“Not One’s Wife:” Laura X and the 1979 California Marital Rape Bill

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Perhaps the most important acknowledgment I can make, though, is to Laura X herself. Without her tireless dedication to women’s empowerment and equality, married women in California and across the country may not have the legal protection from spousal rape that they do today. It has been my pleasure and honor to tell the story of her activism.
Preface

“My Struggle”

Oh sweet naïveté
Too quickly taken from me.

I, once so young at heart,
Whose self was ripped apart.

Held down, tied down, and restrained
As my love for you quickly drained.

To be replaced by unbearable fear
Of one whom I thought so dear.

You took the laughter from my face.
Now confusion and anger take its place.

Gone is my dignity.
Forcing me into a life of animosity.

Averting my eyes so no one sees
All of my abnormalities.

As you continue on with your life,
I will forever live in strife.

But I will go quietly for now,
And in the end I will take a bow.

For the ones who lost more than me,
And were unable to control their destiny.

For fear was replaced with bravery,
Which heightened my anxiety.

I escaped and in my flight
Swore I would banish you from my sight.

But I still see you in my little one,
Who worships the very ground you walk on.

The miracle we brought here together
Will be a reminder to us forever,

And I will be here for her,
But heed this warning for sure.

I refuse to pay the highest price,
I will not allow you to take my life.

-Davie Burton

This poem appeared in the academic journal Violence Against Women in a September 1999 special issue completely dedicated to critically examining marital rape. I preface my analysis of feminist marital rape activism with this poem because I do not want the trauma of spousal rape and the resilience of its survivors to be lost in this discussion of laws, activism, and feminist discourse. As illustrated by Burton’s poem, marital rape is a complex issue that threatens the tranquility not only of the survivor, but also of the family as a whole. As I discuss marital rape in terms of legality and strategy over the course of this paper, I ask that readers keep in mind the gravity of this crime and the lived realities of its victims.

**Introduction**

Over the course of nine months in 1979, California radically redefined the sexual rights of its married citizens. The 1979 Marital Rape Bill that I discuss in this thesis both challenged a husband’s perceived “right” to unfettered sexual access to his wife and provided legal recourse for wives whose bodily autonomy had been violated by their spouses. Before the bill, California was one of forty-six states that defined rape as the forced sexual intercourse with a woman, not one’s wife. Under this “marital rape exemption,” married men could not be prosecuted for forced sexual intercourse with their wives. The Marital Rape Bill—and the feminist activists and lawmakers who supported it—worked to remove this unjust legal exception to rape statutes. I argue that California marital rape activists both built upon second-wave feminism’s rape discourse and confronted an issue at the very heart of the patriarchal structures challenged by second-wave feminism. Through her strategic activism in 1979 California, marital rape activist Laura X targeted a man’s implicit power over and ownership of his wife.

**Laura X, A Biography**

The most essential actor in this narrative of the 1979 campaign to criminalize marital rape in California is Laura X. In her short memoir “Accomplishing the Impossible,” Laura X asserted that she worked on criminalizing marital rape as part of a collective of grassroots activists, yet she was undeniably integral to the California campaign—and to the subsequent similar campaigns in other states.

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2 Laura X, “Accomplishing the Impossible: An Advocate's Notes from the Successful Campaign to Make Marital and Date Rape a Crime in All 50 U.S. States and Other Countries,” *Violence Against Women*, Vol. 5, No. 9 (1999), 1065.
Laura X dedicated her life to the rejection of oppressors and the pursuit of social justice. She was born Laura Rand Orthwein, Jr. in St. Louis, MO in 1940. She earned a degree in social science from the University of California at Berkeley, and went on to found the Women’s History Library at that institution. This Library became the foundation for her feminist activist work. As a child, Laura X witnessed the wedding ritual of “giving away the bride” and connected it to photographs she had seen of slave auctions in the antebellum South. So, on September 17, 1969, Laura Rand Orthwein Jr. assumed the name “Laura X” to “symbolize her rejection of men’s legal ownership of women and the anonymity of women’s history, which was stolen from women and girls.” Over the course of her career, Laura X has worked on numerous social justice movements, but her primary focuses as an activist were legal issues surrounding women and women’s health. In 1978, she founded and directed the research and activist campaigns of the National Clearinghouse on Marital and Date Rape. In this role, she led the 1979 campaign to criminalize marital rape in California and served as a “consultant coordinator” to other states’ campaigns. By 1993, Laura X claims, all fifty states had eradicated marital exemptions in their rape statutes.

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3 “Accomplishing the Impossible,” 1065.


5 “Accomplishing the Impossible,” 1066.

6 “About Laura X – Laura Rand Orthwein, Jr.”

7 The National Clearinghouse on Marital and Date Rape (NCOMDR) is also sometimes referred to as the National Clearinghouse on Marital Rape (NCOMR) in their own archives. I will be using both nomenclatures interchangeably throughout this analysis.

8 “About Laura X – Laura Rand Orthwein, Jr.”
Rideout v. Oregon: Greta Rideout and Marital Rape’s Watershed Case

In December 1978, *Rideout v. Oregon* captured the nation’s attention and inspired feminist activists across the country to action, including Laura X. On October 10, 1978, Greta Rideout called the police to report that her husband, John, had beaten and raped her in front of the couple’s two-year-old daughter, Jenny. The subsequent trial became the first American case of a man charged with raping his wife while the couple was living together, as Oregon had only recently become one of the first states to criminalize marital rape in 1977. After a week-long trial over Christmas of 1978, a jury of eight women and four men acquitted 21-year-old John Rideout of raping his 23-year-old wife. After the trial, Greta Rideout briefly reconciled with her husband to save her and her daughter from being forced to live on welfare and in their car. When John became violent again, however, women at the Salem Rape Crisis Center helped her to escape her home once more, this time on International Women’s Day, 1979.

Though the Rideout case did not result in a conviction, it did, as the *Los Angeles Times* described, “propel Greta Rideout into an unwelcome role as heroine in a new feminist struggle.” The national outrage over John Rideout’s acquittal did in fact spark feminist activism against marital rape and help activists like Laura X to garner support for their criminalization efforts. Laura X had already been aware of marital rape, but she began the work of the National Clearinghouse on Marital and Date Rape—the organization that led the research efforts of her 1979 campaign to criminalize marital rape in California—in 1978 by

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11 “Accomplishing the Impossible,” 1067.
12 Liddick.
assisting a rape crisis center in Salem during the Rideout trial.\textsuperscript{13}

Feminists predicted that the Rideout trial would have consequences far beyond Greta and John themselves, both in the ways married women conceptualized non-consensual marital sex and in the ways legislatures would approach marital rape. Mary Ann Largen, a consultant to the National Institute of Mental Health’s Center for the Prevention and Control of Rape, explained that though many states—including California—had considered laws similar to Oregon’s, “state legislatures, being primarily made up of males, didn’t go that route.”\textsuperscript{14} However, Norma Joyce, a staff counselor at the Salem Women’s Crisis Center, predicted that after the Rideout case “more women now will realize they are not property in marriage.”\textsuperscript{15} This shift in women’s perception of their own identities within marriage along with the national feminist outrage over John Rideout’s acquittal created the ideal environment for Laura X to challenge California’s marital rape exemption clause.

\textbf{Historiography: Second-Wave Feminists Redefine Rape and Sexual Violence}

Marital rape activism can serve as a crucial case study for the purpose of scrutinizing second-wave feminist activism as a whole. The 1960s and 70s are rightly understood to be watershed decades in the history of feminism, activism, and women’s liberation. During these years, feminists rejected males’ supposed superiority and challenged patriarchal power and women’s subordination. To this end, second-wave feminists redefined rape as an expression of men’s dominance over women rather than as an act of unrestricted sexual desire. Activists, with the help of organizations like the National Organization for Women,

\textsuperscript{13} “Accomplishing the Impossible,” 1067.
\textsuperscript{14} Liddick.
\textsuperscript{15} Liddick.
succeeded in their efforts to advocate for protection of women when President Bill Clinton signed the 1994 Violence Against Women Act into law.

Even with their victories for women’s rights, second-wave feminists largely focused on “stranger rape” (nonmarital rape) and did not as directly or widely address wife rape. In fact, most feminists who advocated for gender equality and an end to patriarchal oppression shied away from confronting the complex issue of marital rape.16 Because of this evasion, marital rape remains one aspect of violence against women that has been largely overlooked by historians of second-wave feminism. Consequently, an in depth study of one state’s fight to criminalize marital rape has the potential to illuminate an important area of the history of feminism. Historians who have analyzed feminist history, sexuality/rape history, and radical feminist history do not speak about this campaign in detail, if they mention it at all. I argue that this narrative of the discourse surrounding marital rape and the mobilization efforts of California feminist activists is an important aspect of understanding the broader story of second-wave feminism.

In her 2002 book No Turning Back: The History of Feminism and the Future of Women, historian Estelle Freedman discussed second-wave feminists’ reconceptualization of sexual violence. She argued that the feminist antiviolence movement insisted on women’s right to control their own bodies, in ways that included resistance to forced sex and physical abuse. As a part of this discussion, Freedman claimed that “feminist analysis has reconceptualized rape as a crime of power enacted by men to control women,” and she distinguished between the ways patriarchal societies defined rape—a crime against

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property—and the ways liberal societies defined rape—a crime of sexual desire. Second-wave feminists, Freedman argued, built their anti-rape movement around “naming the problem, providing services, and fighting back against sexual violence.” She continued that they often targeted the police system and the legal system in order to achieve their goals, and that this was especially evident in the crime of marital rape. In *No Turning Back*, Freedman dwelt on marital rape feminist activism only briefly and focused primarily on legal changes through the court system. Though some states did remove the marital exemption clauses from their rape statutes through the courts, a significant number worked through state legislatures. In failing to illuminate the active role feminists took in changing marital rape laws—beyond filing strategic legal suits—Freedman overlooked a key component of marital rape activism in America.

