

The Stifling Statute of Limitations: The Historical Roots and Tragic Implications of the United States' Statute of Limitations—And Evan Rachel Wood's Daring Fight to Change It

Rachel Korberg, a sexual abuse survivor, once remarked, “Legally barring survivors like me from pursuing justice because we’re ‘too slow’ to report is nothing less than institutionalized victim blaming.”¹ Korberg is referring to statutes of limitations, laws that “establish a period of time within which the legal process must begin.”² Different types of statutes of limitations have existed since the initial creation of laws—in both Ancient Greece and Ancient Rome, every crime (with the exception of murder) was subject to a five-year statute of limitations.³ The terms and types of statutes of limitations vary among countries and crimes, but, in the United States, the statute of limitations is about five years for most federal crimes and one year for civil cases (but this average only includes federal crimes—state crimes and state civil cases are subject to a different statute in each state).⁴ Many concerned citizens like Korberg remark that the statute unfairly punishes victims in the criminal justice process, as waiting to press charges can allow the perpetrator to evade punishment altogether.⁵ This statute is especially harmful to sexual assault and abuse victims, as victims of sex crimes typically take over ten years to recover from the trauma caused by the assault and make the decision to press charges against their abuser.⁶ Most statutes are less than this ten-year time frame, meaning victims that take the average

1. Rachel Korberg, “Statutes of Limitations for Sex Crimes Further Punish Survivors. It’s Time to End Them.,” *The Washington Post* (The Washington Post, February 4, 2022), <https://www.washingtonpost.com/opinions/2022/02/04/sex-crime-statutes-of-limitations-end/>.

2. Craig J Forsyth, *Criminal Justice in America: The Encyclopedia of Crime, Law Enforcement, Courts, and Corrections*, vol. 2 (ABC-Clio, 2019), 633.

3. “Statute of Limitations,” Corporate Finance Institute (CFI Education), accessed April 13, 2022, <https://corporatefinanceinstitute.com/resources/knowledge/other/statute-of-limitations/>.

4. Craig J Forsyth, *Criminal Justice in America: The Encyclopedia of Crime, Law Enforcement, Courts, and Corrections*, vol. 2 (ABC-Clio, 2019), 633.

5. Rachel Korberg, “Statutes of Limitations for Sex Crimes Further Punish Survivors. It’s Time to End Them.,” *The Washington Post* (The Washington Post, February 4, 2022), <https://www.washingtonpost.com/opinions/2022/02/04/sex-crime-statutes-of-limitations-end/>.

6. *Phoenix Rising*, *Phoenix Rising* (HBO Max, 2022), <https://play.hbomax.com/page/urn:hbo:page:GYhUt6QBi47fDDQEAAAs:type:series>.

amount of time to process the assault cannot press charges.⁷ As this statistic becomes more apparent in today's society, states are beginning to reform the statutes of limitations for sex crimes. Eight states—Maryland, North Carolina, South Carolina, Virginia, West Virginia, Wyoming, Kentucky, and Pennsylvania—have eliminated any type of statute of limitations for all felony sex crimes, and several other states have started to reform their statutes as well.⁸ The purpose of the statute of limitations is to ensure fair trials for the accused—the law claims that evidence and witness testimonies face the possibility of changing as time passes, reducing the likelihood of a fair trial for defendants.⁹ This purpose is rooted in victim-blaming, as the law suggests the idea that victims are less trustworthy over time. The lack of faith in victims' claims is not a foreign concept—victim-blaming has deep historical origins. This suggests that the statute of limitations can be traced to many historical roots, most of which are embedded in a culture against victims, especially female victims.

Prior to the arrival of English missionaries during colonialism, women held a societal standing close to that of males across the world (in many different indigenous African populations, women were permitted to own cattle, participate in agricultural and craft production, and own grain stores).¹⁰ European missionaries viewed this practice as barbaric, leading the missionaries to “convert the heathens” while training men to “control their wives.”¹¹

7. Craig J Forsyth, *Criminal Justice in America: The Encyclopedia of Crime, Law Enforcement, Courts, and Corrections*, vol. 2 (ABC-Clio, 2019), 633.

8. “State by State Guide on Statutes of Limitations,” RAINN (RAINN), accessed April 13, 2022, <https://www.rainn.org/state-state-guide-statutes-limitations>.

