#### STATE AND NATIONAL

# Marital rape exemption law could be overturned

By Stephanie Greer Staff Writer

Rape-prevention activists remain hopeful after a recent legislative meeting that focused on the possible elimination of an N.C. statute stating that a husband cannot be prosecuted for raping his wife.

There are no advantages to this law. Essentially, it allows a husband to rape his wife; that is sanctioning another form of domestic violence," said Susan Howley, a legislative analyst for the National Victim Center.

Lawyers, marital rape victims, and members of rape-prevention activist groups gave their testimony Tuesday to the N.C. Committee on Law Enforcement Issues, a committee of the N.C. Legislative Research Commission, said Jennie Dorsett, an attorney for the legislature. The N.C. Legislative Research Commission thoroughly studies controversial state laws that could be overturned by the N.C. General Assembly.

The information presented to the committee consisted of the experiences of marital rape victims and the legal aspects of the exemption statute.

The committee will meet again Dec. 18 to receive more information on the

"This is a tough subcommittee, with a reputation for being on the conservative side. If they give this recommendation, we'll be in really good shape," said Arlaine Rockey, a Charlotte attorney and co-chairwoman of the Association for the Reform of N.C. Marital Rape

Ellen Plummer, coordinator of sexual assault support services for Duke University, said she was glad the committee held the forum. "I didn't have high expectations going in, so I'm pleased that members of the committee are at least willing and open to receiving other

"We want it so that no matter what a woman's marital status, she has equal access to the law .... We're hoping that the General Assembly will do away with (the statute)," she said.

The marital statute was adopted into the common law of the United States from the common law of England, Rockey said.

In 1979, the common law became a statute, which stated that a husband could be prosecuted for a rape or sex offense against his wife only if the couple was living separately under a written agreement or judicial decree, said Kirk Osborne, a Chapel Hill attorney

A 1987 debate over whether to amend

the law resulted in a compromise by the N.C. General Assembly that deleted the requirement for written evidence of separate living conditions, he said.

Rockey added that during the 1987 debate, a member of the N.C. General Assembly said, "If you can't rape your wife, who can you rape?"

This law now puts the entire burden on the wife, because she has to separate first in order to protect herself," Howley

Research by the N.C. Committee Against Domestic Violence showed that in one year's time, 5,000 cases of marital rape were reported to 30 N.C. shelters for battered women.

Laura X, director of the Berkeley Clearinghouse on Marital and Date Rape, said research done by the clearinghouse showed that North Carolina and Oklahoma were the only states where "it is still completely legal to rape your wife if you are living with her.'

Plummer said most states still had a provision that provided for some type of marital rape exemption.

Rockey said there were several "common nonsense reasons" that people cited as an excuse to keep marital rape exemption in the N.C. penal code.

ments, enroll their kids in school, get

Social Security cards, learn about bank-

ing and help the refugees with impor-

Raleigh is one of the groups sponsoring

the Montagnards. The church will help

the immigrants become established in

North Carolina, said Carol Johnson, the

administrator of the church. "Families

in our parish will provide them with

food, help them look for jobs and learn

in the state for six years were excited

about helping the new arrivals adjust.

job development service that will be

Lutheran Family Services also has a

Tran said the refugees who have been

English," she said.

Saint Michael's Episcopal Church in

She said the reasons included the argument that prosecuting a husband

for rape "destroys marital harmony," that claims of marital rape would be used as a weapon during a divorce, that women gave their "implied consent" to have sex when they married and that marital rape cases were difficult to prove.

Rockey said the argument that marital rape cases were harder to prosecute was "a misguided thing to say."

"All rape cases are hard to prove ... It's a thing that's usually done in private, and there aren't usually any witnesses," she said.

Rockey also said she had never heard women point to any of the "common nonsense reasons" as an excuse for keeping marital rape exemption.

Many of the prosecutions against men for marital rape have been successful only because of other evidence of domestic battery and violence, X said.

