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# Spectral Evidence: the Ramona Case: Incest, Memory, and Truth on Trial in Napa Valley, by Moira Johnston [Book Review]

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*Spectral Evidence—The Ramona Case: Incest, Memory, and Truth on Trial in Napa Valley*, by Moira Johnston. Boston: Houghton Mifflin, 1997. 440 pp., \$25.00 (cloth).

Adherents of the view that repressed memories are either nonexistent or generally false almost invariably begin and end their books and essays with references to the Salem witch trials. *Spectral Evidence*, by Moira Johnston, is no exception; indeed, references are liberally sprinkled throughout the text as well. Salem, of course, is the American icon for a period during which innocent persons were falsely accused of incredible deeds, accusations founded upon superstition and mass hysteria. Spectral evidence is a term for the types of evidence of diabolical possession introduced into evidence at the Salem witch trials in 1692.

The analogy to contemporary allegations of childhood sexual abuse based on memories that have been repressed and subsequently recovered in adulthood, leading to intrafamily confrontations and sometimes to litigation, is intended to suggest that women who come forward with these memories have been overtaken by a similar epidemic. The culprit, in this view, is typically a therapist to whom the adult woman has turned for help in dealing with some emotional or psychological crisis. The therapist then implants false memories of childhood sexual abuse to explain these problems, creating a whole industry of alleged charlatans who are able to turn otherwise competent women into their dupes. The victims—the analogues to the innocent women accused of witchcraft and burned at Salem—are innocent parents, usually fathers, whose lives are destroyed by false accusations of sexual abuse.

Salem has a great deal of emotional power as an image in American thought, especially American legal thought. It is, therefore, a powerful image to fuel a backlash against women at the historic moment when they have finally emerged from silence and pointed fingers at the perpetrators of widespread sexual abuse of children. The analogy to Salem, however, is fundamentally inapt. There is a critical difference between the Salem trials and recovered memory cases today. It is an absolutely fundamental one. We all agree that witches do not exist, and thus, by definition, every single allegation at Salem was false. By contrast, the sexual abuse of children is very real; indeed, the more we enforce the laws against it, keep statistics, and carry out social scientific surveys, the more serious and widespread this phenomenon shows itself to be. Given the large numbers of abuse cases—doubtless not the entire universe of such cases—that make their way into the legal and social service

systems, we should not be surprised that large percentages of adult women report incidents of serious abuse in their own childhoods, about which they have for a variety of reasons remained silent until others began to share their own experiences.

The real-life situation upon which Johnston imposes the Salem analogy is a trial that took place in Napa, California in 1994, *Ramona v. Isabella*. In this case, a father sued and obtained nearly \$500,000 in damages against his adult daughter's therapists for "implanting or reinforcing" false memories of childhood sexual abuse, thereby causing his daughter to confront and accuse him and ultimately to file a suit for damages. In addition, he alleged, the therapists' actions caused his wife to divorce him, his other daughters to become estranged from him, and his employers to terminate his extremely lucrative employment as vice-president for marketing of the Mondavi Brothers winery. Johnston, who attended the Ramona trial, became not only fascinated by the human drama that played itself out in the courtroom but also convinced that Holly Ramona's accusations against her father, Gary Ramona, were not credible—indeed, that repressed memory does not exist at all—and that the actions of Ms. Ramona's therapists had caused a terrible injustice and injury to Mr. Ramona. Johnston looks for the roots of this drama in the history of the Ramona family. The result is a very compelling story—a good read—but an extremely one-sided and unfair account of the phenomenon of recovered memory and of therapy for treatment of childhood abuse.

First, the good read. Johnston obtained lengthy interviews with most of the participants in the Ramona trial, allowing her to begin the story that had its climax in the Napa courtroom with the childhoods of Gary Ramona and Stephanie, his wife. (Unfortunately she did not interview a key player, Holly Ramona, thus contributing to the one-sidedness of the story.) This tale—related *Rashomon*-style, juxtaposing the often-conflicting memories of husband and wife—includes a marriage that appears to have been troubled from the beginning and, in Stephanie's account, to have been both psychologically and physically abusive. Their life together was punctuated by periodic attempts on Stephanie's part to leave her husband.

Holly, the Ramona's oldest child, developed bulimia in her teenage years and entered therapy for this problem as a freshman in college. After a number of months in therapy that did not focus on sex, but did, like most therapy, inquire into the circumstances of her childhood, Holly began to have flashbacks of sexual abuse by her father, which continued and grew more detailed as the months went on. When Holly eventually confided in her mother, Stephanie believed her. Indeed, as she testified at the trial, Holly's memories made sense of a number of incidents that

Stephanie herself recalled from the period Holly was young; for example, leaving Holly in Gary's care and returning to find both Holly and Gary in states of semi-undress, finding the master bedroom sheets in the dryer with Holly's underpants. Gary contradicted Stephanie's memories and vehemently denied the allegations of sexual abuse of any kind. Holly's accusations solidified Stephanie's resolve to leave her husband, however, and she filed for divorce and custody of the couple's two other daughters in March 1990.