9. Craig J Forsyth, *Criminal Justice in America: The Encyclopedia of Crime, Law Enforcement, Courts, and Corrections*, vol. 2 (ABC-Clio, 2019), 633.

10. Angela P Cheater, “The Role and Position of Women in Pre-Colonial and Colonial Zimbabwe*,” *Zambezia: The Journal of Humanities of the University of Zimbabwe* 8, no. 2 (1986): pp. 65-79, https://journals.co.za/doi/pdf/10.10520/AJA03790622_242, 66; Carey McCormack, “Colonial Roots of Contemporary Inequalities,” *Colonial Roots of Contemporary Inequalities*, (March 2, 2022).

11. Carey McCormack, “Colonial Roots of Contemporary Inequalities,” *Colonial Roots of Contemporary Inequalities*, (March 2, 2022); Colette Harris, “Some Gender Implications of the ‘Civilising Mission’ of the Anglican Church for the Acholi Peoples of Northern Uganda,” *Religions* 8, no. 241 (June 2017): pp. 1-20, <https://doi.org/10.3390/rel8110245>, 1.

These ideas placed women at a lower standing in society, giving autonomy and power to men.¹² During that same time period, colonizers utilized colonial categories—a delineation that assigned stereotyped traits to groups of people based on their race, gender, and social class—to label indigenous females as erotic, sexually available, and dangerous.¹³ These epithets enabled colonial men to objectify indigenous women and view them as devices to give them pleasure instead of seeing them as humans. Additionally, sex tourism, a type of “tourism” in which colonial men would travel to see indigenous women display their bodies (and some would solicit these women for sexual services), commenced during this period.¹⁴ Most of the women working in the sex tourism camps (the women shown off by colonizers were centralized in camp-like areas) were typically forced to work in these environments—the women did not give their consent to be displayed or engage in sexual intercourse.¹⁵ This normalized the process of sexual assault and human sex trafficking (these women were forced to engage in sex as work; so, it qualifies as human sex trafficking), and the impacts of this normalization can still be seen today.¹⁶ Additionally, the colonial categories delineated earlier were reinforced by sex tourism, as the “tourists” viewed the participating women as erotic and dangerous. In today’s society, when women come forward with sexual assault allegations, they are interrogated, frequently asked what they were wearing, whether they were drinking alcohol, or if they have had sexual

12. Colette Harris, “Some Gender Implications of the ‘Civilising Mission’ of the Anglican Church for the Acholi Peoples of Northern Uganda,” *Religions* 8, no. 241 (June 2017): pp. 1-20, <https://doi.org/10.3390/rel8110245>, 1.

13. Carey McCormack, “Colonial Roots of Contemporary Inequalities,” *Colonial Roots of Contemporary Inequalities*, (February 28, 2022).

14. Carey McCormack, “Colonial Roots of Contemporary Inequalities,” *Colonial Roots of Contemporary Inequalities*, (March 2, 2022); Jean-François Staszak, “Colonial Tourism and Prostitution: The Visit to Bousbir in Casablanca (1924-1955),” *Varia História*, no. 8 (2015), <https://doi.org/10.4000/viatourism.431>.

15. Jean-François Staszak, “Colonial Tourism and Prostitution: The Visit to Bousbir in Casablanca (1924-1955),” *Varia História*, no. 8 (2015), <https://doi.org/10.4000/viatourism.431>.

16. Jean-François Staszak, “Colonial Tourism and Prostitution: The Visit to Bousbir in Casablanca (1924-1955),” *Varia História*, no. 8 (2015), <https://doi.org/10.4000/viatourism.431>.

partners in the past.¹⁷ Victims in America are blamed and not believed, and one of the causes of this horrific phenomenon is certainly the victim-blaming and “sexually available” label given to women in colonial periods. Women were solicited and displayed to hundreds of onlookers without giving any type of consent during this period, and society did not object.¹⁸ Society still does not object when victims of sexual assault are blamed and questioned, reflecting the cruel process from European colonization. This form of victim-blaming initiated the creation of the statute of limitations, and it continues to cement it. The statute reinforces the idea that victims should not be trusted when making assault accusations, demonstrating its link to the colonial era.

