

A Review and Correction of the Errors in Loftus and Guyer on Jane Doe

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Abstract

There are so many errors among those facts that can be checked in the Loftus and Guyer articles under review that they cast doubt on the accuracy of the alleged facts in these articles that cannot be easily checked. Loftus's and Guyer's two articles, published in a newsstand magazine instead of a peer-reviewed journal, show a pattern of inaccuracy that casts doubt on their claims to have conducted a skeptical, objective inquiry. Some, but not all of these errors, were corrected in a 2009 article Geis and Loftus published in a peer-reviewed journal, although Loftus does not acknowledge in that article her earlier inaccuracies. This article corrects the record about the conclusions drawn in the Corwin and Olafson article published in 1997 and clarifies the history about Corwin's involvement in the Taus case.

Keywords

mental health and violence, memory and trauma, violence exposure

My minor role in the Jane Doe story was as follows. I began working with and for David Corwin in 1989 on forensic cases, trainings, and publications, and our collaboration lasted for more than a decade thereafter. Our forensic team worked on complex cases of alleged childhood trauma and maltreatment in a number of states and provinces throughout the United States and

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Canada. We were engaged by the courts, prosecution, plaintiffs, defense, and licensing boards. We (or our hospital and university employers) were recompensed for our time, not for our opinions. We sought to be identified neither as a primarily defense nor a prosecution forensic team, but rather as an independent, balanced and neutral one. Although our team appeared for plaintiffs on cases where well-known defense experts had been called by the defense, we appeared on other cases in the same years for the defense and preferably worked as a court-appointed team.

This goal of balance characterized our trainings and presentations as well. Drawing from cases both he and I had seen, we first presented about false allegations of child sexual abuse at the January San Diego Children's Hospital Child Maltreatment Conference in 1992. We expected a few dozen people at this first workshop and found ourselves showing our slides and interview videotapes to an overflowing room of more than 200 participants. Because of the evidently intense interest in this still new and developing area, the San Diego Conference organizers invited us to return the following year to present on false sexual abuse allegations at a plenary session to an even larger audience, not all of whom welcomed the news that one cannot always "believe the children."

In 1996, we presented at a workshop at a major child abuse conference regarding our experience with a litigated case involving a school-aged girl who described having experienced ritual abuse at the hands of prior foster parents. Our extensive work on this complex case had turned up evidence of a very high probability false allegation caused by an apparent case of unintentional indoctrination by adoptive parents that appeared to have distorted the girl's memory of past events, or at the very least, her reporting of past events. Using only the public court records, we presented this probable false allegation case at the American Professional Society on the Abuse of Children Colloquium in 1996, the year before the Jane Doe article appeared (Corwin & Olafson, 1996).

In most complex alleged child sexual abuse cases, responsible experts draw conclusions using language about high or low probability, because definitive, confirmatory evidence of the presence of child sexual abuse is relatively rare, and conclusive disconfirmatory evidence in a given case (that there was no child sexual abuse) is also very rare. Because of these limitations, we can seldom be completely certain when we offer expert opinions. Corwin, Berliner, Goodman, Goodwin, and White (1987) had already discussed these challenges well in an article entitled *No Easy Answers*. Throughout our work together, we strove to do our own work and to train others to investigate each case with an open mind, to develop teams where vigorous discussion of (and even disagreement about) multiple hypotheses

was normative, and to avoid any rush to judgment. We used that same model in presenting cases at conferences and in writing up the Jane Doe case, not only exploring multiple interpretations about key aspects of this case but also inviting experts from a variety of perspectives to explore the ramifications of this case from diverse perspectives.

David Corwin was a mentor and collaborator for many years, and we occasionally continued to collaborate on forensic cases until 2012. I feel that I am uniquely qualified to describe his approach and his professional work. Although Corwin has published articles about the impact of child sexual abuse on child development and about the complexities of child abuse allegations in the context of custody disputes, he is not primarily a researcher, and he does no research about memory. His interests range across the topics relevant to teaching and implementing best forensic interview practices. Of course, during our collaboration we both made efforts to remain current with research developments that would affect our forensic and training activities. As we planned the establishment of our child forensic interviewing program in the mid 1990s at the Childhood Trust, a joint effort of the University of Cincinnati's Department of Psychiatry and Cincinnati Children's Hospital, we included lectures about memory and suggestibility in the curriculum within a framework of other necessary components for good interviewing, such as children's linguistic development, guidelines for neutral questioning of children and adults, and overviews of the various protocols being developed in those years.