Historian Ruth Rosen did not leave the same gap in her discussion of second-wave feminism’s action on marital rape in her 2000 book *The World Split Open: How the Modern Women’s Movement Changed America*. Rosen argued that during the second half of the twentieth century, feminists “discovered that sexual violence did not occur only between strangers” and turned their focus to marital and date rape. In Rosen’s brief marital rape discussion, she noted that activist Laura X dedicated most of her career to lobbying state legislatures and speaking on college campuses to make marital rape a crime across America. *The World Split Open* also recognized the importance of *Rideout v. Oregon* in

18 Freedman, 284.
19 Freedman, 288.
20 Freedman, 288.
22 Rosen, 184.
shaping the national debate surrounding marital rape, which I discuss later in this paper. In this analysis of feminist work on rape and marital rape, Rosen spoke about Laura X and her National Clearinghouse in a broad sense. She highlighted the importance of Laura X’s work in helping all fifty states—and even other nations—legally define marital rape as a crime, but she did not dwell on it long enough to fully grasp its consequence.

The history of feminism has omitted both Laura X and feminist campaigns against marital. My project aims to fill this gap in feminist scholarship and secure marital rape activism, specifically that of Laura X’s 1979 California campaign, a place in the historical feminist canon. Laura X’s activism as a whole was admirable, but a detailed understanding of the California campaign in particular is necessary to gain a full understanding of the scope, strategy, and obstacles faced by second-wave marital rape feminists. As will be evident as this paper progresses, most of literature on marital rape—both contemporary and modern—comes either from a legal or a sociological perspective. Both approaches are important to understanding marital rape as a legal and cultural issue, but my purpose is to claim a more secure place for marital rape activism in the broader history of second-wave feminism’s rape and sexual assault discourse. I argue that marital rape activism as a feminist endeavor encapsulated the overall goals of second-wave feminism in a unique way. Challenging marital rape’s legal legitimacy directly tested the power structures that defined (white) America’s gender relations during the late-twentieth century. Therefore, an analysis of marital rape activism has the potential to shed new light on second-wave feminism and its work on sexual politics in the legal and cultural spheres.
Part One

Defining the Discourse: An Intellectual History of Marital Rape

Laura X’s activism on marital rape was part of a larger feminist redefinition of female bodily and sexual autonomy. By the time she began the 1979 campaign to criminalize marital rape in California, Laura X had already contributed to the second-wave feminist movement’s rape discourse. In order to more completely understand how Laura X would have understood marital rape within the broader framework of feminist rape activism, I discuss the integral works that shaped feminists’ redefinition of rape and domestic violence during the 1960s and 1970s. This intellectual history of the shifting feminist discourse on rape reveals the ways in which Laura X would have conceptualized rape—both in and outside of marriage—and lays the groundwork for Laura X’s 1979 activist campaign to criminalize marital rape in California.

Against Our Will: Introducing Rape as a Feminist Cause

Radical feminist Susan Brownmiller’s 1975 book *Against Our Will* “was crucial in the definition of rape from a feminist perspective” because it helped reframe the public’s perception of rape. In her book, she recognized that rape had always played a role in American history, detailed the evolution of it in American culture, and criticized psychoanalysts for largely ignoring rape as a psychological issue. Brownmiller rejected previous interpretations of rape as a sexual crime and declared that “sexual assault is an invasion of bodily integrity and a violation of freedom and self-determination.”

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25 Brownmiller, 381.
defined rape not just as unwanted sexual contact, but as “a conscious process of intimidation by which all men keep all women in a state of fear.” In characterizing rape not as a sexual act but as an act of oppression, intimidation, and power, Brownmiller gave second-wave feminists a newfound way to oppose rape. By framing sexual assault with the language of patriarchal oppression that feminists used throughout this period, Brownmiller gave feminists an updated language to talk about rape as they combatted both unjust laws and a victim-blaming culture.

Brownmiller’s analysis of rape both complemented Laura X’s previous rape activism and created a space for discussing marital rape in a feminist context which allowed for Laura X’s California marital rape criminalization campaign four years later. According to Laura X’s memoir, while writing Against Our Will Brownmiller relied quite heavily on rape research compiled by Laura X and the Women’s History Library she had founded in Berkeley in 1968. Brownmiller used the Library’s files both to describe rape and to introduce briefly the concept of rape within marriage to a feminist audience. In the early 1970s, rape was understood as “the forcible penetration of an act of sexual intercourse on the body of a woman, not one’s wife” (emphasis Brownmiller). Brownmiller did not dwell long on the concept of a marital exemption in rape codes, but she did declare that rape was an invasion of bodily integrity “wherever it happens to take place, in or out of the marriage bed.” She also claimed that women themselves did not view compulsory sex as a husband’s right within marriage, because that right would preclude any perception of an equal marriage partnership. By including the implication that rape within a marriage could

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26 Brownmiller, 15.
27 “Accomplishing the Impossible.”
28 Brownmiller, 380.
29 Brownmiller, 381.
30 Brownmiller, 381.
be a crime in a nationally-read book, Brownmiller elevated feminist consciousness of marital rape and opened the door to a new understanding of spousal rights. Once feminists had this new conceptualization of rape to use in their activism, they could turn national attention to marital rape. Thus, *Against Our Will* can be understood as a factor in creating the cultural context in which a campaign to criminalize marital rape could succeed.

**Violence Against Wives: Recognizing Sex and Systems of Patriarchal Oppression**

One way the radical feminist idea of rape as the execution of man’s political and social power came to public attention was through the lens of domestic abuse and violence—notably not sexual violence—against wives. Though it does not mention rape specifically, the 1979 book *Violence Against Wives: A Case Against the Patriarchy* by sociologist Rebecca Emerson Dobash and criminologist Russell Dobash discussed the concept of domestic abuse not as isolated actions of psychopathic husbands but as sociological constructs nurtured by female oppression.31 *Violence Against Wives* examined the legacy of the patriarchy and the ways in which it generated the conditions for a husband’s domination and use of physical violence. Elizabeth Schneider, a law professor, succinctly defined domestic abuse as “a problem of power and control…within a systematic framework as part of the larger dilemma of gender subordination.”32 This broad framework of gender subordination that created the conditions for domestic abuse, then, can be understood as the same framework that allowed for legal spousal rape in society.

According to Dobash and Dobash, the patriarchal makeup of American society fed

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into cultural beliefs of the natural hierarchal relationship between husbands and wives and institutionalized the subordination of women.\textsuperscript{33} Women were economically dependent on their fathers and husbands, morally required by Judeo-Christian customs to be obedient, and socially defined by their relationships to men.\textsuperscript{34} This understanding of a woman’s personhood assumed that she was naturally subservient, and that, therefore, men had a right and a duty to dominate and control her. Dobash and Dobash wrote that “in the family, the parameters of a woman’s behavior were set, her undifferentiated nature reiterated, her relationships with men defined, her subordination taught, and her deviations controlled.”\textsuperscript{35} The seeds of wife beating lay in this subordination and learned subjugation to male control, so it does not seem unreasonable to see the seeds of wife raping within this power structure, too.\textsuperscript{36}

In addition, Dobash and Dobash recognized the ways in which society regarded the family as the most sacred of social units, the privacy of which could not be violated. The relationship between husbands and wives was akin to that of fathers to children; spouses were not equal, husbands had the right to control their wives, and no outside force had the authority to critique a husband’s treatment of his wife.\textsuperscript{37} Social customs gave a man this permission to control his wife, implicitly granting permission to abuse her, both physically and sexually, according to Dobash and Dobash. As the dominant individual, a man had the authority to make all decisions for the marriage, including sexual ones.

Dobash and Dobash claimed that because the family remained a pillar of American society, wife abuse had been largely ignored. The relationship between men and women as

\textsuperscript{33} Dobash and Dobash, 6.
\textsuperscript{34} Dobash and Dobash, 50-52.
\textsuperscript{35} Dobash and Dobash, 33.
\textsuperscript{36} Dobash and Dobash, 33.
\textsuperscript{37} Dobash and Dobash, 10.
in husbands and wives was, according to Dobash and Dobash, “deemed natural, sacred, and unproblematic,” which “resulted in long periods of disregard or denial of the husband’s abuses of his economic, political, and physical power.”

State legislatures could have also engaged in these “long periods of disregard” on the issue of marital rape because criminalizing it seemed to be attacking their own marriages. Criminologist Gilbert Geis argued this claim in 1978, saying wife rape was “too close for personal comfort for the well-placed, married males who make up the vast majority of the membership of American state legislatures.”

Because of these impediments to legal change, women were left at the mercy of their husband’s abuse until the late 1970s. This understanding of spousal rights is the type which Laura X would encounter during the 1979 California marital rape criminalization campaign.

**Rape in Marriage: Documenting Rape in Marriage**

The most important piece of 20th-century primary literature on marital rape was sociologist and radical feminist Diana E.H. Russell’s 1982 study *Rape in Marriage*. Russell’s book was the first major 20th-century analysis of rape in marriage and brought to national attention an issue that had been largely ignored. Russell prefaced her 1990 second edition of *Rape in Marriage* with a statement of her two purposes for conducting her research: to provide information about wife rape and place it in the appropriate context to enlighten the public and inspire those who wished to see change; and to impact the scholars who worked on violence against women, marriage, rape, and female oppression.

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38 Dobash and Dobash, 7.
two-part goals highlighted her role not as merely a feminist scholar, but as an active participant and instigator of change.

Russell focused her book on the raw experiences of her interviewees. Her book served as an informational training manual for feminists, so she chose to publish directly the words of wife rape victims rather than forcing her own conclusions and removing the sense of the fullness and realness. Notably, Russell provided many more examples than would be necessary to illustrate her points. This, she explained, was to combat all of the skepticism surrounding the topic of marital rape and emphasize how common of an occurrence it really was. For most of history, according to Russell, the idea of a man’s being able to rape his wife was unthinkable. Therefore, those who wished to argue against marital rape were forced to emphasize only the especially brutal cases just to garner any type of reaction and recognition from the general public. Though Russell claimed this was necessary to give legitimacy to the idea that women could be raped by their husbands, she rejected the assumption it created in the collective mind of society that for a woman to say she was raped by her husband, she must have been brutally beaten or assaulted under especially inhumane circumstances. Russell approached her study in an extremely broad way for the express purpose of highlighting the true prevalence of wife rape and allowing women in less extreme circumstances to recognize themselves and be recognized by others as victims.

