

TRACY GRINSTEAD-EVERLY, J.D.



★ ADVOCACY ★

Grinstead-Everly Consulting

11320 Exmoor Drive ~ Concord Township, Ohio ~ 44077

tgrinsteadeverly@gmail.com ~ 512.636.3110

Written Testimony in Support of HB 121 Ohio House Criminal Justice Committee May 25, 2021

Thank you, Chair and Members of the Criminal Justice Committee, for advancing HB 121 for hearing, and for the opportunity to provide testimony in support of this important legislation.

My name is Tracy Grinstead-Everly, and I Chair the Family and Sexual Violence Committee of the National Council of Jewish Women, Cleveland Section. NCJW is a grassroots organization of volunteers and advocates who turn progressive ideals into action. Inspired by Jewish values, NCJW strives for social justice by improving the quality of life for women, children, and families and by safeguarding individual rights and freedoms. One of our guiding principles affirms that all individuals have the right to live in a peaceful world, free from violence and persecution. Advancing the well-being and status of women by supporting laws, policies, programs, and services that protect every woman from all forms of abuse, exploitation, harassment, discrimination, and violence is at the core of our work. NCJW helped draft and pass the original Violence Against Women Act (VAWA), the first major federal law dedicated to end domestic violence, sexual assault, and other kinds of intimate partner violence, and has championed all subsequent authorizations thereof. In that same spirit, we wholeheartedly support Ohio HB 121 and the elimination of the “spousal exemption” to rape.

According to national statistics, 10-14% of married women will be raped by their spouse. As an attorney and social justice advocate who has worked for over 30 years to end intimate partner violence, I can state unequivocally that this number represents dramatic underreporting. In my thirty years of listening to the stories of survivors, the desperate crisis calls to the hotline, the harrowing accounts of violence included in written affidavits to obtain protection orders, the closed-door meetings with terrified clients, I have never spoken with a domestic survivor whose story did not also include sexual abuse. Not one. I have heard countless survivors describe barbaric sexual abuses, some needing medical attention, some leaving permanent disfigurement, but most of their scars remaining hidden deep within their souls. None called it rape. To some, the experience was so commonplace that it did not register as noteworthy, or certainly didn’t rise to the top of the list of the violence committed

against them by the person who knew them most intimately. Others simply shrugged it off, dismissing it as part of the price of marriage, an idea too often reinforced by clergy and others. To others, it was so embarrassing that they dared not utter the words beyond a whisper in my private office. But that shame should not belong to them. It should be placed at the feet of those who committed the crime. That's why we need HB 121.

The first time I heard the term "spousal exemption" was when my criminal law professor announced it in passing as the topic for the next class. I remember approaching him afterward, and asking him if we could just call it what it was, and say "marital rape." I was a young, first year law student. He was an attorney and tenured law faculty member, known for supplementing the textbooks with handouts for every class that he wrote personally. The next day, he began class by announcing he had rewritten all of the handouts for this topic overnight, replacing "spousal exemption" with "marital rape" throughout. He said it was important to learn the legal terminology, but to understand the law, we also need to recognize what those terms really mean to the people to whom they apply.

As a legal, legislative and policy expert in the field of intimate partner violence, I have spent over 30 years advocating for social justice, working individually and with progressive organizations such as NCJW to advance the rights of oppressed and marginalized individuals and communities, and shifting cultural norms to promote long-term equity. We must make sure laws meet the needs of those they are designed to protect – and when they do not, we must change them. HB 121 offers us the opportunity to publicly recognize the reality that sexual abuse, sexual assault and rape are routinely used as a tool of power and control in abusive relationships, including marriages. We must overcome our reluctance to accurately label marital rape, and extend to survivors the same protections afforded those who are not legally tied to their abusers. Continuing to allow a "spousal exemption" to rape violates the institution of marriage as well as the humanity of those who survived it.

Passing HB 121 is an opportunity to make impactful, systemic change. It will acknowledge the reality that domestic violence survivors are also sexual assault survivors, expand their available legal options, and hold offenders accountable for these criminal acts they choose to commit against people they claim to love. It will also help redefine healthy relationships, starting now and for future generations, resolutely declaring that love should not hurt, and that betraying the body and trust of another in this hateful manner is unacceptable, regardless of the legal status of your relationship.

On behalf of myself, NCJW, and the survivors we support and for whom we advocate, I urge you to pass this bill.

Thank you for your time and consideration.