When we presented talks and trainings about how to interview children during the 1990s, Corwin often showed videotapes of his past interviews with children. One he often used included parts of interviews he had conducted as a court-appointed expert with the child Jane Doe (Nicole Taus), on whose case he had worked years before I met him. To keep showing this videotape, Corwin contacted Jane's father and Jane periodically to reaffirm the father's parental consent and Jane's assent. The events clearly described in our 1997 article took place because Corwin recontacted Jane's father again in 1994 to reconfirm his permission to show Jane Doe's childhood interview with Corwin (Corwin & Olafson, 1997).

I was not present for any of the Jane Doe interviews. My name is on the article as second author because I assisted Dr. Corwin in writing it. I have delayed writing this article about Dr. Loftus's and Dr. Guyer's articles about Dr. Corwin and the Jane Doe case until the California litigation about this case had concluded, but it is now time to correct the inaccuracies and misrepresentations made by Loftus and Guyer in their 2002 articles (Loftus & Guyer, 2002a; Loftus & Guyer, 2002b), and a few inaccuracies in one subsequent article (Geis and Loftus, 2009).

Loftus and Guyer Errors #1 and #2: Dr. Corwin instigated the 1995 contact with Jane Doe as part of a research project about repressed memories, having shown her tapes at conferences on memory and child abuse.

In the first of their 2002 *Skeptical Enquirer* articles, Loftus and Guyer wrote,

Eleven years went by, during which Corwin continued to discuss Jane's case at conferences on memory and child abuse. In 1995, wondering what, if anything, Jane herself remembered about her experiences, he contacted Jane, now age seventeen, and she agreed to be reinterviewed on videotape. Would she have repressed memories of her mother's abuse? (Loftus & Guyer, 2002a, p. 27)

Without acknowledging this error, Loftus is more accurate in 2009, writing, "Eleven years later, Corwin contacted Taus to obtain her continuing consent to his use for training purposes of the videotape of the earlier session" (Geis & Loftus, 2009, p. 149).

What Actually Happened

Here again is a detailed account of what happened. Our 1997 article stated explicitly that when Jane was 16 years old, in 1994, as part of his routine practice, Corwin recontacted her for assent to continue showing the tapes after her father (who was now living in a convalescent hospital) gave Corwin permission to contact his daughter. We wrote in the article that Jane Doe said the following to Corwin during this assent phone call, "She then stated that she would like to see the videotapes herself because she had been unable for some time to recall the actual events that occurred to her during her early childhood" (Corwin & Olafson, 1997, p. 98). We also wrote that Corwin told Jane this had never been done, and he did not want to simply send her the tapes but rather to review them with her because it could be potentially stressful for her to see them. About a year later, he was able to review the tapes with Jane Doe, who was then 17. Corwin made sure that a trusted local therapist whom he knew was present to provide therapeutic follow up if needed. Jane chose to have her foster mother present as well.

In my dozens of interviews conducted with him, Corwin always videotaped consent/assent with children and families. Jane Doe's sudden recall of past events happened accidentally, as part of Corwin's ethical commitment to obtain current consents and assents to continue using videotaped interviews during his trainings and talks. This did not happen because of an intrusive repressed memory research investigation by Dr. Corwin into the adolescent Jane Doe's life. He did not reenter Jane's life to conduct research about her

past memories, and had he done so, he would of course have needed Institutional Review Board (IRB) approval. Instead, her videotaped interview was part of his documentation of the informed consent prior to Jane's requested viewing of the videos from Corwin's court-ordered evaluation of her and her parents when she was 5 years old.

