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How Elizabeth Loftus Changed the Meaning of Memory

The psychologist taught us that what we remember is not fixed, but her work testifying for defendants like Harvey Weinstein collides with our traumatized moment.

By Rachel Aviv

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Loftus has testified for Harvey Weinstein and Jerry Sandusky, describing a “flimsy curtain” between imagination and memory. Photograph by Matthew Brandt for The New Yorker

Elizabeth Loftus was in Argentina, giving talks about the malleability of memory, in October, 2018, when she learned that Harvey Weinstein, who had recently been indicted for rape and sexual assault, wanted to speak with her. She couldn't figure out how to receive international calls in her hotel room, so she asked if they could talk in three days, once she was home, in

California. In response, she got a series of frantic e-mails saying that the conversation couldn't wait. But, when Weinstein finally got through, she said, "basically he just wanted to ask, 'How can something that seems so consensual be turned into something so wrong?'" "

Loftus, a professor at the University of California, Irvine, is the most influential female psychologist of the twentieth century, according to a list compiled by the *Review of General Psychology*. Her work helped usher in a paradigm shift, rendering obsolete the archival model of memory—the idea, dominant for much of the twentieth century, that our memories exist in some sort of mental library, as literal representations of past events. According to Loftus, who has published twenty-four books and more than six hundred papers, memories are reconstructed, not replayed. "Our representation of the past takes on a living, shifting reality," she has written. "It is not fixed and immutable, not a place way back there that is preserved in stone, but a living thing that changes shape, expands, shrinks, and expands again, an amoeba-like creature."

George A. Miller, one of the founders of cognitive psychology, once said in a speech to the American Psychological Association that the way to advance the field was "to give psychology away." Loftus, who is seventy-six, adopts a similar view, seizing any opportunity to elaborate on what she calls the "flimsy curtain that separates our imagination and our memory." In the past forty-five years, she has testified or consulted in more than three hundred cases, on behalf of people wrongly accused of robbery and murder, as well as for high-profile defendants like Bill Cosby, Jerry Sandusky, and the Duke lacrosse players accused of rape, in 2006. "If the MeToo movement had an office, Beth's picture would be on the ten-most-wanted list," her brother Robert told me.

But after the conversation in Argentina, and after reading more about the allegations, she referred Weinstein to a different memory researcher. Over the phone, she told his lawyers, "He's a bully, and I've experienced that bullying myself." She didn't realize that Weinstein was on the line until he piped up: "I'm sorry if you felt I was bullying you."

She resisted the job for about four months, but Weinstein and his lawyers eventually prevailed, persuading her to fly to New York and testify on his behalf, in exchange for fourteen thousand dollars, only ten thousand of which was ever paid. "I realized I was wanting to back out for selfish reasons, and I didn't want to live with that feeling about myself," she told me. (The only time she has ever turned down a case for reasons of repugnance was when she refused to testify for a man accused of operating the gas chambers at Treblinka.)

On February 6, 2020, the day before she testified, she received an e-mail from the chair of the psychology department at New York University, where she was scheduled to give a lecture. Her plane tickets had already been purchased. "Unfortunately, due to circumstances beyond our control it is necessary to cancel your talk," the professor wrote. Loftus asked whether the cancellation was because of the Weinstein trial; the professor never responded.

Loftus can't remember the last time that she bought something she considered unnecessary. At Weinstein's trial, she wore a red jacket that she bought at Nordstrom Rack for about eighty-five dollars and a thin necklace with a golden feather that she has worn every day for the past forty years. As she walked through the courthouse, she looked as if she were struggling to appear

somber. “I have to admit,” she told me later, “that it is fascinating to be, you know, in the trenches with the trial of the century.”

She testified for roughly an hour, presenting basic psychological research that might lead a jury to think that neutral or disappointing sexual encounters with Weinstein could have taken on new weight in light of revelations about his predatory history. “If you are being urged to remember more,” Loftus said at the trial, “you may produce, you know, something like a guess or a thought, and that then can start to feel like it’s a memory.”

“Can an event that was not traumatic at the time be considered traumatic later?” Weinstein’s lawyer asked.

“If you label something in a particular way, you can distort memory of that item,” Loftus said. “You can plant entire events into the minds of otherwise ordinary, healthy people.” She - explained that in one experiment, her most famous study, she had convinced adults that, as young children, they had been lost in a mall, crying. “The emotion is no guarantee that you are dealing with an authentic memory,” she said.

The Assistant District Attorney, Joan Illuzzi, challenged the idea that experiments done in a “pretend situation”—free of context, stripped of gender and power dynamics—are relevant to understandings of trauma.

“You do not treat victims of traumatic events, is that right?” Illuzzi said.

“I may study them,” Loftus said, “but I do not treat anyone officially.”

Illuzzi went on, “And isn’t it true, in 1991, that the name of your book was ‘Witness for the Defense’?”

“One of my books is called ‘Witness for the Defense,’ ” Loftus answered.

“Do you have a book called ‘Witness for the Prosecution’?” Illuzzi asked. A few people in the courtroom laughed.

“No,” Loftus said, calmly.

The next week, at the U.C. Irvine law school, where Loftus teaches classes, she passed by a colleague who specializes in feminist theory. “Harvey Weinstein—how could you?” the professor said. “How could you!” (Loftus remembers that the conversation occurred at the buffet table at a faculty meeting, but the colleague told me, “I know that it didn’t, because I would not have stood next to her in a buffet line.”) Loftus said, “I was reeling. How about the presumption of innocence? How about ‘the unpopular deserve to have a defense’?”