Rockey said most men were tried for assault because it was illegal to try them for rape in North Carolina. Rockey added that because assault was a misdemeanor, it was very rare for someone found guilty to receive any time in prison. Those guilty of first-degree rape might receive a life imprisonment sentence, she said.

Plummer said she thought society's cultural views played a large part in the fact that marital rape exemption poli-

offered to the immigrants, Tran said.

"We are hoping the companies that have

hired Montagnards will hire some

more," she said. "They are very hard-

Lutheran Family Services, said that af-

ter he came to North Carolina with a

group of Montagnards in 1986, his spon-

sor helped him get a job. "I had a job after one month," he said.

Buonya has learned English so well

that he serves as an interpreter for the

other refugees. "I read the dictionary and went to Wake Tech to learn En-

Buonya said he came to the United

States to avoid persecution in Vietnam.

"I think the younger generation's in-

terest in Malcolm X is very relevant to

what we're going through now," she

said. "His philosophies are what we

need to hear to wake up African-Ameri-

The movie also intrigued those who

Journalism Professor Chuck Stone.

were alive during Malcolm X's rise to

who had not yet seen the movie, said he

felt that Lee had the potential to do a

great job on the movie, even though

other directors could have done a job of

2 p.m. B-GLAD and Gay and Lesbian Law

Students Association will present a panel of openly gay elected officials in 206 Union.

3:30 p.m. Graduate Art Student Association will welcome art historian David Summers, UVa, to lec-ture on "Making Hierarchya" in 218 Hanes Art Cen-

6:30 p.m. UNC Hillel will have services and din-

8 p.m. Ebony Readers/Onyx Theatre will present

Sat., Nov. 21 1:00 p.m.

3:30 p.m.

was an excellent, effective piece.

Ypat Buonya, a refugee specialist at

"Marital rape is difficult in that people get hung up over the sexual element. Culturally, we have a lot of trouble dealing with rape," she said.

Plummer said that various groups had been working for the N.C. General Assembly to repeal the statute since 1986 and that she was more hopeful about the results of this committee meeting than she had been in the past.

Rockey said more women were banding together to overturn outdated legislation that affected their family and societal relationships.

"I think we're having more success because the climate is different from the way it was in 1987 .... Women have begun to realize that they can come together and have a voice and that they are tired of not being considered as individuals," she said.

X said that in her book "Rape and Marriage," Diana Russell conducted a random survey of married women in the United States and that 14 percent of the women surveyed reported that they had been victims of marital rape.

"It's hard to get statistics on this; a lot of women don't report it because it's not a crime," Rockey said. "We want victims of rape to be treated the same, no matter what their marital status is.'

Buonya said he and many other

Montagnards from South Vietnam

fought alongside the Americans in the

Vietnam War. "The Viet Cong were

killing people that worked with the

United States," he said. "We fled to the

jungle and organized like a military

her husband and other refugees in 1986.

She said the transition from Vietnam-

ese life to American ways was difficult.

"It was hard to find work because we

Mdrang said the thing she missed

Stone, who knew Malcolm X and

still keeps a photograph of himself and

the black leader taken about a week

before Malcolm X's assassination, said

the movie only interested him on a

cinematic level. "Eventually, I'll see it

just because I'm curious," he said.

The fact that the young people of

America look up to Malcolm X so much

is an indication of the problems of the

Harry Amana, associate professor of

journalism, said he hadn't seen the film

yet, but that he thought it was great

students and younger people were em-bracing Malcolm X.

"The Fisherman" by Diane Houston in the Union

NOON: Senior Class will meet to watch the Duke game at Pizza Hut. Bring ID.

6 p.m. Ebony Readers/Onyx Theatre will present The Fisherman" in the Union Cabaret.

Granville 5K Run for Awareness, to benefit Orange County Rape Crisis Center, will take place at 2 p.m. Sunday. The entry fee is \$10, and forms are available at the Union Desk.

times. Stone said.