It was during the routine videotaped informed consent prior to viewing her childhood interview tapes that Corwin asked Jane Doe, "Do you remember anything about the concerns about possible sexual abuse?" (Corwin & Olafson, 1997, p. 105). Both parents had been accused of child sexual abuse during the earlier litigation, so although this was a yes–no question, Corwin did not name one parent or the other as the possible offender. Jane Doe said, "No," and then as her affect changed and she inhaled audibly, she stated, "Wait a minute, I do," and Corwin asked, "What do you remember?" Jane Doe responded "Oh my gosh, that's really . . . really weird" (p. 105). Corwin here was following the standard interview practice of "Pairing," during which a yes–no question is followed by an open question. Jane Doe stated a bit later in this exchange, "I recall saying it, and I recall it happening" (p. 106). She stated that she did not know whether or not it was an intentional hurt. Jane Doe described what she recalled before Corwin showed her any of the childhood tapes that she had asked to see.

Loftus and Guyer (2002b), however, implied that Corwin intruded into Jane's life during her adolescence, not as part of his ethical commitment to ensure continued consent/assent to continue showing her childhood tapes during trainings and talks, but for his own research about repressed memories. This sets Loftus up to reach the tragic conclusion that

Jane terminated her newly emerging relationship with her mother after Corwin came back into her life and replayed her childhood tape. Her mother lost her once, long ago in 1984, and lost her again in 1995. At this writing they are not in contact with one another (p. 40).

Where did Loftus get this misinformation? Not from our 1997 article, but allegedly from what Jane's foster mother had told her. According to the Loftus and Guyer (2002a) articles, as Jane was rebuilding contact with her mother and beginning to question whether the abuse had even happened, "Corwin entered the picture. He called Foster Mom, saying he was doing research and wanted to interview Jane again" (p. 31). Whether or not this is what Jane's foster mother actually said to Loftus, it is not accurate.

Loftus and Guyer (2002a) are also in error about Corwin's use of the Jane Doe case history, stating that he had discussed Jane's case at "conferences on

memory and child abuse” (p. 27). This gives the impression that Corwin had shown the Jane Doe tapes because of his alleged focus on memory and abuse rather than for general educational purposes about child sexual abuse. In the years before 1995, Corwin showed the Jane Doe childhood tape not primarily in the context of memory and abuse conferences, but during “professional trainings” (Corwin & Olafson, 1997, p. 98). He was not focused on memory issues during these years (nor is he to this day). Instead, he was in the process of founding one of the early child forensic interviewing programs to insure competent practice by social workers and police officers and in working with others to plan for and establish a major child advocacy center, The Mayerson Center for Safe and Healthy Children at Cincinnati Children’s Hospital Medical Center. In the 2009 article, Geis and Loftus seem to be identifying Corwin more accurately as “a specialist in forensic psychiatry and child abuse” (Geis & Loftus, 2009, p. 148).

Loftus and Guyer Error # 3: Corwin claims that the Jane Doe case proves the reality of repressed memories.

In 1993, Elizabeth Loftus had published a major article about repressed memories in *American Psychologist*. She published her popular book *The Myth of Repressed Memory: False Memory and Allegations of Sexual Abuse* a year later (Loftus & Ketcham, 1994). She was a board member of the False Memory Syndrome Foundation (FMSF) and a well-known defense expert who often testified about memory. She and Guyer framed their account of our 1997 article in the context of the “Memory Wars” in which they aligned Corwin and Olafson with those who had argued that traumatic experiences are so upsetting that they are likely to be “repressed” and can be recovered accurately years later through therapy. They quoted several clinicians who describe “massive repression,” “fiercely repressed,” and “total repression,” and placed us firmly (and erroneously) in their camp (2002a, p. 26).

Loftus and Guyer thus argued inaccurately that Corwin used the two tapes of 1984 and 1995 to make claims about repressed and recovered memories. They wrote,

Therefore the burden of proof has been on therapists to demonstrate the existence of this kind of repression/dissociation and confirm their belief that such traumatic memories can eventually be reliably recovered.

In 1997, psychiatrist David Corwin and his collaborator Erna Olafson published a case study that they believed provided such proof (2002a, p. 26).