Not long afterward, the dean of the law school received a letter from a group of law students, who demanded that the administration “address the acute problem of Elizabeth F. Loftus.” “We are terrified that she is a professor for future psychologists and lawyers and is training them to

further traumatize and disenfranchise survivors,” they wrote. The students asked that Loftus be removed from the faculty, but she continues to teach.

Her friends and family were also skeptical of her decision to testify for Weinstein. Her ex-husband, Geoff Loftus (whom she calls her “wasband,” because they still treat each other like family), an emeritus professor of psychology at the University of Washington, said that he thought, “Oh, God, Beth, really? Come on.” Her brother David told me, “Here these women are blossoming into a world in which people are finally going to listen to them, and then they’re going to have some professor on the stand—someone they’ve never met before—tell the jury that they can’t be believed.”

“I’m completely satisfied with my life,” Loftus wrote in a leather-bound journal, in 1958, when she was thirteen. “I have a pretty good personality (not dull or anything), my family is one of the happiest.” She grew up in Bel Air, in Los Angeles, and spent weekends at the beach or at friends’ pools. For six years, she wrote in her journal every day, marking whether the weather was clear, cloudy, or rainy; recording compliments (in a middle-school poll, she won “best figure,” “lovable,” “most comical,” and “irresistible”); and describing the expanding circle of boys with whom she chatted on the phone. “Life is really my best friend,” she wrote.

She almost never mentioned her parents, whom she outlined in impersonal terms—“the family.” When I asked Loftus to describe her mother, Rebecca, she could come up with only one vivid memory, of shopping for a skirt with her. Loftus’s brother Robert said that he also faced an “empty canvas.” He told me, “I can’t grab an adjective or noun to describe my mother. There’s nothing that will allow me to say, ‘This is who she was as a person.’ There is no coagulation, no coherence.” He does have one memory, from when he was seven or eight, of standing by the front door of their house and misbehaving: “I was waiting for her to counter my disobedience with enforcement, and she just couldn’t pull herself together. I remember thinking, Oh, my God, she can’t even parent me. I pitied her.”

One evening, when Loftus was a young teen-ager, she and her father, a doctor, who was barbed and aloof, were driving through Los Angeles. They stopped at a red light and watched a couple, laughing, cross the street. “See those people having fun?” Loftus’s father said. “Your mother can’t have fun anymore.”



Loftus, seen as a baby, has few vivid memories of her mother, Rebecca. Photograph by Matthew Brandt for The New Yorker / Source photograph courtesy Deborah Burdman

Loftus's diaries read like an exercise in proving that she existed on a different emotional register from that of her mother. She summarized her mood with descriptions like "happyville," "I'm so happy!" and "Everything's GREAT!" It's as if she were continually trying to outdo herself. "I can honestly say that this was one of the happiest days I've ever lived through," she wrote in eighth grade. A few days later, she reached new heights: "I've never been so happy. I love the world & everyone."

Loftus and her brothers didn't have language to describe what ailed their mother. Their father seemed annoyed by her vulnerability. Eventually, Rebecca's siblings intervened and sent her to a private psychiatric hospital in Pennsylvania, near her brother's home, where she was treated for depression. "My mother's family blamed my father for being so emotionally flatlined and unavailable that he drove her to madness," Robert said. In her journal, Loftus, who was then fourteen, never mentioned her mother's absence. "Life's wonderful!!" she wrote, after Rebecca had been away for four months. "When I'm old and lonely at least I'll know once I wasn't!"

After nearly half a year, Rebecca was discharged from the hospital, and Loftus and her aunt Pearl, along with her daughter, Debbi, drove to Pennsylvania to pick her up. They planned to spend time together at a vacation lodge in the woods, fifty miles south of Pittsburgh, that Loftus's uncle owned. But, five days after arriving, Loftus drew an arrow in her diary that pointed to a smudge on the page. "A tear," she explained. "Today, July 10, 1959, was the most

tragic day of my life,” she wrote. “We woke up this morning and found her gone, and an hour later we found her in the swimming pool. Only God knows what had happened.”

The coroner ruled the death an accident. “She apparently fell in unnoticed,” a front-page article in the Uniontown, Pennsylvania, *Evening Standard* reported. But when Loftus returned to California and described the death as accidental, Robert said, “our father tried to overrule her in his fatherly way, to give his realistic stamp on what had happened. He told her, ‘Beth, it was suicide.’ ” For decades, Loftus and her brothers didn’t discuss with one another what had happened, but they all individually decided to ignore their father’s interpretation.

Within a week of her mother’s death, Loftus’s journal had returned to its usual jaunty tone. “I’m a happy teenager!” she wrote in December. “It’s sort of sad to leave this year behind—it was such a wonderful year for me.” But, on some pages of her journal, she used a paper clip to attach scraps of paper, where she shared private thoughts that she called “removable truths.” She could pull them out if anyone ever demanded to read her journals. In one “removable truth,” she blamed herself for her mother’s suffering. “She would be watching T.V. and ask me to come sit by her,” she wrote. “ ‘I’m busy now,’ was my usual reply.” She labelled the memory, written in elegant cursive, “My Greatest Regret.”

When Loftus discussed her mother’s death, Maryanne Garry, a former postdoctoral researcher in Loftus’s lab, was reminded of the passage in John Knowles’s novel “A Separate Peace,” from 1959, in which the narrator “jounced the limb” of a tree, causing his best friend to fall and eventually die. The language in the passage is vague enough that it’s unclear if the act was intentional. “I was always struck by something similar in Beth’s ambiguous framing of her mother’s death,” Garry told me. “It was as if the death existed without causality or agency.”