Another historical root that can be contributed to the creation and maintenance of the statute of limitations is the lack of legal protections for women. Laws regarding a person’s sex have been discriminatory for decades, and the discrimination can still be seen in today’s laws regarding sex and gender. In the eighteenth century, “moderate correction” was legal (and even encouraged).¹⁹ The philosophy of moderate correction set the “legal standard that a man had the right to ‘correct’ the behavior of his wife by using the ‘rule of thumb,’ which stipulated he could use a stick no thicker than his thumb to physically chastise her.”²⁰ This law enforced the idea that women were deserving of domestic violence and assault if they engaged in behavior with which their husbands did not agree. This same notion can be observed in the statute of limitations, as victims of domestic violence cannot press any charges if they do not initiate the

17. Rosa A Hopkins, “Too Many Americans Believe Women Sometimes Deserve To Be Hit And Raped,” HuffPost (HuffPost, September 16, 2016), https://www.huffpost.com/entry/women-sometimes-deserve-to-be-hit-raped_b_57d9c15de4b04fa361d98e3a.

18. Jean-François Staszak, “Colonial Tourism and Prostitution: The Visit to Bousbir in Casablanca (1924-1955),” *Varia História*, no. 8 (2015), <https://doi.org/10.4000/viatourism.431>.

19. Durba Ghosh, “Body Politics, Sexualities, and the 'Modern Family' in Global History,” in *World Histories From Below: Disruption and Dissent, 1750 to the Present*, ed. Antoinette Burton and Tony Ballantyne (New York, NY: Bloomsbury Academic, 2016), pp. 107-135, 114.

20. Durba Ghosh, “Body Politics, Sexualities, and the 'Modern Family' in Global History,” in *World Histories From Below: Disruption and Dissent, 1750 to the Present*, ed. Antoinette Burton and Tony Ballantyne (New York, NY: Bloomsbury Academic, 2016), pp. 107-135, 114.

criminal justice process before the statute expires. Nearly five million women suffer from domestic assault annually in the United States, but most of these women do not decide to press charges for many years or until the abuse escalates.²¹ It typically takes abuse victims ten years after leaving their abuser to process the abuse and decide to press charges.²² The moderate correction law from the eighteenth-century normalized spousal abuse, and domestic abuse is still prevalent in society. Many domestic abuse victims either choose to not press charges or cannot press charges due to the statute of limitations, illustrating that the eighteenth-century moderate correction law is another contributor to the emergence of the statute of limitations.

The lack of legal protections for women continued throughout history, and presently, women are still not viewed as completely equal under the law. In the 1800s, the first wave of feminism emerged, a wave in which women fought for suffrage.²³ During this time, women believed the right to vote would allow them to be viewed as humans and citizens, an image they felt they did not previously evoke.²⁴ Women did not receive the right to vote until 1920, 100 years after the initiation of the first wave of feminism.²⁵ During the second wave of feminism (1960-1980), women fought for equal rights under the law.²⁶ The Equal Rights Amendment was

21. Andrew R Klein, "Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges," Office of Justice Programs (U.S. Department of Justice, June 2009), <https://www.ojp.gov/pdffiles1/nij/225722.pdf>, 6; Rosa A Hopkins, "Too Many Americans Believe Women Sometimes Deserve To Be Hit And Raped," HuffPost (HuffPost, September 16, 2016), https://www.huffpost.com/entry/women-sometimes-deserve-to-be-hit-raped_b_57d9c15de4b04fa361d98e3a.

22. *Phoenix Rising*, *Phoenix Rising* (HBO Max, 2022), <https://play.hbomax.com/page/urn:hbo:page:GYhUt6QBi47fDDQEAAAs:type:series>.

23. Elisabeth Sheff, "Colonial Roots of Contemporary Inequalities," *Colonial Roots of Contemporary Inequalities*, (March 7, 2022).

24. Elisabeth Sheff, "Colonial Roots of Contemporary Inequalities," *Colonial Roots of Contemporary Inequalities*, (March 7, 2022).

25. Elisabeth Sheff, "Colonial Roots of Contemporary Inequalities," *Colonial Roots of Contemporary Inequalities*, (March 7, 2022).