SATURDAY

**ATTENTION CAROLINA STUDENTS** 

This weekend, the Carolina Women's Soccer Team will try

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ITEMS OF INTEREST

Duke vs. Hartford

Carolina vs. Santa Clara

did not understand English," she said.

enough food or money to send for them."

H'luok Mdrang came to Raleigh with

# World Briefs

#### Iran building sub base outside Persian Gulf

LONDON - Iran is building a base outside the Persian Gulf for a submarine it bought from Russia, Jane's Defense Weekly reported Thursday.

The submarine apparently has "surface-to-air missile capability," the magazine said. The main armaments on such submarines usually are 18 torpedoes.

The diesel-electric submarine, which has arrived in Iranian waters, and as many as two more submarines Iran has bought will be based at Chah Bahar on the northeastern shore of the Gulf of Oman, the magazine said, quoting Western naval intelligence sources. The Gulf of Oman lies between the Persian Gulf and the Arabian Sea.

Diplomatic sources initially thought the submarines would be based at Bandar Abbas, at the mouth of the Persian Gulf and a possible choke-point for shipping into the waterway. Basing the submarines at Chah Bahar indicates they will be used mainly in the Arabian Sea, Jane's said.

The USS Topeka, a nuclear-powered submarine, had been in the area, reportedly on aroutine mission, but it is widely believed it was there to monitor the Iranian submarine

#### Honecker lawyers file to stop ex-leader's trial

BERLIN - Lawyers for Erich Honecker filed a new petition Thursday to stop his manslaughter trial, saying its only purpose is to torture the ailing former East German leader who is not expected to live to see the verdict.

When the third session of the trial ended, charges against Honecker and three co-defendants still had not been read into the record, and the judges seemed mired in legal motions.

most was her family in Vietnam. "It is Chief Judge Hansgeorg Braeutigam hard for us," she said. "There is not and his two associates even had to deal with a petition doubting the defendant really was Honecker. from page 1

It was filed by a relative of a person killed at the Berlin Wall, and the judges rejected the request to fingerprint Honecker, calling it absurd.

The manslaughter charges stem from the deaths of 13 people killed trying to escape to the West during Honecker's 18-year rule as Communist boss, which ended in 1989. He oversaw construction of the wall in 1961.

Defense lawyer Nicolas Becker introduced a letter from Professor Volker Taenzer, a radiologist at the Moabit prison hospital who diagnosed Honecker's liver cancer.

Taenzer has estimated Honecker's life expectancy at six to 18 months, while the trial is likely to last two years.

## Bhutto trying to topple

Pakistani government

ISLAMABAD, Pakistan - The conservative Islamic government on Thursday ordered Benazir Bhutto not to leave her hometown in southern Pakistan, but she vowed to keep trying to bring down the government.

"This government has dug its own grave, and its days are numbered," Bhutto told a news conference in

Karachi She announced plans for a rally and protest march today in the northern city

of Peshawar. Bhutto was expelled Wednesday

from the federal capital and surrounding area for 30 days for ignoring a ban on public rallies and protests.

through police barricades to go to a rally where she urged an estimated 30,000 people to help topple the government.

Sharif says Bhutto is trying to create anarchy and force a takeover by the army, which has ruled Pakistan for more than half its 44-year history. He warned

#### Sudan limits hours women may work

KHARTOUM, Sudan - Sudan's Muslim fundamentalist government has issued new decrees that ban women from working in markets and other public places after 5 p.m., an official news-

close down two hours for Friday noon prayers, the army daily al-Kuwat al-Musalaha said.

ernment has taken a number of steps affecting women, such as requiring female ministry employees to cover their hair, as Islam demands. It also has banned men from working in hair salons for women.

In another development related to Sudan's separation of the sexes, the newspaper reported confusion over who should sit where on public buses. The government had restricted women to the back of the bus, but after women's organizations protested, it moved the

women's section to the front. No one is quite sure where to sit, the

She and hundreds of supporters broke

Bhutto charges that Sharif's government, which replaced her administration in 1990, is corrupt and repressive. Bhutto was ousted amid similar charges.

that further marches would be met with an unprecedented show of force.

paper reported Thursday.