Loftus’s career has been defined by her recognition that the language we use to describe an event will change the way we remember it. She received her Ph.D. from Stanford in 1970, writing a dissertation, on mathematical word problems, that she found boring. She wished to study a topic more relevant to people’s lives. In 1973, around the time that she accepted a job at the University of Washington, she borrowed recordings of car crashes from police departments and began examining the participants’ recollections. When she asked people to estimate the speed of the cars when they “smashed,” they remembered the cars going faster than when she used the word “hit.” She went on to publish dozens of studies showing that she could manipulate people’s recollections of the past in predictable and systematic ways. “Does the malleable human memory interfere with legal justice?” she titled one article, in 1975. She said, “I remember my father saying to me, ‘I don’t like the word “malleable.” ’ ” She doesn’t recall why. She stuck with the term, which became closely associated with her body of research and gave energy to an emerging innocence movement. (Her father died not long after the conversation.)

Defense lawyers began calling on her to testify about the ways that memories are distorted by leading questions, sloppy police lineups, and cross-racial identification of faces. (The chance of misidentification is greatest when the witness is white and the defendant is Black.) James Doyle, a former head of Massachusetts’s Public Defender Division, who co-wrote a book with Loftus, said that she “obliterated the idea that there is a permanent, stable memory capacity in humans.”

He told me, “Her work changed the whole story of what an eyewitness case was about, and destabilized a solid and routine part of the criminal caseload.”

Beginning in the early nineties, Loftus began getting questions about a new kind of case. Incest had entered the American consciousness, and women in therapy were uncovering memories of being abused by their fathers. The discovery was reminiscent of a similar one, a century earlier, when Freud realized that his patients had suppressed memories of being sexually abused as children. Within a few years, Freud had changed his mind, arguing that his patients were afflicted by fears and fantasies surrounding sex abuse, not by memories of the actual thing. In doing so, Freud walked away from a revelation—that sexual abuse of children was prevalent—but also proposed a more complex theory of the mind.

A new generation of therapists was careful not to repeat Freud’s mistake. “If you think you were abused and your life shows the symptoms, then you were,” Ellen Bass, a leader in the recovered-memory movement, wrote, in 1988. The movement challenged the foundation of family life—the home, it turned out, was the site of cruelty and betrayal—as well as the authority of experimental psychology. Trauma was described as an extraordinary and idiosyncratic experience that could not be simulated in a lab, or even expressed by the rules of science. “Trauma sets up new rules for memory,” the psychiatrist Lenore Terr wrote, in 1994.

Loftus emerged as perhaps the most prominent defender of her field. She could find little experimental evidence to support the idea that memories of trauma, after remaining dormant for a decade or more, could abruptly spring to life, and she worried that therapists, through hypnosis and other suggestive techniques, were coaxing memories into being. As she began testifying on behalf of men who she believed may have been wrongly accused, she came to be seen as an expert who was complicit with, rather than challenging, institutions of power.

Phoebe Ellsworth, a social psychologist at the University of Michigan, said that, when Loftus was invited to speak at her school in 1989, “the chair would not allow her to set foot in the psychology department. I was furious, and I went to the chair and said, ‘Look, here you have a woman who is becoming one of the most famous psychological scientists there is.’ But her rationale was that Beth was setting back the progress of women irrevocably.” Ellsworth and Loftus, who are friends from graduate school, had started their careers at a time when female research psychologists were so rare that the two of them were treated “like dogs walking on hind legs,” Ellsworth said. Loftus identified with an earlier generation’s feminism—she wanted to be treated as equal to men, but she preferred not to draw attention to her particular experiences as a woman. “I’ve trained myself to be wary of emotions, which can distort and twist reality,” she has written.

Loftus rose to prominence at a time when the computer was becoming the dominant metaphor for the mind. Social and cultural forces were treated as variables that compromised memory processes, turning people into unreliable narrators of their own experiences. “That’s the frightening part—the truly horrifying idea that what we think we know, what we believe with all our hearts, is not necessarily the truth,” Loftus wrote in *Psychology Today*, in 1996.

But social influences on memory, however transformative, need not lead to a “horrifying” result. Janice Haaken, a professor emeritus of psychology at Portland State University, who has written several books about memory, told me, “Scholars who look at the history of trauma understand the importance of groups—often created by political or social movements—in holding on to memories. There is always a contest over versions of truth in history, and, if you don’t have other people to help you hold on to your memories, you are going to be disqualified, or seen as crazy.”

Haaken, who has been deeply involved in feminist activism for forty years, added that she is cautious of slogans, popularized by the MeToo movement, urging people to “believe women.” She said, “I think, in some areas of the women’s movement, white feminists have not dealt with our country’s history of putting people in prison, usually those of color, based on eyewitness testimony that is wrong.” Few psychologists have been more influential than Loftus in revealing how standard police procedures can contaminate memory. Haaken said, “We have enough history behind us as a movement to demand more than the principle ‘believe women,’ which reduces us to children and denies us the complexity and nuances of everyday remembering.”

Loftus talks about her personal history candidly, yet there’s a sense in which it is also deadwood. Her openness does not translate into reflectiveness, though she welcomes personal questions. Garry, her former researcher, described her as a “disarmingly friendly, fuzzy Muppet.” She seems genuinely curious about other people’s experiences and a little tired of her own. The first time we talked, she warned me that, because of the pandemic, “I’m feeling a little bored and boring.”