“For Corwin,” they stated, “this case supports the clinical assumption that traumatic memories and ordinary memories are encoded differently” (2002a, p. 27). They further stated that “Corwin would claim that Jane had ‘repressed’ the memory” (2002a, p. 32) and that Jane had “memories, according to Corwin, that she had repressed for eleven years, a clear example of ‘traumatic’ amnesia” (2002a, p. 27). Some of these false claims are repeated in the 2009 article. In the abstract, Geis and Loftus write about the “claim of a psychiatrist that ‘Jane Doe’ . . . had recovered a repressed memory of sexual abuse by her mother” (2009, p. 147), and later in the article, “Corwin and Olafson maintain that the interviews demonstrated that Taus had experienced ‘traumatic amnesia’” (p. 149). These alleged facts seem to be invented out of whole cloth. The Corwin and Olafson (1997) article made no such claims.

What We Actually Wrote About Memory

We were never in the repressed/recovered memory camp (if there was one), and as described above, we had even disgruntled some therapists by our conference case presentations about false allegations of child sexual abuse and intentional or unintentional indoctrination of children. Instead of making the claims that Loftus and Guyer alleged we made about repressed memories, traumatic amnesia, or differences in encoding, in this article we instead reported quite concretely what Corwin had observed about Jane Doe and then discussed several hypotheses about how these observations might be interpreted. We were mindful and deliberate in the language we used to frame the article, and one of our academic commentators (a noted false memory theorist), praised our approach as balanced and constructive (Lindsay, 1997). We never stated in the article that this case constituted evidence of massive repression or dissociation and took no position about whether Jane’s reported forgetting and remembering constituted proof that traumatic memories and ordinary memories are encoded differently or whether this was an example of traumatic amnesia. Instead, we reviewed the evidence for many interpretations of this event, including the fact that “The tears and evident strong feeling this memory discovery caused Jane were not similar, say, to suddenly remembering where one has put the car keys” (Corwin & Olafson, 1997, p. 111), and contrarily, “Was Jane’s memory truly unavailable, or was it just that she had never specifically tried to recall sexual abuse?” (pp. 110-111).

It is not a minor point that we never argued that the Jane Doe videotapes constituted proof of traumatic amnesia, repressed memory, or dissociation. We used words such as “forgotten and then recovered,” and we were explicit that we were taking no position, because we really did not know. We wrote,

The fact that it may have been Corwin's voice, demeanor, and presence that helped trigger her recall does not answer the question of whether we need to invoke a special mechanism to explain forgetting and recall of traumatic events. Trauma theorists could hypothesize that Corwin's presence acted as a "trauma-specific trigger," without which Jane might not have recalled the vaginal penetration. However, in standard cognitive theory, encoding specificity could also explain her recall, without the need to invoke a special mechanism. (p. 111)

To put it bluntly, we were saying that Jane had reportedly been unable to recall this memory for some period of time and then recollected it while Corwin was interviewing her as part of the consent process. People forget and they remember. There are, as we stated, "periods of non-recall" that are quite common (p. 110). Loftus herself has written something similar (Loftus & Ketcham, 1994).

The title of our article and our Jane Doe presentations at conferences referenced "reportedly unrecalable memory of child sexual abuse." Our introductory paragraphs framed the discussion in terms of the memory debates of the time, noting that "much remains to be learned about human memory" and the mechanisms through which both traumatic and non-traumatic memories are preserved, as well as "how they can become unavailable to the person who experienced them, how they are sometimes discovered, and how they can become contaminated mixtures of both accurate and inaccurate information" (Corwin & Olafson, 1997, p. 91). Corwin also included a number of psychiatrists and psychologists from different perspectives to comment on the Jane Doe case, including emotion expert Paul Ekman and, as Loftus and Guyer do acknowledge, experimental and cognitive psychologists such as Jonathan Schooler (a former student of Loftus), Stephen Lindsay, and Ulric Neisser.

Error # 4: Tavis implied that Corwin would not have cooperated with Loftus and Guyer, so they had to use other means to get this information.

