



Bay Area Women Against Rape

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Rape is the most frequently committed violent crime in America, yet our society refuses to recognize the high incidence of rape, the fearful state in which women are held by the threat of rape, and the indignities to which rape victims are subjected. The fear of rape limits women's movements and actions; we are taught to constrict our lives in order to avoid rape. If we hitchhike, if we go out alone or with other women at night, if we do any number of things which men take for granted as their right, we are told that we provoked the rape. It is assumed that women provoke, want, and enjoy rape, and rape victims are expected to passively accept their rapes. If a woman reports, she is usually subjected to sarcasm, harassment, and interrogation based on these assumptions. Not only is a woman not granted the sympathy and consideration which she deserves and needs under the circumstances, but she is immediately and thoroughly made to feel ashamed and defensive by friends, relatives, the police, the hospitals, and the courts. The police and the rapist's attorney attempt to establish the woman's "consent" to the rape. The police use sarcasm and humiliating interrogation tactics to try to get the woman to drop her claim; the rapist's attorney researches the woman's reputation and past sexual history, hoping to find evidence that she might possibly have consented to the act, or even have made up the story of the rape, and attacks her verbally on the witness stand. The past sexual and/or criminal history of the rapist, however, is not admissible as evidence unless he takes the witness stand, which almost never happens. In addition, a rape victim is almost always denied her constitutional right to a jury of her peers. Only one out of sixty reported rapists are convicted. Given the harrowing difficulties of going through the institutions, and the infrequency of convictions, most women decide not to report their rapes. According to F.B.I. statistics, only one out of ten rapes are reported to police.

Inez's case is a standard example of the treatment of rape victims in our society. When Inez tried to report her rape the police responded with typical brutality. The matron told Inez that she was not there to listen to her problems, to tell the D.A. about it. When Inez tried to tell the D.A. he cut her off with, "How did you like it?," "How long did it take?," "Did he enter you?," and other humiliating questions in which he was in effect raping her once again. The police refused to investigate the rape; when Inez was taken to the hospital the doctor was told that the rape was all in Inez's head, and the doctor did not give her the medical examination necessary to find evidence of rape required by the state to prove that a rape had occurred.

Denied her right to opportunities to gather evidence of the rape, Inez had no formal proof to offer in the courtroom, and district attorney Arthur Braudrick flatly denied the occurrence of the rape, while Judge Stanley Lawson of Salinas insisted on the irrelevance of the issue of rape to this "murder case plain and simple" as he called it. Braudrick tried unsuccessfully to establish that Inez had had extra-marital sexual relationships, operating on the assumption that once a woman has consented to a sexual relationship she has consented to any sexual assault that might be perpetrated upon her. He questioned her over and over again on the details of the rape, in effect raping her for at least the third time. Objections to this harassment were denied by Judge Lawson. Braudrick tried to prove that Inez had not refused her consent, that she had not resisted the rape. He refused to recognize that her life had been in danger, that her rapists had threatened to kill her. Indeed, Braudrick asserted to the jury in his closing speech, "...if you think about it for a second, rape is preposterous." Once again the police and the court have refused to recognize rape and women's outrage at rape, and this attitude was duly reflected in the verdict of the jury, a jury once again not comprised of peers of the victim. The jurors listened to the judge's exclamations of the "irrelevance" of rape to this case and passed their verdict accordingly. One juror, Samuel Rhone, interviewed after the verdict came in, spoke of the judge's rulings on the inadmissability of rape evidence; according to him, the jurors were simply doing their duty in ignoring the rape. They were not unaware of the implications of this, however. Rhone said, "I told the women that when I leave here I'll have less fear of raping a woman now than I did before. At least I know that if I get shot she won't get away."

Inez Garcia has been incredibly courageous in her resistance to this oppression. She has refused to passively accept her rape, insisting on woman's right to control her own body and to defend herself against her rapist. Despite all the pressure applied by the State to silence her, she has throughout the legal process continued to expose the atrocious injustices to which rape victims are subjected. Bay Area Women Against Rape calls for the acquittal of Inez Garcia on the grounds of self-defense, and deplores that ideological and institutional system which defends the rapist and puts the rape victim on trial.



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