26. Elisabeth Sheff, "Colonial Roots of Contemporary Inequalities," *Colonial Roots of Contemporary Inequalities*, (March 7, 2022).

proposed as an amendment to the United States Constitution during this wave.²⁷ The Equal Rights Amendment (ERA) sought to legally protect the rights of people of every gender.²⁸ At the time of the amendment’s proposal, the ERA would have been viewed as a law to protect women only (LGBTQ+ women and women of color were noticeably excluded from this wave of feminism); however, the wording of the law would offer protections for every gender, as the law protects anyone from discrimination on “account of sex” (since the ERA used the broad term “sex,” the amendment would have likely been expanded to apply to every sex, gender, and gender identity).²⁹ This would have been a large milestone for legal protections on the basis of sex; however, the ERA failed during the state ratification process.³⁰ The ERA was passed by Congress in 1972, but the amendment was only ratified by 35 states (38 state ratifications are needed for the bill to become an amendment) before the 1982 deadline.³¹ The failure of the ERA not only allowed gender discrimination to continue, but also set a precedent that women (and people of other genders) are not deserving of legal protections—an idea that is still prevalent today. The statute of limitations shares a similar sentiment, as it prioritizes abusers’ rights over allowing victims, especially sexual assault victims, to receive justice. Most sexual assault victims impacted by the statute are female; therefore, the sentiment that women do not deserve legal protections emerging from the failure of the ERA is displayed in the statute of limitations as well.

27. “ERA Explainer,” Equality Now (Equality Now), accessed April 15, 2022, https://www.equalitynow.org/era_explainer/.

28. “ERA Explainer,” Equality Now (Equality Now), accessed April 15, 2022, https://www.equalitynow.org/era_explainer/.

29. Elisabeth Sheff, “Colonial Roots of Contemporary Inequalities,” *Colonial Roots of Contemporary Inequalities*, (March 7, 2022); “ERA Explainer,” Equality Now (Equality Now), accessed April 15, 2022, https://www.equalitynow.org/era_explainer/.

30. “ERA Explainer,” Equality Now (Equality Now), accessed April 15, 2022, https://www.equalitynow.org/era_explainer/.

31. “ERA Explainer,” Equality Now (Equality Now), accessed April 15, 2022, https://www.equalitynow.org/era_explainer/.

Throughout history, men have been placed in positions of power, and modern-day society continues this theme. Currently, 24% of the U.S. Senate and 27.8% of the U.S. House of Representatives are female.³² The U.S. Senate and House of Representatives are the federal lawmakers for the United States, meaning the majority of federal lawmakers are male.³³ Between 2017 and 2019, at least 90 state lawmakers were publicly accused of sexual assault (this statistic only includes victims that made formal and public accusations).³⁴ Since most sexual assault victims never come forward (and even fewer make public accusations), many more victims have likely been sexually assaulted by lawmakers during this time period than are included in this statistic. The majority of these victims were unable to press charges, and the involved politicians did not receive legal repercussions.³⁵ Only 33 of the accused politicians resigned or were removed from office, but they were not arrested or tried in a criminal court for their actions (a few faced probation, but they only received this punishment because they lied under oath or retaliated—not because of the assault accusations) because the statute of limitations expired for most of the victims.³⁶ In fact, many of the accused abusers still serve in office today, years after the accusations were made public.³⁷ These politicians were protected by the statute of limitations, as it enabled them to avoid legal punishment and maintain their

32. “Women in Elective Office 2022,” Center for American Women and Politics (CAWP) (Eagleton Institute of Politics, 2022), <https://cawp.rutgers.edu/facts/current-numbers/women-elective-office-2022>.

33. “Women in Elective Office 2022,” Center for American Women and Politics (CAWP) (Eagleton Institute of Politics, 2022), <https://cawp.rutgers.edu/facts/current-numbers/women-elective-office-2022>.

34. The Associated Press, “90 State Lawmakers Accused of Sexual Misconduct Since 2017,” AP NEWS (Associated Press, February 2, 2019), <https://apnews.com/article/sexual-misconduct-metoo-a3377d14856e4f4fb584509963a7a223>.

35. The Associated Press, “90 State Lawmakers Accused of Sexual Misconduct Since 2017,” AP NEWS (Associated Press, February 2, 2019), <https://apnews.com/article/sexual-misconduct-metoo-a3377d14856e4f4fb584509963a7a223>.

36. The Associated Press, “90 State Lawmakers Accused of Sexual Misconduct Since 2017,” AP NEWS (Associated Press, February 2, 2019), <https://apnews.com/article/sexual-misconduct-metoo-a3377d14856e4f4fb584509963a7a223>.

