



Written by [R. Cort Kirkwood](#) on November 5, 2018

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“When Women Charge Rape, We Must Believe”

That was the refrain we heard when Christine Blasey Ford accused then-U.S. Supreme Court nominee Brett Kavanaugh — now an associate justice — of attempted rape.

But *must* we believe Ford, given that she can't remember how she landed at the party in 1982 where, she says, Kavanaugh pinned her down? Or how she got home? Or given that this memory only surfaced in therapy in 2012, coincident with Kavanaugh's name landing in the news as a possible pick for the high court if Mitt Romney won the election?



A similar question must be asked about Debbie Ramirez, the woman who accused Kavanaugh of exposing himself at a party at Yale. Her memory was even more shaky. She was drunk at the party. She asked friends to help her remember.

How reliable are these claims?

The questions are important given the work of the world's premier expert on false memories, Elizabeth Loftus. A psychology professor at Stanford University, Loftus has proven with multiple experiments how easily memories are implanted. During a Ted Talk in 2013, she explained the consequences of false memories when it comes to criminal accusations, detailing the case of a falsely accused man. He was convicted, then exonerated. But he lost his job, his fiancée bailed out, and then he died of a stress-related heart attack.

But he isn't the only victim of a false rape charge. “In one project in the United States,” Loftus reported, “information has been gathered on 300 innocent people, 300 defendants who were convicted of crimes they didn't do.... And when those cases have been analyzed, three quarters of them are due to faulty memory, faulty eyewitness memory.”

So 225 of the 300 false convictions involved false testimony, even if innocently false, based upon false memories.

Memory, Loftus explained, is not a recording device. “Memory works a little bit more like a Wikipedia page: You can go in there and change it, but so can other people.”

Loftus described implanting innocent false memories into test subjects, explaining that “you can distort or contaminate or change their memory.” Loftus once implanted an impossible memory into her subjects: Bugs Bunny at Disneyland. Bugs touched them inappropriately, they remembered. Of course, the wascally wabbit is not a Disney character.

But where does the memory-corrupting misinformation come from? “Everywhere,” answered Loftus. Leading questions, false information from other witnesses, and “media coverage about some event we might have experienced” can contaminate memory, she said.



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Loftus also described the lurid tales of childhood abuse that individuals “remember” because therapists planted them.

Apropos, then, of what we were asked to believe about federal judge who led an exemplary life, a few observations:

Assuming Ford actually believes her tale and isn't lying, she can't, again, remember how she got to the party or got home. And her story changed repeatedly. First she said the attack was in her late teens. Then she said she was 15. She also said the attack occurred in 1982 after saying it occurred “the mid 1980s” and the “early 1980s.” She also said she wasn't drunk the night of the party because she had exactly one beer. How did her accusation become so specific after it was so vague?

Beyond that, the men and women *she offered* as corroborating witnesses deny remembering any such party.

Given Ford's memory lapses and changing story, consider a curious fact about her professional endeavors. She collaborated on a research paper that discussed, among other things, using hypnosis to “assist in the retrieval of important memories” and to “create artificial situations” to help treat patients. “Hypnosis could be used to improve rapport in the therapeutic relationship, assist in the retrieval of important memories,” the authors wrote.

Ford and her collaborators taught participants “self-hypnosis,” and cited the work of two other researchers who wrote that hypnosis could corrupt a person's memories.

Speaking to the *New York Times* about Ford's accusation, Loftus said, “The question is, when did the accuser attach Brett Kavanaugh's name to the incident? Was it right away or did it come much later, say, in therapy?” Answer? Ford's husband said she brought Kavanaugh's name up in therapy, but the notes from the session don't mention his name. Maybe that's why Ford and her attorney wouldn't surrender those notes to the Judiciary Committee.

As for Ramirez, did any of those she solicited for help remembering contaminate her memory? How about news coverage? And what role did her own confessed drunkenness play? Did Ramirez remember anything, or did the people she asked for help, along with media coverage, contaminate her memory?

We might never find out.

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