After Russell’s study and the subsequent activism of people like women’s rights advocate Laura X, some state laws changed and removed their marital exemption clauses. However, Russell had asserted that wife rape was not a problem that could be solved by the

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41 Russell, 11.
42 Russell, xi.
43 Russell, xi.
law as long as male legislators controlled state assemblies and protected their own interests over the interests of their female constituents.\footnote{Russell, 26.} The solution, she asserted, came from breaking the silence on marital rape and making it a publicly-acknowledged crime instead of a private sexual matter. Women across the country needed to realize that wife rape was common even when illegal, and that wives did have the right to decline the sexual advances of their husbands. As Diana Russell stated, “true gender equality in and outside of marriage is necessary before all wives will be free from the risk of rape by their husbands.”\footnote{Russell, 26.} Feminists’ working for just rape laws would have to think in this context and simultaneously advocate for marital rape’s criminalization and women’s overall equality.

**Conceptualizing Violence as Domination Over Women**

In 1979, Dobash and Dobash had proposed that society should conceptualize violence between spouses as the extension of the domination of husbands over their wives.\footnote{Dobash and Dobash, 15.} In her 1982 book, Russell extended this conceptualization of domination to explain wife rape, too, saying that the “phenomenon of wife rape must be seen in the context of the patriarchal family.”\footnote{Russell, 3.} She noted that in interviews, victims most often said they believed their husbands raped them as an “assertion of power.”\footnote{Russell, 143.} Russell claimed that while patriarchy as a system subordinated women, the notion of “manhood” itself was “built on the successful domination of women, particularly wives.”\footnote{Russell, 154.} In short, men were given the authority to dominate their wives by the patriarchal culture and then subsequently judged on how successfully they

\begin{footnotes}
\footnotetext[44]{Russell, 26.}
\footnotetext[45]{Russell, 26.}
\footnotetext[46]{Dobash and Dobash, 15.}
\footnotetext[47]{Russell, 3.}
\footnotetext[48]{Russell, 143.}
\footnotetext[49]{Russell, 154.}
\end{footnotes}
utilized that power to determine if they were truly exemplifying an ideal form of “manhood.” Within this system, a husband’s raping his wife and stripping her of any notion of sexual autonomy was an effective and reliable avenue for affirming manhood and exercising the male right to domination.

Russell argued in her marital rape study that men used rape not for sexual gratification but for asserting manhood and control. In 1979, psychologists Nicholas Groth and H. Jean Birnbaum had enumerated three motivations for rape: sadism, anger, and power. In her interviews with female marital rape victims, Diana Russell found these classifications to be accurate. According to Groth and Birnbaum, sadistic rapes were those in which men enjoyed hurting their wives in the process of raping them, and anger rapes were those in which anger was their primary motivation—often anger was a secondary motivation, coming after the intent to dominate. Within Russell’s study, which she argued to be indicative of marital rape as a whole, the most common motivation for rape was to assert power.

Though a variety of reasons for a rape could be classified as “rape for power,” all of them reaffirm gendered subordination, according to both Russell and Brownmiller. Morton Hunt, a journalist who wrote on marital rape in 1979, claimed that husbands who rape most often believed they were meant to rule their wives. In forcing his wife to concede to his sexual desires, a husband-rapist “humbles her and reasserts, in the most emotionally powerful way possible, that he is the ruler and she the subject.” In other words, sexual gratification was not the goal of the majority of husband-rapists, according Hunt and Russell. This idea

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51 Russell, 151.
was not particularly groundbreaking for the late 1970s and early 1980s, as second-wave feminists had already propagated that argument in order to redefine stranger rape as a violent rather than a sexual crime. However, by extending the idea to the marital bed, they challenged the public to view forced sex in marriage as just as horrific as it viewed stranger rape to be.

Russell, citing Groth and Birnbaum, further delineated three types of power rapes: to show who is boss, to force a wife not to be upset, and to repossess a wife after a confrontation. Some men raped their wives to reassert the simple fact that they legally could as a husband. One woman in Russell’s study remembered her husband’s repeatedly saying “‘I’m your husband, you have to’” while raping her. Other men wanted to have relations with their wives after an argument to try and mend her hurt feelings, whether their wives wanted to or not. As Russell states, “The use of force to make things better is neither humane nor logical, but it is common among husbands with very patriarchal attitudes.”

The third type of power rape was similar to the second, yet it was motivated less by a wish to reconcile and more by a need to reclaim any lost power. One wife in Russell’s study recounted having an argument with her husband, leaving to go to a friend’s home, and being raped upon her return as an act of reasserting his dominance in the relationship. Although distinguishing between all of these levels and delineations may seem tedious, Russell intended to establish that they all conformed to traditional considerations of a woman’s place in the family. *Rape in Marriage* argued that male domination and conceptions of male ownership in marriage are the basis for women abuse.

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54 Russell, 152.
55 Russell, 153.
56 Russell, 153.
57 Schneider, 65.
Conclusion

Second-wave feminism’s redefinition of rape and wife abuse as symptoms of patriarchal oppression set the stage for Laura X’s 1979 activism campaign to criminalize marital rape in California. These works reveal the ways in which Laura X and the feminists with whom she worked would have conceptualized rape, violence, and rape within marriage as they worked to usher the 1979 Marital Rape Bill through the California legislature. As the crux of second-wave activism was tearing down patriarchal power and elevating women to equal status with men, one can see how understanding rape as a violent method for domination and conceptualizing the violence between husbands and wives as the byproduct of this historic domination informed the campaign to criminalize marital rape. Laura X utilized this feminist way of thinking about rape and marriage in her 1979 California campaign to criminalize marital rape.
Part Two

The Marital Rape Bill: Laura X’s Activism and the 1979 California Legislature\(^{58}\)

In 1990, sociologist and activist Diana Russell wrote in the second edition of *Rape in Marriage*—her landmark study on marital rape—that “Wife rape is not a problem that will be solved by turning to the law.”\(^{59}\) Russell concentrated on breaking the widespread silence surrounding rape within marriage in order to spread a culture of true gender equality, but unlike her, other activists *did* recognize the advantage in turning to the law. Laura X, one such activist, utilized her feminist institutional network—including the Women’s History Library (a library she founded in Berkeley, CA) and its project, the National Clearinghouse on Marital and Date Rape (NCMDR)—in order to instigate legislative change in California in the late 1970s.\(^{60}\) Social attitudes toward sexual assault and female bodily autonomy were already shifting in the 1960s and 1970s, but Laura X recognized that the law needed to change, too. At the beginning of her campaign, California’s penal code distinguished between the rape of a stranger and the rape of a wife; it placed a higher value on a single woman’s bodily integrity than on a married woman’s. Through a coordinated lobbying effort, Laura X and her associates aimed to ensure that protections for married women’s bodily autonomy were included in the feminist legal canon. Though I cannot prove that California’s marital rape laws changed as a direct result of these efforts, the records of the National Clearinghouse on Marital and Date Rape clearly indicate that Laura X coordinated a targeted and strategic lobbying effort during the California legislative session that culminated in California’s joining the four states that criminalized spousal rape.

\(^{58}\) All sources for “The Marital Rape Bill” section are located in the University of Illinois Archives, Record Series 35/03/064, unless otherwise noted. Individual Box references will be noted in the first citation for each source. Sources not from the University of Illinois Archives are marked with an asterisk.

\(^{59}\) *Russell, 26.*

\(^{60}\) *“Accomplishing the Impossible,”* 1064.
Before the 1979 legislative session, California’s penal code defined rape as “an act of sexual intercourse, accomplished with a person not the spouse of the perpetrator.” Laura X’s activism’s main goal, here was to either remove that marital exemption from this statute or to formulate a new definition of spousal rape—the latter of which she and her allies accomplished in California’s Marital Rape Bill. In doing so, however, Laura X had to conquer the longstanding cultural and legal tradition of a man’s right to unregulated sexual access to his wife. Over the course of nine months in 1979, Laura X coordinated a statewide effort to overcome opposition and garner enough public and legislative support to secure the bill’s passage, especially through the California General Assembly—yet this important history has neither been told nor analyzed. To do so, this chapter has three sections. First, it provides a brief timeline of the major events of this campaign. Second, and more extensively, it examines the three principal arguments against changing California’s marital rape law. Third, it carefully analyzes the strategic ways in which Laura X and the feminist activists she led engaged with both the public and the legislature to promote passing this bill. Finally, it discusses I end the aftermath of this legislative victory and evaluates the law’s effectiveness in bringing justice to marital rape victims.

Laura X, Floyd Mori, GRIMR, and the Marital Rape Bill: Key Actors and A Timeline

Although I do not intend to provide a full narrative history of the California campaign to criminalize marital rape, a brief outline of its important actors and key moments is necessary in order to promote a full understanding of Laura X’s work. Apart from Laura X herself, the person most integral to the Marital Rape Bill’s passage was California State

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61 *Cal. Penal Code §§ 261 (1979)*
Assemblyman S. Floyd Mori, who introduced the Marital Rape Bill (AB 546) to the California Assembly. Mori was born outside of Salt Lake City, Utah on May 30, 1939 to Japanese immigrants. He served as a City Councilman and Mayor of Pleasanton, California before being elected to the California State Assembly in 1975. One of the first two Japanese Americans in that legislative body, Mori held his seat for three terms (six years). During the nine months of the 1979 marital rape campaign, Mori was serving as the Chair of the Ways and Means Subcommittee on State Administration.

Besides Mori and Laura X herself, the most important players in this activist campaign were the members of the Greta Rideout Indicts Marital Rape (GRIMR) project. This was a feminist coalition organized by Laura X under the aegis of the Women’s History Research Center (WHRC), which she had founded in 1968. The project loosely encompassed a collection of feminist groups and individuals like the WHRC, California’s National Organization for Women chapter, various rape crisis centers, the San Francisco Committee on the Status of Women, the National Center on Women and Family Law, and others. The second half of this chapter will focus on GRIMR’s 1979 lobbying efforts.

The following timeline outlines the key moments in the marital rape criminalization campaign to which Laura X, Floyd Mori, and GRIMR all contributed. This brief overview illustrates the way in which the Rideout trial and subsequent feminist involvement in this issue aided in Assemblyman Floyd Mori’s shepherding of the Marital Rape Bill through both chambers of the California Legislature. Aspects of this timeline will be discussed in further

64 Laura X, “Accomplishing the Impossible,” 1064.
65 Pam Davis, Anne Jewel, Charlene Smith, and Laura X (all of GRIMR), “Marital rape reaches floor,” Plexus (San Francisco, CA) June 1979, Box 10.
detail throughout this chapter.