37. The Associated Press, “90 State Lawmakers Accused of Sexual Misconduct Since 2017,” AP NEWS (Associated Press, February 2, 2019), <https://apnews.com/article/sexual-misconduct-metoo-a3377d14856e4f4fb584509963a7a223>.

political careers. The people that control the creation of laws benefit from the statute of limitations, showing a possible cause for the law's creation. Since almost all of the politicians accused were male (out of the 90 plus politicians accused, only two were female), the continual placement and praising of men throughout history have also contributed to the present prioritizing of men's careers over victims' rights, furthering the issues with the statute of limitations.³⁸

Another notable historical incidence that contributed to the current upholding of victim-blaming and the statute of limitations is the nomination process of Supreme Court Justice Clarence Thomas. In 1991, Clarence Thomas received a nomination to serve on the federal Supreme Court.³⁹ During his confirmation process, Anita Hill, advisor and assistant to Thomas from 1981 to 1983, publicly accused Thomas of sexually harassing her.⁴⁰ Instead of supporting and believing Hill, the public became angry with her for accusing a Supreme Court nominee.⁴¹ Suddenly, it appeared as if Anita Hill was on trial—not Clarence Thomas. The public prioritized Thomas' judicial career over justice for Hill. Unfortunately, Anita Hill's story is not an unfamiliar and isolated incident. In 2018, Brett Kavanaugh received a Supreme Court nomination.⁴² In a story almost identical to Anita Hill's, two women, Dr. Christine Blasey Ford and Deborah Ramirez, accused Kavanaugh of sexual misconduct and assault.⁴³ There was a list

38. The Associated Press, "90 State Lawmakers Accused of Sexual Misconduct Since 2017," AP NEWS (Associated Press, February 2, 2019), <https://apnews.com/article/sexual-misconduct-metoo-a3377d14856e4f4fb584509963a7a223>.

39. Elisabeth Sheff, "Colonial Roots of Contemporary Inequalities," *Colonial Roots of Contemporary Inequalities*, (January 12, 2022).

40. Elisabeth Sheff, "Colonial Roots of Contemporary Inequalities," *Colonial Roots of Contemporary Inequalities*, (January 12, 2022).

41. Elisabeth Sheff, "Colonial Roots of Contemporary Inequalities," *Colonial Roots of Contemporary Inequalities*, (January 12, 2022).

42. Sanya Mansoor, "Report Details New Justice Brett Kavanaugh Sexual Misconduct Claims," Time (Time USA, September 15, 2019), <https://time.com/5677929/new-york-times-brett-kavanaugh-sexual-misconduct/>.

43. Sanya Mansoor, "Report Details New Justice Brett Kavanaugh Sexual Misconduct Claims," Time (Time USA, September 15, 2019), <https://time.com/5677929/new-york-times-brett-kavanaugh-sexual-misconduct/>.

of over 25 people that witnessed the assaults or heard about them imminently after the assaults occurred; however, none of their testimonies were taken.⁴⁴ Kavanaugh denied these accusations under oath during his confirmation hearings, and he was confirmed to serve on the federal Supreme Court.⁴⁵ Currently, both Thomas and Kavanaugh still serve on the Supreme Court. Like Anita Hill, Ford and Ramirez were not believed and were blamed when they came forward. Many people became upset with the women, as they felt they were trying to ruin their abusers' careers. These scenarios once again prioritized men's careers over justice for assault victims, serving as another example of widespread victim-blaming. These victim-blaming ideals contributed to the creation of the statute of limitations, and they have continued to reinforce the statute for centuries.

A present-day court case has brought the issues regarding the statute of limitations to light, and it has initiated a process that could lead to the unfair statute's end. On February 1, 2021, Evan Rachel Wood, a famous actress and social activist, revealed that Brian Hugh Warner, a controversial rock singer-songwriter professionally known as Marilyn Manson, sexually abused, assaulted, and groomed her for years during their infamous relationship.⁴⁶ Wood first accused Warner in November of 2016, but she did not publicly reveal Warner as her abuser until 2021.⁴⁷ Warner and Wood first began dating in 2006 when Wood was 18 and Warner was 37.⁴⁸

44. Sanya Mansoor, "Report Details New Justice Brett Kavanaugh Sexual Misconduct Claims," Time (Time USA, September 15, 2019), <https://time.com/5677929/new-york-times-brett-kavanaugh-sexual-misconduct/>.

