

Kills Husband—Acquitted

Victory in rape case

Dora Kaplan

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“Shit, I beat my wife once a week—and she LOVES it!”

The above quote, issued from the lips of my supervisor one day at work last week, did not particularly surprise me. It seemed the “typical” American macho male’s rationale to any implication that women/wives may not enjoy playing subservient roles.

What did startle me, and prompt the above quote, was a news announcement over the radio that Judy Hartwell, a 29-year-old Belleville woman, had been found “not guilty” in the stabbing death of her husband Fred, four months ago. After only three days of trial and a mere one and a half hours of deliberation, a jury of eight women and four men ignored Michigan laws to the contrary and found Judy innocent of the murder charge.

Under Michigan’s Criminal Sexual Conduct laws, a wife is not protected against sexual assault by her husband (unless they are legally separated or divorced). Judy Hartwell’s attorney, Mark Weiss, was challenging the constitutionality of such a law by stating that Judy acted in her own self-defense and that a wife should not be forced to submit to a husband’s sexual demands.

Attorney Weiss told me, in a later interview, that he believes “Michigan’s law is discriminatory because it denies equal protection to poor, married women who cannot afford to legally separate or divorce their husbands. The law sets up a class of people who can be protected by the law, and one which cannot because of financial disability.”

More than that, what this law signifies is that like all laws, it exists to maintain the current order of exploitation and abuse of one group of people by another. In a society built upon the authoritarian family structure, such a law is perfectly in keeping with the view that women/wives are merely their husbands’ property, to be used and abused with no means of protecting themselves.

Studies of wife-beating show it is a highly-usual crime, practically never prosecuted (police don’t like to interfere in “family affairs”!) and that a large number of rapes are perpetrated by husbands upon their wives. The fact that such sexual abuse is not seen as “illegal” falls neatly within the capitalist conception that bosses/owners/husbands can do what they wish with their property.

The prosecutor in the Hartwell case, one Andrew Telek, was quoted as saying that Judy’s self-defense argument would not hold up because, after all, being her husband, all Fred Hartwell “was looking for was a little satisfaction.” Prosecutor Telek, an insipid slime of a man, summed up his case to the jury by saying that he just didn’t believe Judy’s tale of horror and fear, and felt she had used “excessive” force to merely fend off her own husband’s sexual advances.

Apparently he was the only one who felt such. Wayne County Circuit Court Judge Victor Baum had previously disallowed the prosecution’s attempted submission of a taped “confession” which had been extracted from the distraught woman after 18 hours of interrogation with almost no food or sleep, and without benefit of an attorney. Defense Attorney Weiss, however, insisted that the jury hear the tape anyway, both as proof of the truth of Judy’s position and as ample evidence of the inhumane treatment afforded her by the doughty defenders of liberty.

Between sobs of “I didn’t mean to hurt him—there was nobody I could call for help,” Judy told on the tape how her drunken husband, who had a history of physical assault against her, threw a butcher knife at her, demanding that she engage in sex with him. She explained that she attempted to run down the hallway to get away from him, but he grabbed her and, fearing for her life, she reached for a paring knife she had hidden previously to keep from him. Before she realized what was happening, her husband fell to the kitchen floor, dead of several stab wounds. Terrified, she called the police and then her mother.

Besides this tape, Judy told the jury stories of her husband’s continual demands for “abusive, perverted sexual acts” and beatings with his fists, bats, pipes, rubber hoses and a sledgehammer. She explained that she had been attempting to divorce him, and she and Fred had been separated for the past year. She had only agreed to let him back in her home because they had a sick child. She had no interest in living with him as husband and wife again.

When he returned to her home, drunk and threatening violence if she didn’t have sex with him, Judy said she knew he meant “pain and shame” for her. She feared for her life and struck at him in self-defense.

Attorney Weiss told me that he did not fear for Judy from the beginning of the trial. From the taped evidence of the inhumane treatment by the police, their lying on the stand about their refusal to grant Judy an attorney’s aid (they told Judy she didn’t “need one yet”), and the ridiculously insensitive case presented by the prosecution, Weiss felt Judy would receive only minimal punishment even if she were to lose her defense.

But apparently the times are a-changing because the jury only deliberated about ten minutes, after requesting and listening to Judy’s tape once again. There didn’t seem to be any doubt in their minds—they had all stated upon being chosen as jurors that they believed a wife has a right to defend herself against sexual attack from her husband. The prosecutor should have known better. He had a notation on his file from the beginning that this was a “losing case.”

But the old order doesn’t give up without a fight. Though Judge Baum may sound to some as quite liberal, giving what Attorney Weiss called a “radical interpretation” of the law in telling the jurors that “a married woman is not compelled by law to submit, against her will, to sexual contact with her husband which she finds offensive,” he queasily refused to rule on the constitutionality of the law which deprives women of a defense such as Judy’s.

But if these jurors, and those who last August acquitted Joan Little (charged with killing a white guard who was raping her while she was held in jail in North Carolina), represent the changing attitudes of real people, men and women, against sexual abuse and exploitation, who cares what the law says?

The pathological hatred of women and the desire to hurt and humiliate them is an individual male, response to the twisted familial and sexual relationships which are just part of the overall sickness of this society’s social structure.

In another society, based upon the free and independent cooperation of all its people, perhaps the rapist mentality would disappear, along with all other forms of exploitation.

But until we reach that point, it is heartening to know that more and more people are beginning to uphold the belief that no one has a right, by law or otherwise, to terrorize and harm another person no matter what the previously “accepted” nature of their relationship (husband/wife, jailer/inmate, black/white).

Judge Baum may not believe so, but the jurors obviously think his law is meaningless.

Watch for a future article on rape and its societal implications, including the Inez Garcia case and the Joan Little case.

They Do Good Work

NEW YORK (LNS)—Dr. Walter Freeman, known in some circles as the “Dean of Lobotomy,” says that women who have received lobotomies make good housekeepers.

“Women of all ages make up the great majority of the caseloads and the successes of psychosurgeons,” Freeman said, explaining, “from the available clinical evidence it would appear that it is difficult for a man to support a family after a lobotomy, but it is easy for a woman to do housework.”

(Thanks to the *Georgia Straight* for this one.)

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