ongoing ones that have remained all too vivid throughout victims' lives. For those cases where repressed memory is a factor, he says often the memories in question are not activated during therapy.

Different Triggers

Clohessey's delayed recollection of his own abuse from ages 11 to 16 came back to him only after seeing a movie starring Barbra Streisand called *Nuts* about a woman who was abused as a child. He was 31 years old and had led a troubled adult life that he hadn't been able to explain. After he filed suit against the Diocese of Jefferson City, Mo., for the abuse he claimed he suffered, his accused molester went missing.

"We all like to believe that we're in control of our own behavior," he says. "But when you're fired for the fifth time for yelling at your boss, we start to realize there are patterns — patterns that require some kind of explanation."

Noaker, Matthew Layton's attorney, says his client's memories of alleged abuse by the Rev. Joseph Ross came back to Layton only after he read a newspaper article about another man who was accusing Ross of abuse. The article described how Ross, a priest in St. Louis, told his victim "father loves you." Noaker says

after reading those words, Layton suddenly remembered Ross saying the same to him before his own abuse began. Then snapshots of his surroundings during the abuse flooded back as well.

"The memories came back to him in pieces," said Noaker. "At first he even questioned what was happening, so he went to prove to himself that the memories coming back to him were valid."

Ross pleaded guilty in 1988 to misdemeanor sexual abuse of another boy in a different church and was removed from service in August 2002 after an archdiocesan review. Jim Orso, a spokesman for the Archdiocese of St. Louis, said the Archdiocese is not commenting on Layton's case because it is a pending legal matter.

Big Umbrella?

Jonathan Schooler, a psychologist at the University of Pittsburgh believes it's important to recognize that both false memories and real ones are legitimate in their own way.

"I think of it like chest pain," Schooler says. "Sometimes when people have chest pain it's due to a panic attack. Other times it's a heart attack. Just because one exists doesn't mean the other doesn't."

But Patrick Schiltz, a law professor at the University of St. Thomas School of Law in Minneapolis who has defended the church in hundreds of sex abuse cases, argues plaintiffs often change their own assessments of their memories, depending on the laws of the state where they're bringing a case.

In order for people to file suit against someone for a decades-old incident, some states, such as Florida and Vermont, require that a person file suit within a certain time from when the memory that had been repressed, returned. Other states, like California and Minnesota, base filing deadlines only on when a victim realizes an incident was abusive. The difference may be subtle, but, Schiltz says, it's critical.

"In states where what's necessary is a connection between injury and abuse, you don't get a lot of repressed memory claims — because it's not required," he says. "Where it is required, you see a lot more of these cases. I've seen a lot get swept under the umbrella of repressed memory."

Right now, there is ample room under the repressed memory umbrella. The American Psychological Association's official statement on repressed memory remains ambiguous, saying, "concerning the issue of a recovered vs. a pseudo-memory, like many questions in science, the final answer is yet to be known."

In fact, it may be decades or longer before scientists understand the brain well enough to offer solid explanations of memory. So some argue it may be better to acknowledge the murky understandings of the brain, than to try and force every experience into rigid definitions.

"There is false memory and there is genuine recovered memory," says Schooler. "It's when we try to fit all of them into a single explanation that people get hurt on both sides."

[<http://more.abcnews.go.com/sections/scitech/DailyNews/repressedmemory021126.html>]