45. Sanya Mansoor, "Report Details New Justice Brett Kavanaugh Sexual Misconduct Claims," Time (Time USA, September 15, 2019), <https://time.com/5677929/new-york-times-brett-kavanaugh-sexual-misconduct/>.

46. "Evan Rachel Wood," Us Weekly (A360 Media), accessed April 15, 2022, <https://www.usmagazine.com/celebrities/evan-rachel-wood/>; "Marilyn Manson Biography," The Famous People (Famous People), accessed April 15, 2022, <https://www.thefamouspeople.com/profiles/marilyn-manson-2262.php>; *Phoenix Rising, Phoenix Rising* (HBO Max, 2022), <https://play.hbomax.com/page/urn:hbo:page:GYhUt6QBi47fDDQEAAAIIs:type:series>.

47. *Phoenix Rising, Phoenix Rising* (HBO Max, 2022), <https://play.hbomax.com/page/urn:hbo:page:GYhUt6QBi47fDDQEAAAIIs:type:series>.

48. *Phoenix Rising, Phoenix Rising* (HBO Max, 2022), <https://play.hbomax.com/page/urn:hbo:page:GYhUt6QBi47fDDQEAAAIIs:type:series>.

Wood revealed that Warner first raped her while they were filming the music video for Warner's song "Heart-Shaped Glasses (When Heart Guides The Hand)."⁴⁹ The rape occurred on camera, and, despite Wood's request for removal, the video still remains on YouTube with over 33 million views.⁵⁰ Wood claims that there was constant, despicable abuse during their tumultuous on-and-off relationship (including Warner branding, imprisoning, drugging, threatening, raping, and beating Wood).⁵¹ Wood left Warner for the final time in 2010, ending their four-year relationship.⁵² In 2018, two years after Wood's initial abuse allegations, the Los Angeles District Attorney's office refused to pursue a case against Warner, as the statute of limitations had expired.⁵³ Since Wood went public with her abuse allegations, sixteen other women have accused Warner of sexual assault, revealing a pattern of Warner's alleged violent behavior (almost all of the women reported being branded, imprisoned, starved, and forced to engage in sexual intercourse while working).⁵⁴ To this date, Warner has not received any legal repercussions for his actions.⁵⁵ None of his victims can press charges because the statute of limitations has expired for all of them.⁵⁶ Deplorably, Warner's case is not an isolated occurrence in America. In recent years, other famous sexual assault cases (like the sexual assault allegations of 60 women against actor Bill Cosby, 850 people against the Catholic Church, and 500 people

49. *Phoenix Rising, Phoenix Rising* (HBO Max, 2022), <https://play.hbomax.com/page/urn:hbo:page:GYhUt6QBi47fDDQEAAAIIs:type:series>.

50. *Phoenix Rising, Phoenix Rising* (HBO Max, 2022), <https://play.hbomax.com/page/urn:hbo:page:GYhUt6QBi47fDDQEAAAIIs:type:series>.

51. *Phoenix Rising, Phoenix Rising* (HBO Max, 2022), <https://play.hbomax.com/page/urn:hbo:page:GYhUt6QBi47fDDQEAAAIIs:type:series>.

52. *Phoenix Rising, Phoenix Rising* (HBO Max, 2022), <https://play.hbomax.com/page/urn:hbo:page:GYhUt6QBi47fDDQEAAAIIs:type:series>.

53. *Phoenix Rising, Phoenix Rising* (HBO Max, 2022), <https://play.hbomax.com/page/urn:hbo:page:GYhUt6QBi47fDDQEAAAIIs:type:series>.

54. *Phoenix Rising, Phoenix Rising* (HBO Max, 2022), <https://play.hbomax.com/page/urn:hbo:page:GYhUt6QBi47fDDQEAAAIIs:type:series>.

55. *Phoenix Rising, Phoenix Rising* (HBO Max, 2022), <https://play.hbomax.com/page/urn:hbo:page:GYhUt6QBi47fDDQEAAAIIs:type:series>.