She has lived alone for thirty years. She and Geoff tried to have a child, in the mid-eighties, but, Loftus said, “it was many years of seeing blood at the end of the month and saying, ‘Oh, shit.’” When her gynecologist recommended that she have surgery to remove a fibroid from her uterus, she was so annoyed by the idea of missing days of work that she turned her surgery into an experiment. Her anesthesiologist read her a hundred words while she was unconscious, to see if she could recall them later. “We here report the results of a rigorous experimental test conducted on a patient who was undergoing an abdominal myomectomy under general anesthesia,” Loftus wrote in the journal *Acta Psychologica*, in 1985. “The patient was an experimental psychologist with a keen interest in human memory.”

The fibroid was removed, but she couldn’t get pregnant. Six years later, she and Geoff divorced, in large part because of the intensity of her work ethic. “When I let up to do something that seems frivolous I feel guilty,” she told a friend in an e-mail. Loftus had asked Geoff how many vacations she had to take per year to save the marriage. But he said that relaxation quotas wouldn’t work: even if she consented to theoretically pleasurable activities, she wouldn’t enjoy them.

For decades, during cross-examinations, lawyers have accused Loftus, a childless scientist, of being unable to comprehend the pain of victims. “You really don’t know anything about five-year-old children who have been sexually abused, do you?” a prosecutor asked her, in 1985, at the trial of a camp counsellor accused of molesting his campers.

“Well, yes, I do,” Loftus responded. “I do know something about this subject because I was abused when I was six,” by a babysitter. At that moment, she later wrote, “the memory flew out at me, out of the blackness of the past, hitting me full force.”

The defense attorney at the trial, Marc Kurzman, recalled a “stunned silence.” He said, “That was supposed to be the big finale of the cross-examination, and it pretty much shut the whole thing down.”

Some scholars have proposed that Loftus has her own repressed memories. “She has not been able to integrate her own experience into her research,” two literary critics wrote, in 2001. “There is something split off in Loftus,” the psychologist Lauren Slater asserted in her book “Opening Skinner’s Box,” from 2004. “She is the survivor who questions the validity of survivorship. That’s one way out of a bind.”

The criticisms seem to suggest that there is only one kind of story that women can tell about sexual abuse. But Loftus never forgot what happened. She had shared the memory with Geoff shortly after they married. “It wasn’t ‘Oh, my God, I was abused,’ ” he said. “It was more like ‘What’s more, I myself was abused.’ ” He went on, “I have a very poor recollection of the conversation, which means that I probably wasn’t shocked by either the act itself or the casualness with which she described it.”

Loftus’s babysitter used to sit on the sofa with her, gently scratching her arm with the tips of his nails—“a sweet touch, soft, comforting, lulling,” as she writes in “Witness for the Defense,” a memoir focussed on her work in court. One night, after her brothers had gone to bed, the babysitter led her into her parents’ bedroom, lifted her dress over her head, took off her underpants, and pulled her on top of him. Their pelvises were touching and she felt him pushing against her, until she squirmed off the bed and ran out of the room.

Loftus was under the impression that all girls start menstruating at the age of thirteen. But, when her thirteenth birthday passed and she hadn’t got her period, “I wondered if he did something that made me turn pregnant,” she told me. Loftus imagined that she had somehow been in a state of latent pregnancy for seven years. Eventually, she got her period, but she was distressed when she couldn’t figure out how to use a tampon. “I actually went to my father and said, ‘I’m worried there’s something wrong with me, because I can’t get this in,’ ” she told me. “And he drew me the hymen and explained that I was still a virgin, and then I felt better.”

“That actually does sound traumatic,” I told her, in one of our many conversations on Zoom. “Seven years later, it was still in your mind that you might have been raped.”

She paused for a few seconds, and ran her hand through her hair, which is the color of frost, and spread it like a fan. “I’m not sure,” she said. “I know you think that. But, somehow, you know, somehow when your mother gets depressed and goes away and drowns in a swimming pool—I mean, I had a lot more on my mind.”

She explained that, in “Witness for the Defense,” to avoid liability, she gave her babysitter a pseudonym. “I don’t know why I named him Howard,” she said.

When reading her diary, I noticed that Howard was the name of Loftus's first boyfriend—an important and ambiguous figure who “serenaded me on the phone” (“Wow! Blast!”) and also dumped her for another girl, causing her to cry in front of her mother.

Loftus dismissed the idea that the name had any significance. She'd had many boyfriends as an adolescent, so, she said, “whatever name I gave the babysitter might have been, at some point, the name of a boyfriend.”

Her brother David said that he had once encouraged Loftus to go to therapy, but she told him, “I can't, because the next time I take the witness stand they'd grill me with questions.” (Loftus doesn't remember the conversation.) He said, “I'm not sure if that's why, or if the wounds are so deep and her habit all her life has been to avoid them.”

At court appearances in the late nineties, Loftus was often asked about a landmark case that seemed to provide concrete evidence of repression. In 1984, a child forensic psychiatrist, David L. Corwin, recorded an interview with a six-year-old named Nicole, whose parents were fighting for custody of her. Nicole seemed sad and subdued. She said that her mother was “rotten” and had put her finger up her vagina, an allegation that her father also made, in court. Corwin found the story of sex abuse credible, and, as a result, Nicole's mother lost custody.

Ten years later, when Nicole was sixteen, her father died, and she was placed in a foster home. She couldn't remember why she and her mother were estranged, and she asked Corwin if she could see the video from when she was a child. Corwin agreed, but by the time they met to watch the video, nearly a year later, Nicole had reunited with her mother. She had begun to wonder if, to get custody of her, her father had made up a story about abuse and coached her to say it. “I want her to be my mom,” Nicole told Corwin. “I don't want to deny her a part of my life, so I've chosen to say, ‘Well, if my dad did lie, it was just because he wanted me so badly.’ ”

“Do you remember anything about the concerns about possible sex abuse?” Corwin, who recorded the conversation, asked her.