The decrees also require all shops to

Sudan's Muslim fundamentalist gov-

newspaper reported
—The Associated Press.

# Vietnamese refugees look for safety, jobs in North Carolina

working people.'

glish," he said

can consciousness.

rominence.

By Julie Nations Stuff Writer

Stewart

Stewart said.

guarantee tenure.

after June 1993.

The first of 400 Montagnards, who are members of a Vietnamese tribe immigrating to the United States, will arrive in Raleigh today through the work

of Lutheran Family Services. The immigrants will be joining another group of Montagnards that came to North Carolina in 1986, said Gai Tran, the volunteer coordinator for refugee services at Lutheran Family Services. Tran said that the men would come first and that the women and children would arrive by December.

The refugees will live in an orientation center in Apex for two months to

analyzing the samples in a laboratory,

did not want to comment on any spe-

cific tenure case. He said that in hypo-

thetical cases, grants helped but did not

"A grant is normally a sign that your

research is highly regarded," he said. "It

doesn't help (ensure tenure) because of

the money, but because it is a tangible

sign that your academic peers have re-

viewed your research and the proposi-

tion of research and they think highly of

Follo said he wasn't sure whether he

would be able to use the grant money

since he will not be affiliated with UNC

as tenure goes," he said, adding that the

grant might help him find another job.

research," Follo said. "Getting a grant is a good thing — the same as publica-

"It's too late, I'm afraid, to help as far

"I can show that, in fact, I am doing

25 wings- \$8.85

Provost Richard McCormick said he

make the adjustment smoother, Tran

"We need volunteers to help them look for housing and jobs," she said. Frank Williams, state director of refugee services at the Lutheran Family

Services, said not all the Montagnards would settle in Raleigh. "One hundred and sixty-one will go to Charlotte, 175 will go to Greensboro,

and 62 will stay in Raleigh," he said. Williams said eight groups from Lutheran Family Services would spon-

sor the immigrants upon their arrival. "The sponsors will help orient them and provide them with a lot of things," he said. "The sponsor groups raise funds, help the Montagnards get to appoint-

tions. It'll make the stigma of not get-

while Stewart's tenure was being con-

sidered. He said both he and Stewart

had to be employed by a research insti-

tution to use the grant, but they did not

have to work at the same institution.

The money also does not have to be

went together to the same institution,

we could take it with us," he said. "If

participation in public service," he said.

many criteria, Birdsall said

"If he and I both had to leave and

Follo said the grant was up in the air

ting tenure a little easier."

used at UNC, he said.

from page 1

Petitions

come past us at all? "It is not my responsibility to instruct

the faculty how to think, how to vote, how to come forward." When asked what kind of impact the

signatures would have, Birdsall said the petitions were "very meaningful." "People who signed this are con-

cerned with two different things, although they are related," Birdsall said. "One is the individual, and the other is the idea of teaching becoming unimportant.

Strobel said he thought the meetings were a success because students had been able to express their concern di-

Halman echoed Strobel's optimism. "It is important that everyone realize that our intentions are to maintain the

reputation of the University with professors like Dr. Ferguson," she said.

rectly to the administration. went into the decision to grant tenure. "(The department) looks at teaching qualifications, grants, publications and

> "We still stand strong in our call that he should be promoted and granted ten-

neither of us got a job, or if we were bagging groceries at Food Lion, we'd have to give the money back." Stephen Birdsall, dean of the College of Arts and Sciences, said many factors

The grant may help an individual get a job, but potential employers consider

equal caliber. Campus Calendar

from page 1

FRIDAY NOON: B-GLAD Lesbian Lunch will be in 218 I p.m. UNC Juggling Club will meet in the Carmichael Ballroom. The good weather location is the flagpole between South Building and Wilson Library. All those interested in a mass order to Dube

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