**January 1977:** Mori introduces his Marital Rape Bill, AB 327, for the first time. It fails after debate in the Assembly Criminal Justice Committee and on the Assembly floor.\(^{66}\)

**January 1978:** Assembly Committee on Criminal Justice kills second iteration of Mori’s Marital Rape Bill. Mori commits to further study to fix problems with his bill.\(^{67}\)

**December 1978:** In *Oregon v. Rideout*, John Rideout becomes the first US man charged with raping his wife, Greta, while they were living together. The case draws national media attention. John Rideout is acquitted.\(^{68}\)

Laura X begins the work of the National Clearinghouse on Marital Rape by assisting rape crisis centers in Salem, Oregon during the Rideout trial.\(^{69}\)

**February 1979-September 1979:** The Marital Rape Bill (Assembly Bill 546 and Senate Bill 401) works through the California State Legislature.

**February 14, 1979:** Mori introduces AB 546 to the California Assembly.\(^{70}\)

**June 1979:** AB 546 passes in the California Assembly with vote of 55-16.\(^{71}\)

**August 1979:** California Senate adds a thirty-day reporting time limit to SB 401.\(^{72}\)

**September 5, 1979:** California Senate passes SB 401 with vote of 27-6, sends

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\(^{66}\) Mori, Letter to the editor of *San Francisco Chronicle*.


\(^{69}\) Laura X, “Accomplishing the Impossible,” 1067.


\(^{71}\) “Bill to Outlaw Rape of Spouse OK’d by Senate,” *Los Angeles Times*, (Los Angeles, CA), Sept. 06, 1979.

\(^{72}\) “Rape bill gets time limit,” *Oakland Tribune*, (Oakland, CA), Aug. 22, 1979, Box 11.
back to Assembly for approval of thirty-day reporting amendment.\textsuperscript{73}

\textbf{September 13, 1979:} Marital Rape Bill with Senate amendments passes Assembly with vote of 58-10.\textsuperscript{74}

\textbf{September 22, 1979:} California Governor Jerry Brown signs Marital Rape Bill into law.\textsuperscript{75}

\textbf{January 1, 1980:} Marital Rape Bill goes into effect in California.\textsuperscript{76}

\textbf{A Note on Source Material}

A majority of the sources for this chapter come from Laura X’s National Clearinghouse on Marital Rape archive, which is located at the University of Illinois at Urbana-Champaign. These are records that Laura X and her organization saved in order to aid in their subsequent campaigns both to educate the American public about marital rape and to support state legislators across the country as they worked to criminalize it. Although, the Clearinghouse archive is not large, it is exceptionally useful, as it contains a select number of newspaper clippings, letters from members of Laura X’s organization, and legislative materials concerning the Marital Rape Bill, all apparently chosen for their utility in furthering the campaign against marital rape.

I rely heavily on these sources because, though the 1979 effort to criminalize marital rape in California was an immensely important and influential campaign, it left barely any trace in the contemporary news media. Though I diligently searched many California’s newspapers during the span of the campaign, I found few mentions of Laura X, her

\textsuperscript{73} *Bill to Outlaw Rape of Spouse OK’d by Senate.*
\textsuperscript{74} *“Husband-Wife Rape Bill Ok’d By Assembly,”* \textit{Los Angeles Times}, (Los Angeles, CA), Sept. 13, 1979.
\textsuperscript{75} Office of California Assemblyman Floyd Mori, “Press Release,” Sept. 25, 1979, Box 10.
\textsuperscript{76} Mori Press Release.
campaign, or even the bill’s progress through the legislature in the daily newspapers. Accessible historical newspapers only reported on the Marital Rape Bill itself was only reported on in accessible historical newspapers on the dates of important votes on its path to passage. Thus, Laura X’s National Clearinghouse on Marital Rape archive is the best source of primary materials relating to this campaign. The main limitations of that archive is that it is smaller than I would have wished. I have, therefore, needed to extrapolate both Laura X’s story and my analysis from a latticework of surviving but incomplete documentation. The analysis that follows is my effort to draw from these sources the story of the enormously important story of the work done by these feminist activists in 1979 California to grant married women in California protection from rape.

**Framing Laura X’s Activism: Arguments Opposing the Marital Rape Bill**

Laura X and her feminist network combatted several forms of opposition to marital rape’s criminalization in California. The attempt to criminalize rape within marriage in California worked through the legislature (rather than through a series of court cases as in states like New York and Virginia), so Laura X’s activism had to address both the legislators’ and the voters’ concerns. By the nature of politics, legislators are dependent upon their constituents and must act in accordance with the will of those who vote for them. The legislative process opened up the 1979 Marital Rape Bill, Assembly Bill 546, for public debate and lobbying efforts.

Writing one month after the law went into effect in 1980, journalist Jayne Garrison named two distinct arguments its proponents had faced, saying people feared the Marital Rape Bill would “violate the sanctity of marriage [and] pry into the privacy of a married
couple’s bedroom” or “lead to unsubstantiated finger-pointing by angry wives.”

I add a third type of obstacle faced by Laura X to Garrison’s list: the critique that the Marital Rape Bill would be ineffective and, therefore, useless. Though Laura X did not explicitly state that she was addressing these three critiques named by Garrison (and myself), evidence of these ways of thinking can clearly be found in the National Clearinghouse archive. In order to aid California State Assemblyman Floyd Mori in his research and defense of the bill, Laura X had to address these potential oppositions to the Marital Rape Bill.

**Protecting the Sanctity of Marriage**

Many Americans believed that the marriage contract existed as an agreement between a man and his wife only, and they therefore believed that the government had no jurisdiction over its private matters. By passing AB 546, these people believed that the California State Legislature would be effectively infringing upon an individual couple’s right to marital privacy and thus violating the sanctity of the marriage. Though citing privacy rights in order to justify what modern readers understand as an act of sexual violence seems perplexing, those who opposed criminalizing marital rape did make this claim, and they did it with a certain basis for understanding rape and marital rights that Laura X and her network sought to combat.

The idea that marital rape laws invade on marital privacy, one of the main critiques of AB 546 and its predecessors, comes from a long legal tradition of marital rights. 17th century English Chief Justice Matthew Hale codified the impossibility of a man’s raping his wife when he pronounced that “the husband cannot be guilty of a rape committed by himself upon

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his lawful wife, for by their mutual matrimonial consent and contract the wife hath given up 
herself in this kind unto the husband which she cannot retract.”78 The Hale doctrine of 
“implied consent”—the idea that woman’s choice to enter into a marriage contract implied a 
sexual consent for the entire marriage—formed the basis of the marital exemption in 
American legal tradition.79 By this definition, wife rape was not only not a crime, but also 
was an impossibility; there can be no rape if there is an understood consent already in place. 
Marital exemption laws written on this precedent, like the one in California, created a legal 
barrier between government intervention and marital sexual privacy.80 Opponents of AB 546 
drew on this idea of marital privacy to critique and combat the Marital Rape Bill. 

Perhaps ironically, the landmark 1965 feminist Supreme Court Case, Griswold v. 
Connecticut was both based on and expanded upon the Constitutional principles using 
precisely this legal tradition of marital privacy. The Court ruled that the government had no 
ability to keep married couples from using contraceptives on the basis that the Constitution 
protects a right to privacy, which they now extended to encompass marital privacy.81 This 
important legal victory for another feminist cause—access to contraception—relied heavily 
upon the notion of marital privacy. Griswold expanded upon a cultural and legal 
understanding of marital privacy that had been enshrined in law since Hale’s common law 
doctrine of implicit consent. It is reasonable, therefore, to understand AB 546’s opponents’ 
claims of government overstep as one part of this greater tradition of marital privacy already 
established in American culture and law.

78 *Rebecca M. Ryan, "The Sex Right: A Legal History of the Marital Rape Exemption," Law & Social 
79 *Ryan, 964. 
80 *Lalena Weintraub Siegel, "The Marital Rape Exemption: Evolution to Extinction," Cleveland State Law 
81 *Griswold v. Connecticut, 381 U.S. 479 (1965)
The marital privacy argument against AB 546 permeated Laura X’s personal records in the National Clearinghouse on Marital Rape’s archives. This sentiment contributed to the failure of California’s previous attempts to criminalize marital rape and clearly influenced the debates surrounding AB 546. During the Assembly Committee on Criminal Justice’s hearing of Mori’s 1978 failed iteration of this bill, Lawrence Smith of the state public defender’s office testified that it “put a policeman in every marital bedroom” because it dictated that “If a wife says ‘Not tonight, John’ […] and the couple has intercourse, the husband could be convicted of rape.”

Democratic Assemblyman Walter Ingalls, who spearheaded the opposition to Mori’s 1979 bill in the legislature, stated that “the Legislature has no business tampering with the marital relationship.” California State Senator Bob Wilson also expressed this sentiment when addressing a group of women lobbyists in 1979, saying “But if you can’t rape your wife, who can you rape?” These legislators and state officials, who all had a direct say in whether or not the Marital Rape Bill would pass, evidently understood forced intercourse within marriage not as rape and not as something with which the government had to concern itself.

Some members of the general public also shared this sentiment. One California resident criticized AB 546 in a postcard to the legislature, saying that legislators should “get busy and try to get rid of some of the stupid laws that are now on the books, instead of introducing stupid legislation concerning (sic) a man’s (sic) relations with his wife.” Though this postcard is not necessarily indicative of an overarching constituent sentiment, the very fact that it survives in an archive dedicated to the activist campaign to criminalize

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82 *“Assembly Panel Kills Bill to Bar Rape by Spouses.”
83 “Rape laws pass major hurdles,” The Longest Revolution, Aug. 1979, Box 11.
84 Russell, 18.
85 J.B. Hughey to California General Assembly, Postcard, March 6, 1979, Box 10.
marital rape shows that someone saw it as important enough to warrant notice. In addition, in an article published in *Plexus* (a monthly feminist newspaper), Assemblyman Mori responded to a *San Francisco Chronicle* editorial that illustrated this marital privacy argument and which he believed represented the “forces of ignorance, sexism, insensitivity, and outdated assumptions” that obfuscated the issue of wife rape. He rebutted the argument, assuring readers that “there will be no proverbial policeman under every bed, nor would anyone know what goes on in the privacy of the home unless an occupant found it necessary to speak out.” To AB 546’s opponents in the legislature and the general public, marriage was clearly a sacred and private institution with which this bill would interfere. In response, feminist activists like Laura X had to combat the idea that a man had undeterred sexual access to his wife through the marriage contract while not completely upending the institution of marriage and marital privacy.