“No,” she said, closing her eyes. “I mean, I remember that was part of the accusation, but I don't remember anything.” She inhaled deeply. “Wait a minute, yeah, I do.”

“What do you remember?” he asked her.

“Oh, my gosh, that's really, really weird,” she said. “I remember it happening, that she hurt me.” She started crying. “I was getting a bath, and I don't remember anything specific until I felt that pain.” She went on, “It's like I took a picture, like a few seconds long, a picture of the pain. . . . That's all the memory consists of.” With Nicole's consent, Corwin published a paper in *Child Maltreatment*, in 1997, that described how a forgotten memory of sexual abuse had resurfaced eleven years later. He also played the set of videos of Nicole at professional conferences. Nicole cut off contact with her mother again.

Loftus watched the videos and was skeptical of the conclusions that psychologists had drawn from them. She decided to embark on what she called “my own little innocence project.”

Although Nicole's name wasn't used in the paper, there were biographical clues in the videos. With the help of two private detectives, Loftus discovered Nicole's identity and obtained sealed court records, which revealed that child-protective services had originally dismissed the allegations brought by Nicole's father. Loftus interviewed Nicole's foster mother, stepmother, and mother, Joan Blackwell, who shared with Loftus poetry that she had written about the pain of being separated from her daughter. Blackwell told me that she felt at ease with Loftus. "It had been a long time since I had felt anyone believed me," she said, adding that the family-court system had seemed sexist. "The attitude was 'He wouldn't lie.' "

Not long afterward, an administrator from the University of Washington's Office of Scholarly Integrity told Loftus that she had fifteen minutes to hand over all her notes and files on Nicole's case. Nicole had accused Loftus of invading her privacy. The university forbade Loftus to research Nicole's case, or even to speak about it, an experience that Loftus described as an "Orwellian nightmare." "Who, after all, benefits from my silence?" she said, in 2001, in her acceptance speech for the William James Award, one of the most prestigious honors in the field of psychology.

After an investigation that lasted nearly two years, the university cleared Loftus of scholarly misconduct, but she felt so betrayed that she took a job at U.C. Irvine. In 2002, she published the results of her research in the *Skeptical Inquirer*, arguing that Nicole's mother had likely been wrongly accused. Loftus called her report a "case study of a case study—a cautionary tale." Her friend Jacqueline Spector, a lecturer at the University of Washington, said that Loftus's psychological motivations were clear. "Beth didn't have her mother long enough, and here was this mother that, clearly—from Beth's perspective—had been robbed of her daughter."

Loftus told me, "I think I had this fantasy—maybe I could bring the mother and daughter back together."

Instead, Nicole sued Loftus for defamation. Reading Loftus's article, she told me, was like "taking a very coarse piece of sandpaper and rubbing it over my entire life."

In Nicole's interview with Corwin when she was seventeen, she told him that she hoped to become a psychologist. "I'm prepared to give my life, devote my life, to helping other kids who have gone through what I've gone through," she said. After ten years in the Navy, working as a helicopter pilot, she fulfilled her goal, getting a Ph.D. in clinical psychology and writing her dissertation on how trauma affects memory and identity. By then, her case was so well known—in the lawsuit against Loftus (which she ended up losing), she disclosed her full name—that one of her professors likened her to H.M., the famous patient with an unusual form of amnesia who was studied from 1957 until his death. "I was appalled," Nicole told me. "My professor was making the point that Loftus had the right to do what she did, because my case has now become one of these 'for the good of science' kind of situations."

As part of her psychological training, Nicole led a therapy group for adult survivors of sexual abuse. As she listened to the other women's stories, she felt, for the first time, that she was part of a collective. Her suffering no longer seemed like a character flaw. She wasn't an object in

someone else's story—she could tell it in her own words. Being a survivor soon became the defining fact of her life, the scaffolding on which she rebuilt her identity.

Yet there were days when she asked herself, What if it didn't happen? She tried to ignore the question. But, occasionally, when a friend asked about her case against Loftus, or when she was cleaning her office and came across her old copy of the *Skeptical Inquirer*, she would revisit the article. She was disturbed to see that Loftus had made compelling points.

Some days, Nicole believed that her mother had been wrongly accused, and then she'd wake up the next morning having changed her mind. In a conversation with the philosopher Eleanor Gordon-Smith, who interviewed Nicole for her book "Stop Being Reasonable," from 2019, Nicole said that her uncertainty "affected every *single* relationship, in every possible way. It requires me to have a sense of self that is not dependent on whether I was sexually assaulted by my mother. It's a really big ask." She tried to step away from her identity as a survivor, a process that she compared to dieting: "You start, and then you lose your motivation and you go back to the way you used to eat. I would start, and then I would revert back to my old way of thinking."

Nicole, who is forty-two, spoke to me from her home office, in San Diego, where she now sees patients remotely. She sat in a swivel desk chair and wore a T-shirt that quoted Desmond Tutu: "If you are neutral in situations of injustice, you have chosen the side of the oppressor." When I asked if she knew of psychological literature about the effects of having one's memories doubted, she told me, "Oh, no. There would not be literature on that, because clinical psychologists are trained to believe."

I was interested in what it meant to "cross the bridge," as she'd described it, from victim to survivor. I asked if it was similar to what Susan Brison, a philosopher who has written about her experience of rape, had characterized in her book, "Aftermath," as a process of taking control of one's narrative. "That control, repeatedly exercised," Brison wrote, "leads to greater control over the memories themselves, making them less intrusive and giving them the kind of meaning that permits them to be integrated into the rest of life."