Within several months of their initial appearance, Holly also confided the memories to her therapist, Marche Isabella, and expressed the desire to confront her father with these accusations. First, though, she wanted to test their validity by submitting to an interview while under sodium amytal, a barbiturate drug incorrectly described as a truth serum. In mid-March of 1990, such an interview did take place, administered by Dr. Richard Rose at the Western Medical Center, with Isabella present. Apparently reassured by the therapists' description to her of the results, Holly confronted her father with her accusations the following day, with both Isabella and Mrs. Ramona there. Gary Ramona denied every accusation and has never ceased to do so.

According to Gary, the accusations of sexual abuse came out of the blue, a thunderbolt that initiated the total destruction of his life. His wife and other children immediately left him (actually, they remained in the marital home and he moved out, as requested). As rumors of what had happened spread and his own energies became consumed by his personal problems, a downward slide began that resulted in the loss of his position at Mondavi—first a 6-month paid leave, followed by effective termination of his employment with \$500,000 in severance pay. Two generations of Mondavis testified on competing sides at trial, relating different stories of the termination of Gary Ramona's employment by the winery. Robert Mondavi, the patriarch, supported Gary and saw his downfall as the result of false accusations. Mondavi's sons, who had recently been handed control of the company, described Gary as not having the skills appropriate to the latest stages of the winery's growth and as having made at least one costly and mistaken business decision that led them to question whether he should remain in his current position. Adding to Gary's woes, later in the year Holly filed a civil suit for damages against her father based on her allegations of sexual abuse. This suit was dismissed, refiled, and ultimately dismissed again based on California's law against the admission of testimony that has been influenced by hypnosis or hypnotic drugs, which sodium amytal is considered to be.

Through all of this, Gary began to focus his rage on his daughter's therapist, Marche Isabella, whom he saw as causing all of the disasters

that had befallen him by implanting false memories of sexual abuse to explain Holly's bulimia. He poured all of his resources, energy, and waking time into litigation, ultimately consuming almost \$1 million of the couple's assets on the divorce proceeding and substantial amounts in defense of Holly's suit as well. Yet the thought of suing her therapist—the evil demon behind all of his disasters—began to consume him, and he ultimately convinced his lawyers to file such an unprecedented suit in Napa County. Suit against a therapist by a nonpatient contradicted the general legal rule that doctors are liable for malpractice only to their patients and not to third parties. Nonetheless, the complaint was upheld by the trial court judge on the grounds that the therapist had entered into a quasi-patient relationship with Gary by involving him in both the confrontation and another meeting in her office.

The Ramona trial became a highly publicized confrontation between the parties, among the conflicting memories of members of the Ramona family, and also between sides in the memory wars. Nationally known experts testified, on one hand, that traumatic memories of sexual abuse could be buried and later recovered. Lenore Terr, for example, described how children may repress all conscious memory of traumatic events, which are not encoded in memory in the same fashion as nontraumatic events, and yet subsequently retrieve these memories, often with startling accuracy. By contrast, other prominent experts testified that traumatic memories are not forgotten and that false memories can be implanted by suggestion. Elizabeth Loftus, for example, described laboratory experiments during which adult participants were convinced by the tester's suggestion that they had been lost in a shopping mall as children and subsequently adopted this memory as their own; other defense experts attacked the correlation between bulimia and sexual abuse in childhood. The courtroom, in short, became a microcosm of a highly charged debate taking place more broadly in the United States. On one side are arrayed psychologists, especially clinical psychologists, other scientists who support the concept of repressed memory, therapists who treat adults suffering the effects of sexual abuse in childhood, and advocacy groups for these victims. On the other side are also psychologists, primarily experimental psychologists, and other scientists who deny the existence of recovered memory altogether or believe that it is extremely rare and even more rarely accurate, coupled with advocacy groups—primarily the False Memory Syndrome Foundation of Philadelphia—for parents falsely accused of sexual abuse.

This confrontation forms the core of Johnston's interest in the Ramona case. She appears to be firmly convinced by the false-memory side of this controversy, having basically accepted uncritically the views presented by the team of experts engaged to testify in defense of Gary Ramona. This one-sidedness is the major weakness of her book. Johnston ignores

well-publicized accounts of accurate and verified repressed and recovered memories, such as that involving Father Porter, who molested a number of children during the 1960s. When one of his victims began to remember the abuse in 1989, he was able to obtain confirmation not only from the perpetrator himself, but also from other victims who came forward when the case received media attention. A similar case involved Professor Ross Cheit and other victims of abuse by a boy's choir camp director, of which multiple corroboration was obtained after Cheit remembered the events 25 years later. Of course, it is much easier to confirm cases involving abuse that takes place outside the home and affects multiple victims than it is to corroborate the cases of repressed and remembered incest that are reported by many adult women. There are, nonetheless, longitudinal studies that have tracked women with documented histories of sexual abuse in childhood (court and hospital records, for example); 38% of the 129 women in one study did not report the abuse during follow-up interviews 17 years after it had occurred, and an additional 16% reported a significant period of time during which they had forgotten the abuse and then later recovered the memory (Williams, 1994).