**Shielding Husbands from “Vindictive Wives”**

AB 546’s opponents also contested marital rape’s criminalization because they were anxious that vindictive wives would make false accusations in order to damage their husbands’ reputations and/or win custody battles. The *Tri-Valley Herald* reported in 1980, after AB 546 had been signed into law, that California residents had feared the law would lead to “unsubstantiated finger-pointing by angry wives.” Arguments that a marital rape law would make falsely accusing husbands too easy and would force on men a harmful social stigma set the discourse surrounding the Marital Rape Bill. In response, AB 546’s

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86 Mori, “Letter to the Chronicle.”
87 Mori, “Letter to the Chronicle.”
88 Garrison.
proponents had to compromise in the legislature while simultaneously combatting the myth that the bill invited women to lie for their own personal gain.

A wife’s ability to ‘cry rape’ and its implications for a man’s reputation largely concerned Californians and informed AB 546’s opponents. Assemblyman Ingalls articulated this fear when he asserted that men charged with spousal rape would be forced to live with “a traumatic social stigma.”89 This argument against criminalizing marital rape implicitly discounted the trauma a wife raped by her husband may have endured. A GRIMR (Greta Rideout Indicts Marital Rape) press release underscored this point, saying “The Assembly Criminal Justice Committee’s hearing of AB 546 seemed more concerned with the effects of the bill on alleged rapists than on rape victims.”90 To respond this this fear and underscore the importance of a Marital Rape Bill, Laura X and her associates had to convince legislators that a wife raped by her husband suffered immense trauma, even more than would a man possibly falsely accused of raping his wife.

The Marital Rape Bill’s proponents directly addressed the vindictive wife argument during the course of the California campaign. In his rebuttal to the San Francisco Chronicle’s editorial, Assemblyman Mori asserted that their “implication that women find it easy to cry rape is shameful,” especially because making such private information public would be extremely difficult for a victim in the same way that “it is not easy to make public a charge of incest.”91 He spoke to this point, saying that “AB 546 is not an effort to have all the women running around charging their husbands with rape. It is aimed at rectifying an injustice in the law which specifically defines rape as forced intercourse against a female

89 “Rape laws pass major hurdles.”
91 Mori, “Letter to the Chronicle.”
other than one’s wife, which might as well be saying it’s okay to rape your wife.” In his *Chronicle* response, Mori made clear that the “fear of vindictive wives” argument was not only misguided in its understanding of the crime, but was also misapplied to the Marital Rape Bill. Another notable statement during the California campaign came from Peter Sandrock, a District Attorney from Benton County, Oregon. Sandrock told the California Senate Judiciary Committee in August 1979 that passing a Marital Rape Bill would not incite fake accusations from wives, but would in fact be an important piece of protective legislation. In a 1981 letter to Connecticut State Representative Richard Tulisano (during Connecticut’s own battle over a marital rape exemption law), Sandrock recalled that he had told the California Senate Judiciary Committee that since criminalizing marital rape, Oregon had experienced neither a significant rise in spousal rape complaints nor instances of the rape charge’s use by vindictive wives to extort financial benefits.\(^92\) Though he acknowledged that Oregon’s law had not been strong enough to charge John Rideout with marital rape in the landmark *Rideout v. Oregon* case, Sandrock had still argued that California should pass AB 546.\(^93\)

Despite these counterarguments, proponents of AB 546 had to compromise in the legislature with those fearful of granting women too much unchecked power in order to accomplish passing some protections for people raped by their spouses. The *Los Angeles Times* described one such compromise when the Marital Rape Bill finally passed, saying “To meet opponents’ objections that the charge might be used vindictively in a marital quarrel, the bill would allow husband-wife rape to be punished less severely than other kinds of

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\(^92\) Peter Sandrock (Benton County Oregon District Attorney) to Connecticut Assemblyman Richard Tulisano, Feb. 24, 1981, Box 12.

\(^93\) Sandrock to Tulisano.
rape.” This discrepancy came from the fact that the bill added a section to the California penal code defining spousal rape and its specific consequences rather than amending the existing code to remove the marital exemption language entirely.

In addition to this conciliation, though, the most notable compromise on AB 546 was the inclusion of an amendment instituting a thirty-day reporting deadline. The addendum, Section 262 subsection B of the California penal code, stated that “there shall be no arrest or prosecution under this section unless the violation […] is reported to a peace officer having the power to arrest […] or to the district attorney of the county in which the violation occurred, within thirty days after the day of the violation.” The reporting limit was at least partly implemented for the purpose of placating those who feared women would abuse AB 546, as evidenced most clearly by a 1983 LA Press Telegram editorial published during a legislative attempt to repeal the thirty-day deadline. The article defined a paradoxically twofold purpose behind implementing the limit: both to protect husbands from false claims and to ensure wives who were truly raped had the best chance of producing proof and seeking justice. One one hand, they claimed, removing the limit allowed “vindictive wives” to claim rape years after the event in order to get revenge on their husbands or win custody battles. On the other hand, removing the thirty-day limit allowed victims to delay reporting the crime for so long that a claim of rape would be nearly impossible to prove. Though Assemblyman Ingalls’ statement of the traumatic social stigma inflicted upon convicted husbands makes the the former purpose seem much less plausible than the latter, both serve as possible explanations for the thirty-day limit’s addition. Regardless of its intention, this

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94 *“Bill to Outlaw Rape of Spouse OK’d by Senate.”*  
95 “Rape bill gets time limit.”  
96 *Cal. Penal Code § 262(b) (1979)*  
98 “An anti-crime bill needs a closer look.”
time limit unarguably posed a problem for feminist activists like Laura X who wanted rape criminalized in California without exception. In fact, in a 1981 letter to Pennsylvania’s Assistant Attorney General during that state’s effort to criminalize marital rape, Laura X said she disliked California’s thirty-day reporting limit, saying it stopped the bill from making “all women totally equal” because not everyone had a real chance at reporting and seeking justice.99

To respond to this anxiety over false accusations, feminist activists like Laura X had to convince legislators that a bill like AB 546 would protect victims and not lead to a dramatic upsurge of women’s “crying rape” for their own personal gain.

Critiquing AB 546’s Weaknesses

The final form of opposition to Laura X’s work and AB 546 that I have identified was not a direct argument against protecting wives from rape, but instead a critique of this bill in particular and the way it provided for this protection. Even if AB 546 criminalized spousal rape, there could be no guarantee that women would choose to prosecute offending husbands or that courts of law would actually find them guilty. Because of these uncertainties, groups feared that AB 546 would be largely symbolic and not actually protect wives against dangerous husbands. These critiques roughly fit into three categories for analysis: that women would not utilize the bill, that California did not need the bill, and that this iteration was not strong enough to protect women fully anyway. Though these reservations did not stop most feminist groups from advocating for AB 546’s passage, it did create a problem for Laura X in that she utilized all her resources to lobby for a law that might not even be fully

99 Laura X to Helen Koschoff (Assistant Attorney General of Pennsylvania), April 18, 1981, Box 12.
These feminists feared the Marital Rape Bill would be ineffective because women would not prosecute under its provisions. This idea came from an expectation of women’s hesitancy both to recognize the crime of spousal rape and to press charges, especially in non-extreme cases. Though most of the British common law principles of coverture were no longer enshrined in most states’ laws by this point of the twentieth century, their legacy still informed the way many Americans considered the marital relationship. In England and early America, a married woman legally did not have her own identity separate from her husband’s. This, the marital unities doctrine, “made the rape of a woman by her husband a legal impossibility since a man could not rape himself.” Traditional understandings of marriage, therefore, granted a man unfettered sexual access to his wife. Even though wives were not legally defined this way by the time the California Assembly began considering amending its marital rape statutes, culturally many women still found it difficult to conceptualize sexual abuse by their husbands as marital rape. Dawn Mathany, director of a California battered women’s shelter, argued this claim, saying “A lot of women don’t identity (sexual abuse by their husbands) as rape. Instead, they’ll say ‘he forced me to have sex.’ […] It will take a long time before we see women who’ll be willing to say, ‘I was raped by my husband.’” For a law like the Marital Rape Bill to be effective, victimized wives would need to un-learn the social position of a submissive wife instilled in them and be willing to reclaim their sexual autonomy and reconceptualize nonconsensual sex with their spouses as rape.

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100 Freedman, *No Turning Back*, 53.
101 *Siegel*, 357.
102 Garrison.
103 Garrison.
Another critique of AB 546 was that it was an overall superfluous and unnecessary law. This idea could have permeated because some believed assault and battery laws already protected wives in extreme domestic abuse situations, and those women were the most likely to pursue charges against their husbands. Anne Fragasso, an LA County Deputy Public Defender and spokeswoman for the California Attorneys for Criminal Justice, rejected the idea that marital rape needed to be codified in California’s penal code. She argued that “spousal rape is more of a domestic problem than a criminal;” called California’s assault and battery laws “more than adequate;” and advised that lawmakers help abused wives by instead offering marital counseling services, alcohol abuse programs, and unemployment solutions rather than “creating a new crime” of marital rape.104 Though Fragasso’s points mischaracterized the crime of marital rape as a “non-criminal” or “new” problem, her rejection of AB 546 on the grounds that current domestic assault and battery laws already adequately covered extreme instances of rape could still be valid. Even Assemblyman Mori was unconvinced that the law would be overarching enough, though he still believed it worthwhile “to address the extreme cases which must be brought to justice” and to be “a statement by Californians that we will not tolerate violence in the home.”105 Even so, there could be some validity to the arguments that AB 546 was potentially a weak and ineffective law.