Nicole was silent for a few seconds. "You know, I realized something," she said. A few weeks earlier, she had exchanged e-mails with a woman whose memories of abuse Loftus had cast doubt on at a civil trial. "We kind of realized together that we are survivors of Elizabeth Loftus," Nicole said. For years, she'd had intrusive thoughts. "I'm not sure if there is a greater sense of outrage than that of having your own memories challenged," she said. She had felt terror at the idea of seeing Loftus at psychology conferences. Recently, though, "I stopped wanting to hide under a chair every time I thought she might be at a conference and decided, No, I'm going to stand here and let her see me," she said.

Nicole has entered a new phase in sorting out whether her mother abused her. "Instead of waking up and wondering where I'm going to land today," she told me, "I just know that I don't know and that I'm probably not going to know in my lifetime." She has found herself in a position not dissimilar to that of Freud's female patients whose memories of abuse were believed and then, a few years later, discredited. But she doesn't feel commandeered into someone else's theory anymore. "On the face of it, I look like a sexual-trauma survivor," she told me, referring to

problems that she had with trust. But she wondered if the conflict between her parents or her time in foster care were traumas that could hold similar explanatory power. In recent years, she has drifted in and out of a relationship with her mother. “I realized that I could just never give her what she wants from me, which is to go back in time and be allowed to mother me again,” she said.

I told her of Loftus’s hope that her work might have inspired Nicole and her mother to reunite. “It’s transference,” Nicole said of Loftus’s preoccupation with her case. “To act out this darkness from her own past.” In her clinical practice, Nicole is cautious whenever she faces patients whose struggles remind her of her own. “It is paramount that I say to myself, ‘Nicole, it is not your job to save this person. You can’t go back and save yourself by saving this person.’ ”

“I unraveled it,” Loftus’s brother David, a seventy-four-year-old lawyer and the president of a Buddhist meditation center, told me in our first conversation. One night, when he was in his late thirties, he was in a hot tub and began to feel sleepy. “It was part of some drug experience, and, as I was beginning to submerge, something woke me up,” he said. “I thought, Wow, this is what happened to our mom. It became so clear to me that there was nothing intentional about her death.”

His younger brother, Robert, a property manager in Garberville, a small town near the northern tip of California, had pieced together a different explanation. In the years after their mother’s death, he was in “grief free fall,” he told me. “It’s like somebody jumping out of a plane who hasn’t figured out to pull the cord on their parachute—and that’s where I came up with the idea of ‘accidental suicide.’ The fact that it is an oxymoron doesn’t bother me at all.” He theorized that his mother might have taken sleeping pills and then had some sort of panic attack—perhaps she felt that her skin was on fire—and jumped into the water. He went on, “But David tries to big-brother me and outmaneuver me, and the other night he was trying to get me to walk back the ‘accidental suicide’ label and say, Why not ‘accidental drowning’?”

Since the pandemic began, Loftus and Robert have spoken on the phone daily. David joins their calls most weekends. Recently, on a Saturday evening, we all talked together on Zoom. “I’m pretending it’s happy hour,” Loftus said. She sat in her home office, in her three-bedroom condominium in University Hills, a residential complex for faculty at U.C. Irvine. “So, hey—cheers,” she said. She took a sip of white wine.

A few days earlier, I had interviewed their cousin Debbi. “Oh, it was suicide,” she told me when I asked about Rebecca’s death. That I had framed this as a question seemed absurd to her. “We found her, my mother and I,” she said. “We found her in a cold spring. I remember it like it was yesterday.” Debbi had been twelve at the time. Later, her father showed her a suit of his with a bullet hole through one sleeve and explained that Rebecca had initially attempted to kill herself with a gun that he kept in his bedroom closet. “She must have fired it too early,” Debbi told me. “The bullet went through my father’s suit. It was at that point that my parents knew she needed to be institutionalized.”

Debbi hadn’t seen her cousins for years. Loftus asked me what I had learned. “We all would like our memories stimulated, if they can be,” she said, at the beginning of our call.

I warned them that Debbi did not think there was any ambiguity about their mother's death. "Maybe there's a reason you've not asked her these questions," I said. "I don't want to mess around with your—"

"Denial system?" Loftus asked.

"With the way that you've made peace with things that happened a long time ago," I said.

"I understand that completely," Loftus said. "In Linda Meyer Williams's paper"—a 1994 study in the *Journal of Consulting and Clinical Psychology*—"she did not want to tell people, 'I have records from the hospital that you were abused,' because, if they were in denial and living with that, maybe it would do something bad to them. But I think we are giving you permission."

"You have to tell us, or you're not in our circle of trust anymore," David joked. He was sitting at his desk in a two-bedroom wooden geodesic dome in Northern California.

"Yeah, our memories are already polluted to the saturation point," Robert said.

I explained that Debbi had been with their aunt Pearl when she found Rebecca's body—in a cold-water spring, not a pool. I was about to continue when Loftus interrupted, "The swimming pool was a little lake-ish, so I'm not sure I trust that. I mean, if it were in an urban area you would know the difference between a lake and a pool, but in this summer place—what is a pool?"

"Sounds to me, from the country-property point of view, that our idea of a pool is much different," Robert said. He had been a math prodigy, the most brilliant of the three children, Loftus had told me. Now his speech had the cadence of someone who had spent his formative years socializing with stoners. He does not have an Internet connection, so he was sitting in the trailer of his adult son, Abe, who lives on his property, and was sharing his hot spot. Abe sat next to him, staring out the trailer window.