In her commentary that accompanied publication of the Loftus and Guyer articles, Carol Tavis (2002) praises "heroes" such as Loftus and Guyer who seek the truth and justice against obstacles posed by IRBs. She dismisses criticism of the Loftus/Guyer methods in a University of Michigan IRB memo for "failing to enlist the 'ongoing cooperation' of Corwin (!), as if Corwin would have granted it!" (p. 44). As Corwin had invited commentaries for the 1997 special issue from a wide range of experts in the memory debates, from clinical psychiatrists to experimental and cognitive

psychologists known to be skeptical about claims of forgotten and recovered memory, there is no basis for an imputation of rigidity or bias against Dr. Corwin. Loftus and Guyer never asked Corwin for his assistance in their review of this case, although the range of commentators that Corwin invited to participate in the 1997 special issue are evidence that he might well have considered and sought to cooperate with such a request provided that it did not compromise Jane Doe's privacy. Regarding privacy, Geis and Loftus (2009) cite an appellate opinion that included a determination by a judge "that a case might be made that Loftus had improperly secured juvenile court records that were supposed to be sealed" (pp. 153-4). Of course, for ethical reasons, Corwin would not have sanctioned or helped with any such violation of privacy.

Our collaborators on the special issue welcomed this open attitude. In his invited commentary, Loftus's former student, Jonathan W. Schooler (1997) wrote,

I am very grateful to Dr. Corwin for giving me the opportunity to comment on this remarkable case. It is a testament to the progress that we have been making in the field that it is now possible for cognitive and clinical psychologists to discuss the various aspects of a discovered memory case in a civil and noncombative manner. It is my hope that this case may help to further deflate the tensions that have surrounded this controversial issue. Perhaps its compelling aspects will help to persuade some skeptics that individuals really can have discovered memories corresponding to authentic incidents of abuse . . . I hope that Corwin and Olafson's general approach to this case, with its ethical sensitivity, its use of longitudinal evidence, and its willingness to invite alternative perspectives, can serve as a model for the future (p. 132).

Other Problems

In this issue, Taus writes that she is outraged that her half-brother's account of the situation was published by Loftus in 2002 and 2009 without any mention of the severe adolescent accident that had left him with significant brain damage and memory loss that she states would be evident to anyone who had any kind of contact with him. Geis and Loftus continue to quote him in their 2009 article, although they identify him as a stepbrother. And although Loftus and Guyer stated that Corwin accepted the stepmother's version of events "relatively uncritically" (2002a, p. 32), while presenting themselves as neutral subsequent investigators working to set the record straight, they appear to have been uncritical in their acceptance of Taus's biological mother's statements about her marriage and divorce. Nicole Taus (**IN PRESS**) describes

the distress she experienced because Loftus published the “one-sided” comments that her mother offered about her deceased father, to whom her mother had lost a bitter custody battle some years before.

Indeed, the pervasive inaccuracies that can be checked in Loftus’s and Guyer’s pieces in this newsstand journal call into question the neutrality and accuracy of all they report, including their written accounts of their review of the juvenile court records, a review that allegedly included records that had been sealed to protect Nicole Taus’s privacy (Taus, **IN PRESS**). Can we trust the accuracy of their accounts about what others allegedly said to them during their 1997 contacts, including contacts with Nicole’s foster mother, her step mother, and her biological mother? We need not allege deliberate dishonesty to arrive at a negative answer here. The very biases in memory that Loftus studies may have led her to misremember the interviews or distort details in favor of her own theories.

What Purpose Did the Loftus and Guyer Reanalysis Serve, and What Did They Achieve?

What motivated Loftus to depart from standard academic practice, fail to approach Corwin (as other academic psychologists, such as Neisser and Lindsay did do?) to debate the issues, and instead go underground with a private detective to intrude into Nicole Taus’s life, with devastating personal consequences that are vividly described in Taus’s article in this issue? Were colleagues perhaps using the Jane Doe case to taunt Dr. Loftus? I ask because when Corwin and I presented the Jane Doe videotapes in 1996 and 1997 at International Society for Traumatic Stress Studies (ISTSS) conferences and elsewhere, one or two people would come up to us after each presentation to inquire with a smirk, “Has Liz seen these?” As Putnam (**IN PRESS**) suggests in the current issue, Nicole Taus’s experience of sudden recall of an event she had forgotten, inadvertently caught on videotape during Corwin’s consent process, could be described as a “black swan” for the existence of delayed recall of traumatic memories of child abuse. Loftus was well known in the academic world and in the courts for her work about the “myth” of repressed memory. The powerful videotapes apparently were being used by some to challenge much that Loftus had sought to prove in a long and distinguished academic career. Indeed, Loftus and Guyer (2002a, 2002b) wrote that the Jane Doe case was being used in conferences and in court cases against potentially innocent accused individuals.