Another reason some critics may have seen the Marital Rape Bill as unnecessary is because some perceived wife rape to be not a serious or traumatic experience for the victim. In a statement to the California Senate Judiciary Committee, Floyd Mori refuted this argument that “forced sexual intercourse by a husband does not carry the fear, trauma, and

104 “Rape bill gets time limit.”
humiliation associated with rape by a stranger.” Assemblyman Mori emphasized to the Committee that “rape is not a sex act to be confused with consented sexual activity,” and simply because a woman has consented to sex with one man before does not mean that that man is incapable of raping her.

To refute those who did not see marital rape as traumatic enough to warrant a criminal law, Mori cited a research study conducted by Dr. Barbara Star of the University of Southern California’s School of Social Work. Dr. Star’s study asserted that wife rape could even be more traumatic than stranger rape in certain instances because “letters from women throughout the nation confirm that spousal rape is not a one-time occurrence. Once initiated, it tends to be repeated many times over the course of a marriage. Consequently, the victims remain in a state of constant fear.” In addition to Dr. Star’s study, I cite the poem that begins this thesis to illustrate fully the human toll of marital rape. Davie Burton, wife rape victim and poet, wrote about her trauma in the author’s note of her 1999 poem “My Struggle.” She writes that “I’ve heard from many different people that marital rape cannot possibly be as bad as being raped by a stranger. To me, it is worse. It was devastating to know that the one person I trusted and shared a part of my life with could violate and traumatize me in such a way.” As illustrated by both Dr. Star and Burton, the belief that wife rape did not need to be criminalized because its victims were not truly victimized was baseless. Mori stressed this idea to the Senate Judiciary Committee, emphasizing the Marital Rape Bill’s importance both as a statement of California’s values and, more critical, as a lifeline for the women it would free from this state of constant fear.

106 Floyd Mori statement to California Senate Judiciary Committee (Sacramento, CA), Aug. 21, 1979, Box 10.
107 Mori to Senate Judiciary Committee.
108 Mori to Senate Judiciary Committee.
109 *“My Struggle.”
The final major critique I recognized in Laura X’s records came from supporters of the bill who lamented that it was a weak law and would be applied to a crime that was already difficult to prove. Even if a woman recognized herself as a marital rape victim and chose to prosecute, she was not guaranteed judicial justice. Stranger rape remained an extremely difficult charge to prove in court, and marital rape would be even harder to prove because, by nature of the marital relationship, the two people involved would have also have had consensual sexual experiences. Thus some advocates feared, as Jayne Garrison wrote in her article about the reporting trends of spousal rape in 1980, that “rape is a difficult charge to prove in court […] spousal rape cases that result in convictions most likely will be when the husband and wife are living apart, though still married.”

Ideally, AB 546 would allow for more women still living with their husbands at the times of their assaults to come forward, be protected, and seek justice.

However, even those who may have agreed with Garrison and would have preferred the legislature pass a more comprehensive marital rape law still saw the merits of AB 546. Camille LeGrand, a California-based attorney, explained this point in 1979, saying that AB 546 was important even if largely symbolic, though it would be better if it created stronger legal consequences for a crime that was “from a woman’s perspective, the worst crime, short of murder, which can be committed against her.”

The California chapter of the National Organization for Women’s (NOW) Legislative Action Alert in September 1979 captured Laura X’s problem in combatting these types of critiques well. It assured NOW’s members that “Although many feminists prefer a strong law it is well to remember that a ‘journey of a

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110 “Spouse rape seldom reported, experts say.”
A thousand miles begins with a single step.’ The law can be strengthened at a later date.” The fear of AB 546’s ending up a toothless and merely symbolic law was clearly prevalent in California in 1979. Laura X and her network, however, still dedicated resources to passing AB 546 and getting marital rape officially classified as a crime.

**Laura X’s Activism: Changing Minds and Changing Laws**

S. Floyd Mori’s 1979 bill was not the first attempt at criminalizing marital rape in California. He had introduced an iteration of AB 546 to the California legislature in 1977, and other legislators had attempted to redefine rape to protect wives before him. In fact, he himself classified his bill as “an ongoing refinement of past efforts.” These attempts, however, were all unsuccessful. Legislators had introduced these failed bills before the Greta Rideout case brought national recognition and invoked mass outrage over the problem of marital rape. As Gloria Allred, president of Los Angeles’ NOW chapter, stated, the chances to pass this legislation in 1979 were “‘better than they have ever been’ because of the Rideout case, which provided the impetus for this renewed effort.” A bill addressing marital rape required the support of a network of feminist individuals and organizations because those were the constituencies already most amenable to this type of legal change, so Laura X’s resources were especially crucial to the 1979 campaign to criminalize marital rape. Without her strategic activism, AB 546 would probably not have passed the legislature, and California women would have remained vulnerable to being legally raped by their husbands.

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112 Barbara Alexander and Glory Wicklund, California National Organization for Women Legislative Action Alert, September 1979, Box 5.
113 Mori, “Letter to the Chronicle.”
Laura X’s 1979 lobbying campaign employed a two pronged approach: engaging with the public and aiding the legislature. The National Clearinghouse on Marital Rape’s archives highlight key communications from Laura X herself and from organizations like NOW, the Women and Family Law Center, and the San Francisco Committee on the Status of Women – groups coordinated by Laura X under the name GRIMR, the Greta Rideout Indicts Marital Rape project. Traces of their activism are difficult to find outside of this archive, however, because they were not covered much by popular media. The archival evidence I use to analyze these activists’ work consists mostly of targeted media at left-wing feminists, internal National Clearinghouse communications, and informational mailings sent to active California feminists (meaning people already connected to feminist groups). GRIMR itself is not named in documents outside the archive, yet it is clear from these records how influential they were in implementing Laura X’s work and aiding the legislature in passing AB 546. Floyd Mori himself asserted in a July 1980 letter that “Laura X was most instrumental in the passage of this bill and without her unlimited abilities, tenacity and optimism, we would not have been able to get this bill through.”115 Through this analysis of her efforts to engage the public and lobby the legislature as shown through documents saved in the National Clearinghouse on Marital Rape archive, I will illustrate the validity of Mori’s claim that Laura X was integral to the Marital Rape Bill’s 1979 passage.

Engaging the Public

Laura X organized the feminist coalition GRIMR for the purpose of mobilizing support to criminalize marital rape in 1979. The project was an subsidiary of the Women’s

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115 Assemblyman Floyd Mori to Emilio Viano (First World Congress of Victimology), July 22, 1980, Box 5.
History Research Center (WHRC) that she had founded in 1968, and it included a collection of feminist groups like the WHRC, California’s National Organization for Women chapter, various rape crisis centers, the San Francisco Committee on the Status of Women, the National Center on Women and Family Law, and others. Inspired by Greta Rideout’s bravery in Oregon in 1978 and frustrated over her husband John Rideout’s acquittal, this group formed for the express purpose of changing California’s rape statutes to protect married women. The project not only brought together various activist groups, but also had a direct impact on passing AB 546 and on California residents’ opinions. By working in a coalition, several feminist groups reached a large audience of women and advocated support for AB 546 and the marital rape’s criminalization. Each of these groups had a particular area of expertise that, when combined, would aid in strategically engaging with feminists in the public who could show their support for the bill to the legislature.

One of NOW’s most important contributions to this coalition was its established constituency and mailing list. Being able to reach a large group of people who were already sympathetic to feminism and inform them about the problem of marital rape, the progress of the bill to criminalize it, and potential actions to take, was integral to the success of Laura X’s lobbying campaign. GRIMR’s press release after AB 546’s passage proved this point, stating:

Without the strong interest and tenacity exhibited by individuals and women’s groups to persuade their legislators of the crucial importance of this issue to a sizeable number of voters, the bill would have been killed early in the

116 Jewel, GRIMR.
117 Jewel, GRIMR.
Because of Laura X and the members of GRIMR, large numbers of voters learned about wife rape and how to make their opinions heard. NOW’s monthly Legislative Action Alerts not only summarized and tracked important legislation for subscribers, but also included repeated calls to action with instructions on how to contact representatives and express support for AB 546. According to NOW, these calls to action were successful, as NOW’s California office reported that “A.B. 546 (Mori – Sexual Assault) was lobbied heavily by women’s groups” and “Legislators received ‘tons’ of mail regarding spousal rape” from constituents. Without NOW’s work to mobilize its members, the legislature may not have seen the vast public support for AB 546, and it may not have passed.

In addition to spreading awareness of AB 546 and the problem of wife rape to mailing lists of constituents, some GRIMR organizations spoke out to the committed feminist public through the media. In June of 1979, when the Marital Rape Bill reached the floor of the legislature, GRIMR members published a piece in San Francisco’s monthly feminist newspaper Plexus to raise awareness and recruit volunteers. In an effort to address some of the arguments against AB 546, they wrote that “Ideally, as a contract, marriage should guarantee the rights of both parties, and not allow either to infringe upon the other’s privacy, right to consent, and respect of the other.” By using the language of “privacy” to apply not just to the couple’s marital privacy but to the individual’s privacy and right to consent, the members of GRIMR sought to combat the “marital privacy” argument that was previously

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118 Jewel, GRIMR.
119 Barbara Alexander, Glory Wicklund, Charlene Parsons, and NOW Legislative Office, CA NOW Legislative Voting Record Selected Bills, Sept. 1979, Box 5.
120 Alexander and Wicklund, CA NOW.
121 Davis, Jewel, Smith, and X (of GRIMR), “Marital rape reaches floor.”
122 Davis, Jewel, Smith, and X (of GRIMR), “Marital rape reaches floor.”
discussed in this paper. The marital contract, they argued, could not be used to deny one spouse the right to bodily autonomy. The piece also asserted that “Legislation is an important process for women to take a step as fully enfranchised human beings with rights over their bodies, regardless of marital status.” With these defenses of the rights of married women and calls to action, GRIMR representatives worked to recruit committed feminist volunteers to get the public to support AB 546.

Laura X herself engaged with the media to appeal to the public. In February 1979, soon after Assemblyman Mori introduced AB 546 on the floor of the California General Assembly, Laura X spoke on Berkeley’s grassroots public radio station KPFA, part of the Pacifica radio network, to garner support for the bill herself. On the show, she spoke directly to a leftist and feminist constituency to raise their awareness about marital rape and to request wife rape victims to come forward and share their stories with the legislature. In her appearance, she appealed to listeners’ romantic sensibilities, subtly addressing the “marital privacy” argument for retaining the current law. In explaining that Mori introduced AB 546 purposefully on Valentine’s Day, Laura X reminded listeners that marriages are meant to be full of love and not fear. She stated that in marriage “it is generally assumed that the husband’s vow to love you includes understanding your feelings about when and where and how you want him. This concept is denied under current law, under which marriage implies consent in a permanent and constant way.” By arguing that marital rape undermined marriage’s true meaning, Laura X sought to challenge the opposition that relied upon traditional ideas of marital privacy.