56. *Phoenix Rising, Phoenix Rising* (HBO Max, 2022), <https://play.hbomax.com/page/urn:hbo:page:GYhUt6QBi47fDDQEAAAIIs:type:series>.

against USA Olympic gym doctor Larry Nassar) have emerged; however, most do not result in punishments that reflect an accurate number of victims, as the statute of limitations has limited hundreds of sexual assault victims from pressing charges.⁵⁷ In all of these cases, victim-blaming and doubting the victims was constant, showing that the statute of limitations is still being used as a tool to condemn victims and help predators get away with abuse.

Every 98 seconds, an American is sexually assaulted, but most victims wait over ten years to come forward due to trauma, threats, fear, and guilt.⁵⁸ Because victims often wait to make formal accusations, the statute of limitations prevents them from pressing charges, allowing their abuser to remain without punishment. Even though the statute of limitations has helped many abusers continue to prey, very little reform has occurred. Only eight states have eliminated the statute of limitations for all felony sex crimes and a few other states have increased the time limit for certain crimes.⁵⁹ After the District Attorney's office declined to pursue a case against Brian Warner, Evan Rachel Wood proposed the Phoenix Act, a law intended to change legislation across the country regarding the statute of limitations.⁶⁰ The Phoenix Act was passed in California in 2019, and it extended California's existing statute of

57. Marci Hamilton, "System Failure: How Federal Laws Shield Sexual Predators like Dr. Larry Nassar," USA Today (Gannett Satellite Information Network, July 23, 2021), <https://www.usatoday.com/story/opinion/2021/07/23/how-federal-laws-protect-child-sex-predators-like-dr-larry-nassar/8053078002/>; Marisa Kwiatkowski and John Kelly, "The Catholic Church and Boy Scouts Are Lobbying against Child Abuse Statutes. This Is Their Playbook," USA Today (Gannett Satellite Information Network, April 23, 2020), <https://www.usatoday.com/in-depth/news/investigations/2019/10/02/catholic-church-boy-scouts-fight-child-sex-abuse-statutes/2345778001/>; Sydney Ember and Graham Bowley, "After Bill Cosby, States Shift on Statutes of Limitations in Sexual Assault Cases," The New York Times (The New York Times, November 7, 2016), <https://www.nytimes.com/2016/11/07/arts/television/after-bill-cosby-states-shift-sexual-assault-statutes-of-limitations.html>.

58. *Phoenix Rising*, *Phoenix Rising* (HBO Max, 2022), <https://play.hbomax.com/page/urn:hbo:page:GYhUt6QBi47fDDQEAAAs:type:series>; Shara Kaszovitz, "5 Reasons Why Victims Wait To Disclose That They Were Sexually Assaulted," Jackson Health System (Jackson Health System), accessed April 15, 2022, <https://jacksonhealth.org/blog/2018-01-25-five-reasons-sexual-assault/>.

59. "State by State Guide on Statutes of Limitations," RAINN (RAINN), accessed April 13, 2022, <https://www.rainn.org/state-state-guide-statutes-limitations>.

60. *Phoenix Rising*, *Phoenix Rising* (HBO Max, 2022), <https://play.hbomax.com/page/urn:hbo:page:GYhUt6QBi47fDDQEAAAs:type:series>.

limitations for sex crimes from two to four years to five years when there is undeniable evidence abuse occurred or more than three victims accuse a single perpetrator.⁶¹ Evan Rachel Wood and the Phoenix Act have started a process that will hopefully return rights to victims, as the origins of the statute of limitations reveal a long history of harming and ridiculing women and sexual assault victims. Certainly, federal reform of the U.S. statute of limitations must commence, as victims living in every state deserve the ability to press charges against their abusers—no matter how long it takes them to process the trauma and come forward with their allegations.

Author's Note: Please note that people of all genders face sexual assault, domestic violence, and abuse; thus, humans of every gender and gender identity are impacted by the statute of limitations. This paper primarily analyzes the historical roots of women's issues with the statute of limitations, as women face a high risk of being sexually assaulted at some point in their lives (research shows that one in five women will be raped at some point in their life).⁶² This is meant to narrow a broad topic to enable a deeper analysis and is not intended to minimize anyone's experiences.

61. "Senate Bill No. 273," California Legislative Information (California State Senate, October 7, 2019), https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB273.

62. "Statistics About Sexual Violence," National Sexual Violence Resource Center (National Sexual Violence Resource Center, 2015), https://www.nsvrc.org/sites/default/files/publications_nsvrc_factsheet_media_packet_statistics-about-sexual-violence_0.pdf, 1.

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