Loftus has written several times that “childhood sexual abuse is tragically common” (Loftus & Ketcham, 1994, p. 524), but she has also written,

Something has gone wrong with therapy and . . .that something has to do with memory . . . On one side are the “True Believers,” who insist that the mind is capable of repressing memories and who accept without reservation or question the authenticity of recovered memories. On the other side are the “Skeptics,” who argue that the notion of repression is purely hypothetical and essentially untestable . . . My research into the malleability of memory aligns me with the Skeptics, but I am also sympathetic to the True Believer’s concerns (Loftus & Ketcham, 1994, pp. 31-32).

To discredit the Jane Doe article, did Loftus and Guyer have to create a Corwin who was a True Believer about repressed and recovered memory? Loftus is certainly accurate to note that we have learned a great deal about questioning to minimize children’s suggestibility since the early 1980s. Corwin and I have also evaluated some high probability false allegations that appear to have had their sources at least partially in the kind of incompetent, “True Believer” therapy or interviewing Loftus describes. To repeat briefly, Corwin, who was no True Believer, was not a memory researcher, made no claims about repressed memory in the article, and reviewed and invited a number of perspectives to explain what was seen in the videotapes. Readers are advised to read the May 1997 *Child Maltreatment* issue and the Lindsay commentary that appeared in the subsequent issue, available at no cost at APSAC.org

In their first article, Loftus and Guyer (2002a) stated,

Case studies, by definition, are bounded by the perceptions and interpretations of the storyteller . . . In many cases, they are inherently limited by what the reporter sees, and what their reporter leaves out. This is especially true if the writer is untrained in the scientific method, and thus unaware of the confirmation bias, the importance of considering competing explanations before making a diagnosis, and so forth (p. 25-26).

They wrote that Corwin in 1997 had a vested interest in persuading others that his initial judgment about Jane was correct, and they presented themselves as without a vested interest for any particular outcome except to learn whether Corwin had provided the whole truth and nothing but the truth about the original case. As Loftus and Guyer became the “storytellers” to recast their version of this case study, were they not, like all of us, also bound by personal perceptions and interpretations? Did they enter the case with a disconfirmation bias? If they could show that Jane’s reports in 1984 and 1995 were the contaminated product of one of those interviewers “who are on a mission to find evidence of sexual abuse” (2002a, p. 28) and that there had been no sex abuse at all, then, as Putnam states, all their swans are white

again and their worldviews are intact (Putnam, **IN PRESS**). One might well ask who is more likely to be unbiased and accurate about the facts of a case, a neutral, court-appointed expert investigating a case at the time, or academics more than a decade later with a possible disconfirmation bias? The answer depends at least in part on whether Corwin is the intrusive True Believer of Loftus's and Guyer's imagining, and whether Loftus and Guyer are unbiased.

What did Loftus and Guyer actually achieve? Certainly, they caused distress to Nicole Taus by first intruding into her life with private detectives when she was a 19-year-old college student, violating her privacy by interviewing all the mother figures in her life, and publishing information about her father that Nicole believes to be painfully wrong. I recall my shock that Monday morning in the late 1990s when I came to work to hear from our distraught assistant who had just listened to our phone messages, "They've found Jane Doe; a private detective came to the foster mother's house." I was even more shocked when, later that week, I learned that "they" was the esteemed Elizabeth Loftus. Multiply that shock and sense of outrage, and one can get some sense of what Nicole Taus has endured in this past decade. Tavis presents Loftus and Guyer as first amendment heroes up against a repressive establishment, and Geis and Loftus seem to be continuing this line of argument in their 2009 article. Do they acknowledge even to themselves the power differential here—that it was one young woman who was striving to preserve her privacy and dignity whom they were fighting?