123 Davis, Jewel, Smith, and X (of GRIMR), “Marital rape reaches floor.”
124 Davis, Jewel, Smith, and X (of GRIMR), “Marital rape reaches floor.”
126 Laura X, KPFA – PM.
Groups within GRIMR were also instrumental in providing Assemblyman Mori with written and oral testimony about marital rape to be presented to the legislature. In addition to Laura X’s call on KPFA, members of the Women’s History Research Center and NOW also solicited personal testimony from those with experience of marital rape. Susan Barry from the Women’s History Research Center noted in an internal organization document dated seven days before Mori introduced AB 546 to the Assembly that Barbara Alexander, a representative from Sacramento’s regional NOW office, wanted to gather several women’s groups to discuss collecting victims’ personal accounts. She stated that “In particular, [Alexander] was looking for women who would testify about being raped by their husbands in support of the bill, and for data on the subject to present to the legislators.”\textsuperscript{127} Mori emphasized these feminist efforts to aid his office, saying that Laura X (through her GRIMR associates) “arranged for people to be present and testify on behalf of the bill.”\textsuperscript{128} The women’s groups worked hard among themselves in an attempt to ensure AB 546 had all the evidence necessary, further suggesting that marital rape’s criminalization in California would not have been possible without the help of Laura X and her associates.

Feminists were the logical constituency to support a bill like AB 546, so it is reasonable to surmise that women’s groups took the initiative and gather victims’ stories and garner public in order to aid in its passage. John Rideout’s acquittal incited a national outrage that galvanized women and created an environment in which public sentiment could be swayed in favor of a bill like Assemblyman Mori’s. Without the work of groups like GRIMR, though, Mori might not have been able to reach the correct constituencies or put together a compelling enough legislative testimony to win the votes he needed in the

\textsuperscript{127} Susan Barry to Women’s History Research Center, Feb. 7, 1979, Box 10.  
\textsuperscript{128} Mori to Viano.
California Legislature. Though I cannot definitively prove a causation between the work of GRIMR and AB 546’s passage, these feminist groups likely did help the legislature accomplish what it could not have accomplished on its own, and Mori himself credited Laura X with providing him “an entire network of rape crisis centers, district attorneys, attorneys, researchers and journalists throughout the state” who he could contact to “generate public awareness to the need for this type of legislation.”

**Lobbying the Legislature**

The second piece of Laura X and GRIMR’s activism in the California marital rape campaign involved direct interaction with the California Legislature to lobby and to provide integral research materials. In December 1978, August Rothschild Jr.—the Commissioner of the San Francisco Committee on the Status of Women, one of the groups within GRIMR—wrote to Floyd Mori asking him to reintroduce Assembly Bill 327, his failed bill that had tried to eliminate “not the wife of the perpetrator” from California’s legal definition of rape. Mori was already committed to criminalizing wife rape, but the assurance from Rothschild’s letter that he would have more organizational support in his 1979 attempt could have been a reason he reintroduced the bill that February.

In addition to engaging the feminist public, GRIMR activists lobbied other California legislators to support AB 546. Once Mori had reintroduced the bill and ushered it through the Ways and Means committee, Laura X noted another potential roadblock in the form of Ways and Means Committee Chairman, Democratic Assemblyman Daniel Boatwright. She

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129 Mori to Viano.
130 August Rothschild Jr. (Commissioner of San Francisco Committee on the Status of Women) to Assemblyperson Floyd Mori, Dec. 4, 1978, Box 10.
wrote in a letter to Joanne Schulman, a lawyer with the National Clearinghouse on Marital Rape, that Boatwright “vigorously denounced the bill, charging that it would be very expensive and wasn’t worthwhile. When someone pointed out that not only wives, but husbands could charge their spouses with rape, Boatwright’s reply was, ‘Big deal.’”131 In an attempt to circumvent this opposition, Laura X asked in her letter for Schulman’s help organizing contacts to convince Assemblyman Boatwright not to denounce the bill when it hit the floor.132 Through these lobbying efforts, Laura X took an active role in ensuring AB 546 made it safely through each legislative committee and chamber.

The victim narratives and expert statements collected and presented by groups within GRIMR convinced legislators that passing AB 546 was imperative. Carolyn Whitehorn, testifying on NOW’s behalf in front of the General Assembly in April 1979, spoke about the discrepancies in California rape statutes, saying that if being a wife meant forfeiting bodily autonomy, she “would advise [her] daughters not to get married.”133 Gloria Allred, women’s rights’ activist, lawyer and President of Los Angeles’ NOW chapter, also testified to the California Senate Judiciary Committee in August of 1979 to support the Marital Rape Bill. She urged them to support the bill and “move history forward.”134 Other supporters who gave statements to the Legislature or publicly supported the bill include members of the San Francisco Commission on the Status of Women, women’s gay rights activist Del Martin, Diana Russell, and attorney and women’s rights activist Camille LeGrand.135 Mori himself called these testimonies at the bill’s crucial hearings “instrumental” in its eventual passage.136

131 Laura X to Joanne Schulman, June 19, 1979, Box 10.
132 X to Schulman.
134 Jewel, GRIMR.
136 Mori to Viano.
The National Clearinghouse on Marital and Date Rape itself, one of Laura X’s projects within GRIMR, provided statistical information and research materials on rape and wife rape to Assemblyman Mori which helped him to combat the various arguments against the bill and garner legislative support. In a 1980 letter to Emilio Viano, who was organizing a Victimology conference, Assemblyman Mori wrote of the extensive aid Laura X provided his office in passing the Marital Rape Bill. He credited her with providing him “the needed research materials and newspaper and magazine articles which were such a valuable resource when compiling testimony to present before committee.”

As the sponsor of AB 546, Assemblyman Mori clearly recognized that the work of Laura X and the groups she coordinated were essential to his victory.

On September 22, 1979, California Governor Jerry Brown signed the Marital Rape Bill into law, notably with little fanfare. In fact, the Los Angeles Times remarked that for previous rape reform bills, the Governor had “full-fledged ceremonies,” but for this bill “his staff nearly overlooked the signing.” Despite this muted celebration, California’s penal code did now include another section, Section 262, defining and describing the circumstances of “rape of a person who is the spouse of the perpetrator.”

Assemblyman Floyd Mori celebrated that California would “finally join the ranks of states affording wives protection against spousal rape” in a press release several days later. Laura X and the members of the Greta Rideout Indicts Marital Rape project rejoiced, too, while also keeping records on the remaining states in which a husband could still legally rape his wife.

After the bill’s passage, Mori recognized the importance of Laura X, her network, and

137 Mori to Viano.
138 Mori to Viano.
139 *“Spouse Rape Bill Signed by Governor,” Los Angeles Times, (Los Angeles, CA), Sept. 26, 1979.
140 #Cal. Penal Code §§ 262
141 Mori Press Release.
all those she had informed and organized to show public support for AB 546. In a press release, he credited the Greta Rideout case in giving the California campaign “the final boost,” saying “After the adverse publicity of that case, everyone feared our chances were lost, but it really marked the beginning of an awareness that there is such a thing as rape in marriage, and it is a serious problem.” After Governor Brown signed the Marital Rape Bill, Mori gave his “highest and unqualified recommendation that [Laura X’s] efforts in this regard be recognized.” Here I have attempted to recognize her strategic efforts and to illustrate how, the combined efforts of several women’s groups (all coordinated by Laura X) and the dedication of Assemblyman Floyd Mori helped ensure California’s penal code finally reflected the equality between the bodily autonomy deserved by married and single women to a greater extent.

The Marital Rape Bill at Work

Disappointed Expectations and Small Legislative Victories

Once Governor Jerry Brown signed The Marital Rape Bill into law in September of 1979, activists and supporters hoped that guilty husbands would be prosecuted and victimized wives would be protected. Yet, few cases were prosecuted under the Marital Rape Bill in its first few years. Critics and supporters alike feared that the bill would be ineffective, and they were unfortunately not completely incorrect. However, Laura X did not end her California activism in September of 1979. Though criticisms saying that the Marital Rape Bill would not bring many prosecutions and even fewer convictions proved correct, Laura X continued to advocate strengthening California’s law in order to protect women

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142 Mori Press Release.
143 Mori to Viano.
from all types of spousal rape.

Claims that the Marital Rape Bill was not worth passing because there would be too few arrests and prosecutions under its provisions did prove partially correct. In January of 1982, The San Diego Tribune reported that only twenty-seven cases under the Marital Rape Bill had gone to court statewide in the two years since its passage. Of those twenty-seven, the Tribune reported, twenty-one involved couples who were legally separated or living apart at the time of the alleged assault. Between 1978 and 1985, there were only eighty-five arrests for spousal rape in California; sixty-three of those arrests involved separated couples and twenty-two involved couples who were still together at the time of the alleged assault. The arrest statistics for separated couples were much higher than those of couples still living together. Victoria Garcia of the San Diego Battered Women’s Services gave a possible explanation of these figures, saying that rape is a strong term and “a woman in a marriage has other things to consider” when contemplating her experience and the consequences of pursuing charges. The reasons behind the differing figures of “separated” and “living together” arrests and convictions are unclear; nonetheless in the first six years following California’s Marital Rape Bill’s passage in 1979, eighty-five husbands were arrested, sixty-one cases went to trial, and fifty-two were convicted (this number includes convictions of both “greater/lesser charges”). According to the Federal Bureau of Investigations’ Uniform Crime Report Statistics, California’s overall number of reported rapes in those same

144 Vicki Torres, “Controversial spousal rape law not clogging courts as feared,” The San Diego Tribune, (San Diego, CA), Jan. 18, 1982, Box 10.
145 Torres.
146 “Prosecution Statistics Re: Husbands Who Have Raped Their Wives Since Fall 1978 After Oregon Rideout Trial” compiled by the National Clearinghouse on Marital Rape, June 1, 1985, Box 10.
147 Torres.
148 Prosecution Statistics.
years totaled 98,559.\textsuperscript{149} The numbers of marital rape arrests and prosecutions were comparatively small, so the hope that amending the rape statute to include marital rape would bring large numbers of perpetrators to justice was not satisfactorily fulfilled.