"What else did Debbi remember?" Loftus asked.

I said that Debbi seemed surprised that anyone believed Rebecca's death was an accident. "She sort of acted like it was a no-brainer," I said.

"If she believes that . . ." Loftus paused for a few seconds. "I'm not sure she believes it from her own observation or what she would have learned afterward. Debbi was living in the world of the relatives who hated our father, so I don't think Debbi's age-twelve observations are—I mean, Debbi's great, but." She stopped mid-sentence.

The sun was setting in California, and there were few working light bulbs in Abe's trailer. Robert wore a flannel shirt, unbuttoned, and his image was so dim and grainy that he somehow looked like he was twenty again. He said, "When Beth did the Weinstein case, she was saying that after one of the gals went through the interrogation it sort of massaged her memory in a way to get it to migrate."

“You don’t need to bring in Weinstein right now, Robert,” Loftus said, amiably.

“I was sort of thinking of this in terms of how Debbi viewed what happened to Mom,” Robert continued, “and how the general attitude in her home might have affected Debbi’s memory.”

“Leave Weinstein out of it,” Loftus said. “You know, because honestly—I was a blind witness. I didn’t even talk about any specific people. It was just stuff about memory.”

When I had first spoken with David, he mentioned hearing a story about his mother getting hold of his uncle’s gun. I told him that Debbi had heard about a similar incident.

“That is total news,” Loftus said.

“Not to me,” David said.

“How did you know?” Loftus asked him.

Beyond interactions on social media, David hadn’t had a conversation with Debbi in several decades, and even as children they were not close. “I bet she posted something,” he said. “That’s my only guess. On Instagram. Or Facebook.”

“Debbi wouldn’t have posted about this on Facebook,” Loftus said.

“I know—that doesn’t make sense,” David said. “That’s so interesting: when you have such a clear memory and then you go, Well, how did I come to know what I believe? And you can’t think of any way in which you could have acquired that knowledge.” David spent five years studying Tibetan Buddhism in a Himalayan village in India, and he seemed well suited to this line of pondering. “Did something happen in a dream and I remembered it as true?” he said.

Earlier that day, Loftus had forwarded a scan of her 1959 diary to David. It was the first time he had read her journal, and he was curious about the entry she had written the night before their mother’s death. “Should I read it?” he asked.

Loftus, who hadn’t read the journal for years, nodded.

“My mother and I had a long talk until midnight all about her childhood and many other things,” he read. “I was really happy because we’d never been too close before, and now we were talking like we really were.”

David looked up from the page he was reading. “Beth, are you crying?” he said, tenderly.

She was. “It’s O.K.,” she said, nodding quickly and pursing her lips. She had never paid close attention to the time line. “But, if I really was with her until midnight the night before,” she said, “it is a little bit weird that we’re having this really wonderful night and she dies the next day.” The timing had struck me, too. Sometimes, once people resolve to commit suicide, they become

uncharacteristically lucid and emotionally expansive, perhaps because the end of their suffering feels near.

“Was she apprehensive about going back to California—to an intolerable household reality, to the responsibilities of motherhood and parenting?” Robert asked. “I mean, where did I get that infusion of images?”

“I said that to you, because I do believe that,” Loftus said. “But I don’t know where I got that. I have no idea.”

“If Debbi is sure it is suicide,” Robert said, “it might be that some people come into their experience of mental illness with a baseline rigidity. They can’t relate to mental illness and see these people as extraterrestrial.”

Robert’s son, Abe, who has had psychiatric treatment, suddenly chimed in: “The first question they ask is ‘Have you had any suicidal thoughts?’ They shame you right off the bat. The minute you get in their office. How can you answer something like that? And then they say you’re depressed because you can’t answer it correctly. That’s just me, though—sorry.”

“No, it’s O.K.,” Loftus said. “Abe, is this weird for you?”

Abe said that he didn’t realize he had relatives who lived in Pennsylvania. Then they reflected on what a child in the nineteen-fifties would have understood about mental illness. “We could not fathom it,” Robert said. “We had no metrics.”

I proposed that maybe there was some truth to the theory of “accidental suicide”; their mother may have been in so much pain that it wasn’t possible to speak of her as having full volition.

Loftus said that she had a friend, a mother, who had tried to kill herself. “And when I said to her, ‘I can’t believe you did this—do you realize your kids will be still talking about this years later?’, she said, ‘I honestly thought they would be better off without me.’” She told her brothers, “Mom could have had that thinking.”

David recalled a memory of their mother standing at the top of the stairs in a slip when their father came home from work. “Dad yelled at her,” David said. “He said, ‘How can you run around the house naked in front of the children?’ And she cried and ran back into the bedroom.”

“Oh, wow,” Loftus said. “I never knew you had that.” She had a poorer memory of childhood than her brothers, and she treated their memories as possessions they’d been gifted unfairly.

Robert, who was now barely visible in the darkness, recalled that Debbi’s father, Harrold, a former marine, had a den where he kept all his paraphernalia from both World Wars. “It’s plausible that Mom would be rummaging around in there, and maybe Harrold had a sidearm in a holster that was draped over one of his uniform jackets, and this could have been what set the stage for this alleged event,” he said. “I don’t buy the fact that she attempted suicide with one of Harrold’s sidearms.”

David was building a fire, and we could see only his legs. He came back to the screen and said, “Well, the interesting thing is I had this idea, which I never really evaluated, that Dad had thought it was suicide and Mom’s family thought it was some accidental thing. But I think everybody knew it was suicide.”

“Nope,” Loftus said. “Not everybody.”