One perhaps unintended outcome of Loftus's and Guyer's behavior on this case has been a chill on case report publications of unknown proportions. For example, Corwin and I have extensive case records locked away of at least one high probability false sexual abuse allegation with unintentional indoctrination of a child that could be very useful in revealing how this implantation process between parents and a dependent child unfold. It sits unpublished, and the records will likely be shredded soon. Are there other examples of academic self-censorship languishing in other clinical files throughout the country? Indeed, Geis and Loftus argue that the "detective work that Loftus and Guyer carried out on the Corwin and Olafson report could well have been done by a *Washington Post* reporter or a 60 Minutes television investigator" (p. 160). They then quote law professor Philip Hamburger, who argues that IRBs violate the First Amendment guarantees of free speech, even though journalists can engage in "deceit, trespass and receipt of unlawfully obtained property" and "investigate at the risk of causing harm, including personal and financial ruin, suicide, divorce, imprisonment and even political violence" (p. 160). Are Geis and Loftus implying that academic inquiry should risk hurting others in the same fashion without limitation or oversight? Although there are

controversies about the roles and functioning of IRBs in research institutions (Cheit, **IN PRESS**; Dalenberg, **IN PRESS**), IRBs exist for very good reasons, to prevent such damaging outcomes. In response to the Geis/Loftus view, one can well argue that exercising one's constitutional right to free speech does not give one license to violate the ethical standards of the medical and mental health professions. Those ethical standards include the injunction to "do no harm." Legal and ethical standards of behavior are distinct.

Several aspects of this case still surprise. It is perhaps predictable that Loftus would not shift her core beliefs about memory because of this one case and would work hard to challenge the conclusions some experts were drawing from the videotapes, but for many observers, it was surprising to see the unusual (and to many of us, ethically questionable) ways she chose to go about this challenge. It was surprising that the *Skeptical Inquirer* pieces were treated in the literature as journal articles, although the magazine is not a peer-reviewed, scientific journal. Even a casual reading of the *Skeptical Inquirer* pieces and the *Child Maltreatment* articles reveals the Loftus/Guyer articles to be replete with inaccuracies and errors. Some, but not all of these, errors have been corrected in Loftus's subsequent article with Geis.

Finally, there is one sad addendum. The videotapes, powerful as they are, do not actually constitute proof about traumatic memories being repressed through unique encoding, and later recovered, nor on the other hand do they constitute proof that there are no such unique memory processes. We wrote in the introductory part of the 1997 article that "much remains to be learned about human memory" and that many questions remain unanswered (p. 91). We stated that Jane Doe's forgetting and memory rediscovery could be explained in a number of ways, including some that Loftus herself has endorsed, as in this passage from her 1994 book:

Researchers can demonstrate in the laboratory that forgetting, loosely defined as the failure to remember an event or the inability to recall all the details of a past experience, does in fact occur. Experimenters can demonstrate and offer verifiable evidence as proof that memories lose shape and substance as time goes by.

More difficult to prove in the laboratory, but certainly part of every human being's experience, is the phenomenon known as motivated forgetting, in which we push unacceptable or anxiety-provoking thoughts and impulses out of our conscious minds in order to avoid thinking about them (p. 214).

Is the Nicole Taus case then perhaps not a threat to all Loftus believes? And if so, did she go to all this trouble and cause so much distress to Nicole Taus, who was 19 when Elizabeth Loftus came into her life, for no good reason?

Nicole Taus (**IN PRESS**) describes what Loftus did to her as a personal violation. Near the end of our article, we wrote, “Jane’s eventual view and feelings about this experience and its effects on her life and experiences are important concerns that may be addressed by future inquiry” (Corwin & Olafson, 1997, p. 112). When we wrote those words, we did not imagine that anyone, much less an academic of Loftus’s position and influence, would act in the way that she did, with harmful consequences for this strong young woman that still affect her life.

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