Even some of the cases that were prosecuted under AB 546’s provisions did not produce the clear-cut convictions for which feminist activists had hoped. In February of 1981, Orange County’s first wife rape case—the second case tried in California—was forced into a retrial because of a “hopelessly deadlocked” jury.\textsuperscript{150} John and Pauline Beglin were an Orange County couple on the verge of divorce, and John claimed in court that Pauline “screamed rape” only after he announced plans to seek alimony payments if she followed through on threats to leave him.\textsuperscript{151} John Beglin’s assertion that Pauline claimed rape for her own economic benefit and the jury’s subsequent inability to reach a verdict in this case illustrates that perhaps the fear of “vindictive wives” permeated enough of the general consciousness to keep John Beglin from being convicted.

Despite the relatively low numbers of marital rape prosecutions, Laura X and the National Clearinghouse on Marital and Date Rape (NCMDR) did continue their advocacy work both on informing the California public and attempting to reform the state’s laws even further. They kept detailed records of court cases and laws concerning marital rape across the country. This research work greatly aided Vicki Torres, a reporter for the \textit{San Diego Tribune}, to keep the public informed on the cases tried in the first two years of AB 546’s jurisdiction. Torres had received all of her statistical information from Laura X’s Women’s History Research Library at the University of California Berkeley. She thanked the library in

\begin{itemize}
  \item \textsuperscript{149} United States Department of Justice, Federal Bureau of Investigation, “Uniform Crime Reporting Statistics.”
  \item \textsuperscript{150} Larry Welborn, “Retrial Seen in OC’s first ‘wife-rape’ case,” \textit{The Register}, (Orange County, CA), Feb. 18, 1980, Box 10.
  \item \textsuperscript{151} Welborn.
\end{itemize}
Laura X and her feminist associates continued to be a valuable resource for California journalists like Torres, and therefore for the general public reading the papers, for information concerning marital rape even after the California Legislature had officially criminalized it.

Another example of Laura X’s continued advocacy work involved a 1986 case from Fifth District Court of Appeals. In the case, the court overturned a conviction from a well-publicized and especially outrageous instance of spousal rape in California.\(^{153}\) Victor Burnham had been convicted of marital rape after his wife Rebecca detailed instances of his beating her, raping her, and forcing her to have sex with neighbors, strangers, and a dog during their marriage.\(^{154}\) Burnham’s two former wives also testified in this case that he had forced them to perform similar acts during their marriages.\(^{155}\) Despite the case’s instances of horrendous violence, Burnham insisted his wife had consented, and the Court of Appeals felt the jury had not been asked to “consider the possibility that the victim wanted to have sex, meaning no rape had taken place.”\(^{156}\) The appeals court overturned Burnham’s spousal rape charge but reaffirmed his assault charge, for which they sentenced him to only one year in prison. Because the appeals court decision did not preclude Burnham from being charged again with the sexual offenses, District Attorney Pat Hallford planned to bring Burnham to trial again for raping his wife.\(^{157}\)

\(^{152}\) Vicki Torres to Jodi Berger (Women’s History Research Library), Jan. 1982, Box 10.
\(^{154}\) Manor.
\(^{155}\) Manor.
\(^{156}\) Manor.
\(^{157}\) Manor.
In response to the decisions both of the Court of Appeals and the District Attorney, Laura X and the National Clearinghouse resumed their work on the Burnham case. Organizational notes document Laura X’s immediately asking the lawyers within the Clearinghouse what she could do to help with the case and if submitting an amicus brief, (a brief written by someone not party to the case offering expertise, also known as a Friend of the Court brief) would be helpful. The Clearinghouse already had a file prepared on the Burnham case, and Laura X’s 1986 note to Beth Stafford—the University of Illinois librarian in charge of her papers—asked for it and the working papers surrounding it to be returned to her “as soon as humanly possible” because she “thought the case closed five years ago!”

The Burnham case, though extreme, illustrates both the complexities of marital rape’s legal treatment and the dedication Laura X showed to triumphing over those complexities and working toward justice for women raped by their husbands.

The Marital Rape Bill clearly had problems and was only a single, yet large, step toward protection for victimized wives. The clearest example of this need for further refinement was the thirty-day reporting limit provision. As explained earlier in this paper, this thirty-day reporting requirement existed only in the California Penal Code’s Section 262 (spousal rape) and not in Section 261 (non-spousal rape). In other words, California law still distinguished between the rape of a single woman and the rape of a wife. Activists and legislators recognized the need to remove this provision, though, and worked to accomplish it in the years following AB 546’s passage. Assemblyman Leo McCarthy did introduce a bill in February 1982 which, among other slight amendments to the non-spousal rape law,

158 Laura X to Beth Stafford, Feb. 27, 1986, Box 1.
159 X to Stafford.
attempted to delete the thirty-day reporting requirement for spousal rape. The bill failed, though, prompting Jodi Berger of the Women’s History Research Library (an organization founded and operated by Laura X) to write to State Senator Dan McCorquodale in 1983 to urge him to repeal the thirty-day requirement. The National Clearinghouse archive does not contain any more records regarding California’s thirty-day reporting limit after this 1983 correspondence, so I cannot conclude that Laura X herself is responsible for its eventual removal. However, though their efforts may not have directly impacted this legislative change, their intent was eventually fulfilled. California’s current marital rape statutes do not include a thirty-day reporting requirement.

**Conclusion**

Despite complications when prosecuting marital rape, Laura X’s strategic activist efforts were ultimately successful. She tackled the problem of marital rape in California by coordinating various women’s groups as they engaged directly with the public and lobbied the legislature. Laura X’s work addressed the various arguments for retaining the discriminatory nature of California’s rape statutes and provided crucial resources for Assemblyman Floyd Mori as he worked to pass Assembly Bill 546. Though this analysis of her activist campaign cannot concretely prove that she had a direct impact on changing this law (perhaps the national outrage over the Greta Rideout trial would have been enough to convince California legislators to support AB 546), it is indisputable that Laura X dedicated herself fully and completely to the cause of criminalizing marital rape in California. There is

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161 AB 2721, Feb. 22, 1982, Box 10.
162 Jodi Berger (WHRC) to CA State Senator Dan McCorquodale, April 1983, Box 10.
163 *Cal. Penal Code §§ 262*
so little knowledge of the inner workings of these activist campaigns, especially because feminists like Laura X and issues like marital rape did not draw large media attention. By analyzing Laura X’s papers in her National Clearinghouse on Marital Rape’s archive, scanty as they are, I have aimed to establish a stronger sense of her campaign and the arguments against her. In reviewing the opposition the Marital Rape Bill’s supporters had to overcome and the strategic ways they mobilized, I argue Laura X played an integral role in successfully enshrining into California’s law the idea that a woman’s body does not lose its worth or its right to be autonomous simply because of a ring on its finger.
Conclusion: Laura X for Modern Feminists

Laura X, members of GRIMR, Floyd Mori, and the campaign to pass the 1979 California Marital Rape Bill all deserve a place in the feminist historical canon. This effort to bring legal protection to married women, I argue, illustrated the central goal of second-wave feminism as a whole: challenging long-held patriarchal structures to create a more just and gender-equal society. In targeting a man’s legal “right” to rape his wife, Laura X and her associates forced their opponents to reconceptualize non-consensual sex within marriage as rape. Laura X, building upon a radical feminist intellectual redefinition of rape and domestic abuse, was successful in this effort and ensured that California became only the fifth state to criminalize marital rape in 1979.

Laura X’s activism is more than just an important narrative to be told for the sake of more fully understanding feminist history, however. This story is important because the work of criminalizing marital rape in America has not yet been completed. Though North Carolina became the final state to remove the traditional “not one’s wife” marital exemption from its rape statute in 1993—effectively making marital rape illegal in all fifty states—as of 2019, there are still twelve states whose marital rape loopholes protect husband-rapists from prosecution. Legal scholar Jill Elaine Hasday argued that state marital rape exemptions survived late twentieth-century feminist activism because “virtually every one of these states rewrote its marital rape exemption in gender-neutral terms.”164 The only practical consequence of this change, according to Hasday, was that the exemptions were more likely to survive judicial challenges because they would no longer be subject to the strict scrutiny required by the Equal Protection Clause when examining laws that explicitly classify by

sex.\textsuperscript{165} As of April 2019, Connecticut, Idaho, Iowa, Michigan, Minnesota, Mississippi, Nevada, Ohio, Oklahoma, Rhode Island, South Carolina and Virginia all had some form of legal exception in their rape statutes if the perpetrator and victim were legally married at the time of the assault.\textsuperscript{166} As of March 2019, both Minnesota and Ohio were engaged in their own legislative efforts to eradicate marital exemption laws. In 2018, an Ohio House Bill with bipartisan support aimed to change the sections of the state’s rape statute that applied only to couples who were living separately at the time of the assault. Similar bills had been defeated in the legislature both in 2015 and 2017.\textsuperscript{167} In 2019, the Minnesota House unanimously approved a bill to remove a provision in the state’s rape law that exempted perpetrators from rape prosecution if the victim, their spouse, was mentally or physically incapacitated at the time of the assault.\textsuperscript{168} Clearly, the work of Laura X and feminist rape activists has yet to be completed.

In 1979, Laura X engaged in a strategic activist campaign to rectify an unjust law. She and the institutional coalition she established combatted traditional notions of marriage, anti-feminist anxieties, and feminist critiques in order to protect married women in California from rape. Her research project collected data, educated the public, and aided legislators in their efforts to strike the marital exemption from California’s rape statutes. In analyzing Laura X’s feminist activism, I aimed to illuminate an aspect of feminist history that has

\textsuperscript{165} Hasday, 1501.
largely been overlooked by historians of the second wave and tell a story that has yet to be
told. However, Laura X’s 1979 campaign can serve as more than a narrative of a nine-month
period in California’s history. For modern feminists, a historical analysis of Laura X’s work
has the potential to be both a reminder of the power of strategic feminist activism and a
blueprint for contemporary struggles for women’s equality in America.
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