“I’m getting more comfortable with the idea of accidental suicide,” David said.

“Why?” Loftus said. “I thought you were rejecting Robert’s label.”

“If somebody dies like that, then you go, ‘Well, I don’t know—I can really think whatever I want,’ ” David said. “But if you then hear there was a previous suicide attempt—”

“*If* there was,” Loftus said.

“Yeah, if there was,” he repeated. “You think Debbi may have misreclected that?”

“I think Debbi was twelve years old and what Debbi knows she learned from adults who had their own ideas,” she said. “It’s all these different memories.” Her voice rose in pitch. “And the idea that here we are, in our seventies, trying to sort this out!” She said this like it was funny, but she looked upset. Loftus’s approach to the conversation was so studious that it occurred to me that this call, like the surgery that she turned into a memory experiment in a peer-reviewed journal, might be another way of channelling life events into publishable work.

I told Loftus that it seemed hard to avoid the thought that her career had been shaped by the slipperiness of this foundational memory. “No,” she said, shaking her head. “No way. No way. It was purely, Got a chance to work with a professor in graduate school on a memory project, got a chance to—no. None of all this.” She asked her brothers, “Would you guys agree?”

“You’re kind of like Forrest Gump,” David said. “You’re the Forrest Gump of psychology, because you just tumble into these situations.”

“Oh, my God,” Loftus said, laughing, perhaps harder than necessary, because it was such a relief no longer to be talking about her mother. “You know—it is a little Forrest Gump-y. I step into it and suddenly there is Phil Spector, and suddenly there’s Harvey Weinstein, and there’s Martha Stewart, you know, and Michael Jackson”—she had assisted with the defense of all four—“and I don’t even know why I’m here. You’re right.”

“All the people you mention are corrupt,” David said, to no one in particular.

She said that Spector, who was convicted of murder in 2009, had sent her a beautiful card before he died. It was on the bookshelf behind her.

David asked if she’d like to read it aloud, but she said no. We’d been on Zoom for three hours, and Robert’s dog, which had spent the conversation in a parked car nearby, needed to be let out.

Loftus said she still believed that her mother's death was either an accident or "accidental suicide." Nothing in the past three hours had changed her view. "We should not use a twelve-year-old's memory," she repeated. She suggested that they find some sort of concrete evidence, perhaps a map of her uncle's vacation property. "I don't know why, but I don't like it being a spring," she said. She shrugged. "I've always said it was a pool and remembered it was a pool, and I don't know why that's important to me—to not even challenge that fact."

The next evening, Loftus e-mailed me saying that she and David had just spoken with Debbi. "We caught Debbi in two major memory errors tonight!" she wrote. Debbi had forgotten that she'd driven, rather than flown, to Pennsylvania. She also claimed that Loftus's father had never once called to check on Rebecca—a memory that Debbi had to retract once David read aloud a passage in Loftus's diary showing that her father had, indeed, called. The tone of Loftus's e-mail seemed somewhat disciplinary, but when we talked on the phone it was clear that she saw nothing shameful about Debbi's errors. Instead, she expressed a sense of camaraderie; they were fellows in misremembering—her cousin was just as human as she. "Thank goodness for independent corroboration," Loftus told me. "Especially when you have somebody who expresses their memory with such confidence that you're tempted to just capitulate to it."

Every week, Loftus receives letters from prisoners, and she (or her research assistant) always responds. "We empathize with you," she recently wrote to a man convicted of murdering another inmate while in federal prison. "We wish you the best and welcome updates," she wrote to a man convicted of shooting someone multiple times. "I received your letter and request for information on 'my theory,' " she wrote to Jerry Sandusky, who in 2012 was convicted of sexually abusing children while a football coach at Penn State. "It must be terribly difficult for you and your family, and I hope you have the legal help needed to resolve your situation justly."

David joked that maybe Loftus experienced some sort of Stockholm syndrome. "Because who would pick that side?" he said. "Now, I'm not totally attached to this view—because it seems like something I've contrived as an explanation—but it's possible that she never got appreciation from our father, so she's now trying to win that approval by representing the other rich white guys who have been accused of doing bad things." (Loftus has testified for numerous poor defendants of color, too, in cases that tend to get less attention.)

But there are rarely just two sides. A larger cast of characters, embedded in different institutions of power, determine what kinds of stories get believed. Even Loftus's study about being lost in the mall, which has assumed an iconic status, becoming one of the most famous experiments of the century, has lent itself to conflicting interpretations over time. (Its reputation is discordant with its size—there were only twenty-four subjects.) In the study, subjects came to believe the story about getting lost in a mall because older relatives falsely told them that it was true. Loftus and others have described the study as a kind of parable for skepticism. But Steven Brown, a social psychologist at England's Nottingham Trent University who studies memory, told me, "For those of us differently positioned, the parable is entirely about power." The study reveals the ease with which children can be betrayed by adults, who lie to them, rewriting their stories.

In an interview on a Dutch television station, Loftus once said that if she had wanted to do experimental research that emerged from her own childhood experiences she would not have

studied memory errors and distortions. “I would have designed my experiments to answer different questions,” she said. After the conversation with her and her brothers, I asked Loftus what those research questions would be. “You know, I’m not sure,” she said. She paused for a long time and then teared up. “It’s the M-word,” she said, referring to “mother.” Her brothers told me that they have a saying: “Don’t say the M-word, or Beth will break down.” She waved her hand in front of her face, as if to cool the emotional temperature. “Maybe it would be about, you know, how come this never goes away?” she said, crying. “And is that true for other people?” ♦

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*Rachel Aviv is a staff writer at *The New Yorker*.*