By contrast, Johnston accepts Gary Ramona's experts' conclusion that there were only four studies of repression in the scientific literature and that none of them stood up to critical analysis. In fact, a recent book that undertakes an exhaustive search of the scientific literature reveals that there are now more than 30 studies documenting repression (or dissociative amnesia), with successive studies designed to address any methodological problems noted in the earlier studies (Brown, Schefflin, & Hammond, 1998). Moreover, recent research shows that recovered memories of abuse can be as accurate as continuous memories (Dalenberg, 1996). In short, Johnston's description of the evidence concerning repressed and recovered memory of sexual abuse is, at most, only half the story.

The drama played out in the Napa County courthouse resulted in a rather puzzling verdict in favor of the plaintiff, Gary Ramona. The jury found that Holly's therapists had reinforced but had not implanted false memories of sexual abuse, and they awarded Gary damages only for lost wages in the amount of his annual salary at Mondavi and not the millions of dollars of damages he had claimed for emotional distress, destruction of his family, and so on. He was to receive less than \$500,000 in a lawsuit upon which he had spent many times that amount. Although the Napa trial court opinion does not stand as a precedent because it was never appealed, it established an example that did lead to the filing of similar suits against therapists in other states. As a result, therapists may well be deterred from treating patients who recall sexual



abuse for fear of liability to the perpetrator for damages that may result from their accusations.

Johnston lauds this development, seeing it as the turning of the tide against the admission of spectral evidence against falsely accused persons. But what is the actual impact of this verdict in an era when childhood sexual abuse has only recently been exposed as a serious form of violence against women? First, of course, the attack on recovered memories of abuse repeats the cycle of disbelief of women's accounts of abuse initiated by Freud, who concluded that the accounts of his patients were simply the fantasies of neurotic female minds. This new version of Freud's attack effectively revives an image of crazy and noncredible women coming up with sexual fantasies. Moreover, the remedy of suing not the women but their therapists infantilizes the adult women recounting their abuse; rather than holding them responsible for their own memories, the therapist is seen as having implanted the false memory in a naive and malleable mind. Gary Ramona could have sued his daughter for defamation, for infliction of emotional distress, or for malicious prosecution—the traditional remedies offered by our legal system to victims of false accusations. By instead suing her therapist against his daughter's wishes and in contradiction of her own sworn testimony, Mr. Ramona avoided the direct confrontation with Holly and her memories. What better preemptive weapon to hand to any perpetrator of child abuse? In short, the Ramona outcome lauded by Johnston in her book was a substantial victory for the backlash against women's attempts to gain recognition of, and legal compensation for, a major form of sexual violence that has been inflicted on so many.

In closing, let us return to Salem. Johnston quotes Increase Mather's statement at the time of the Salem witch trials that "It were better that ten suspected witches should escape than that one innocent person should be condemned" (p. 8). These sentiments seem singularly inapt in their application to modern cases involving memories of childhood sexual abuse. The consequence of the evidence admitted in Salem was that the defendants were put to death. Here we are dealing instead with civil cases for damages, many of them brought by women seeking compensation for abuse—damage awards that would, for example, pay for therapy to heal the wounds caused by that abuse. In this context, would we clearly choose to let ten child molesters escape liability than have one falsely accused parent pay civil damages? Is it better to have ten real victims of childhood sexual abuse disbelieved and silenced than to have one mistaken victim believed?

Finally, America at the end of the 20th century is not Salem in 1692, nor is its legal system. Over the intervening centuries, we have developed elaborate evidentiary rules and other procedural protections to guard against the acceptance of inaccurate memories. Indeed, courts in

all kinds of cases perform the task of scrutinizing evidence and evaluating what is more and less credible. We acknowledge that continuous memories of all sorts, including eyewitness accounts and identifications, are susceptible to multiple sources of inaccuracy, and we expect courts to weigh the facts with care in each case. Recovered memories should be subjected to the same sort of careful inquiry, weighing the circumstances under which they were recovered, any conflicting evidence, and the like. It would be tragic, however, if the legal system were to follow the course Johnston would clearly like to see and reject all recovered memories of abuse. This is the moral of her story of the Ramona trial. Yet to prohibit the admission into evidence of any recovered memories of abuse would allow perpetrators of abuse to evade all responsibility for their actions, while their victims would again be silenced.

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