
RECENT PUBLICATIONS

THE CHANGING ROLE OF THE AMERICAN PROSECUTOR. Edited by John L. Worrall & M. Elaine Nugent-Borakove. Albany, N.Y.: State University of New York Press. 2008. Pp. vii, 284. \$27.95. *The Changing Role of the American Prosecutor* examines the powerful yet often mysterious role of the prosecutor in the American criminal justice system. This collection of essays comments on existing empirical work, suggests areas in which more research would be helpful, and explores the evolving criminal and political context in which prosecutors operate. The book considers how prosecutors are affected by certain systemic changes, such as the “federalization” of crimes (p. 31), the introduction of sentencing reforms that “reduc[e] or eliminat[e] discretion on the part of judges and correctional officials” (p. 73), and the growth of specialized problem-solving courts. It also highlights how prosecutors’ offices have reacted to emerging criminal patterns, such as the explosion of drug-related criminal prosecutions, by experimenting with alternatives to the traditional criminal justice system. Parts IV and V question whether prosecutors can or should focus more on community-based solutions rather than individual prosecutions. The book ultimately provides a fascinating look at the potential promise a prosecutor’s power presents for rectifying many of the ills that currently afflict the criminal justice system.

DARFUR AND THE CRIME OF GENOCIDE. By John Hagan & Wenona Rymond-Richmond. New York, N.Y.: Cambridge University Press. 2009. Pp. xxii, 269. \$24.99. In this harrowing look at the ongoing genocide and humanitarian crisis in Sudan, Professors John Hagan and Wenona Rymond-Richmond examine a 2004 State Department study in which over one thousand displaced Darfuris were interviewed in refugee camps in neighboring Chad. The study’s shocking firsthand accounts of the killings, rapes, and general devastation in Darfur serve as an impetus for the authors’ analysis of the sluggish international response to the conflict and their eventual call to action. Professors Hagan and Rymond-Richmond suggest that the U.S. government’s “flip-flop diplomacy” (p. 80) has been at least partially a function of criminology’s longstanding failure to fully address genocide and other crimes against humanity. In the authors’ estimation, criminologists have an obligation to cultivate knowledge and awareness of the “scale of the atrocities that constitute genocide” and “the intent that directs genocide against protected groups” (pp. 220–21). Hence, Professors Hagan and Rymond-Richmond conclude that the “national and international responsibility to protect by recognizing and responding to . . . genocide” (p. 222) hinges crucially on the next generation of criminologists’ ability to amass and disseminate this knowledge and awareness.

FDR V. THE CONSTITUTION: THE COURT-PACKING FIGHT AND THE TRIUMPH OF DEMOCRACY. By Burt Solomon. New York, N.Y.: Walker & Company. 2009. Pp. viii, 337. \$26.00. Frustrated by a Supreme Court that routinely held his New Deal programs unconstitutional, President Franklin Delano Roosevelt began his second presidential term with a shocking announcement: he intended to "pack" the Supreme Court by adding six new justices to the bench. In *FDR v. The Constitution*, Burt Solomon expertly traces FDR's early initiatives and the Supreme Court rulings that rendered them nugatory. His lively account includes a behind-the-scenes look at the Court and the politics and personalities that produced its decisions. Mr. Solomon's description of FDR's controversial Court-packing plan focuses on how the two heroes of the opposition — Justice Owen Roberts, "a swing justice of inscrutable views," and Senator Burton Wheeler, "a maverick . . . who never backed down" — spearheaded an effort ending in FDR's crushing defeat (p. 6). Mr. Solomon's account brings into stark relief the conflict between the Constitution and the pressing national needs created by the Great Depression, and how FDR's attempt to reconcile the two would have severely undermined the independence of the judiciary. Mr. Solomon's compelling tale of democracy's ability to triumph over this presidential assault on constitutional values provides an important historical lesson — one that remains highly relevant today.

JUSTICE DENIED: WHAT AMERICA MUST DO TO PROTECT ITS CHILDREN. By Marci A. Hamilton. New York, N.Y.: Cambridge University Press. 2008. Pp. viii, 160. \$23.00. *Justice Denied* is an impassioned plea to lawmakers and the "uninformed public" (p. 108) to tackle the problem of child sexual abuse in the United States. In simple, accessible prose, Professor Marci A. Hamilton argues that abuse is more prevalent than most people believe (with some studies suggesting that twenty-five percent of girls and twenty percent of boys are sexually abused) and that current policy solutions such as civil commitment, GPS tracking, pedophile-free zones, and sexual offender databases are insufficient because they all "presuppose[] that you know who the child predators are" (p. 23). Since many survivors take years to come to grips with what happened to them, they often are unable to go to court because the applicable statute of limitations has expired. As a result, "child predators rarely have to face the legal system" (p. 15) and are able to hide their identities. Interwoven with stories of advocates' triumphs and defeats, *Justice Denied* proposes a "clear and . . . simple" answer (p. 21): the removal of statutes of limitations for childhood sexual abuse. Professor Hamilton also addresses the primary barriers to such reform, including the insurance industry, the Catholic hierarchy, teachers unions, defense attorneys, and civil rights groups.

PRESIDENTIAL CONSTITUTIONALISM IN PERILOUS TIMES. By Scott M. Matheson, Jr. Cambridge, Mass.: Harvard University Press. 2009. Pp. 235. \$45.00. Since 9/11, presidential wartime powers have come under exacting scrutiny. In *Presidential Constitutionalism in Perilous Times*, Professor Scott M. Matheson, Jr. reminds us that this is not a new debate. By assessing the performance of five past Presidents from a variety of constitutional perspectives, he casts new light on how prior administrations dealt with unique and difficult wartime circumstances. From President Abraham Lincoln's suspension of the writ of habeas corpus to President George W. Bush's policies in the War on Terror, the book examines the respect, or lack thereof, that the executive has paid to individual liberties and the coordinate branches of government. Professor Matheson argues that these historical examples demonstrate that the Bush Administration made a distinct and unfortunate departure from a form of constitutional decisionmaking that he calls "executive constitutionalism." Under this theory, presidential consultation and cooperation with Congress, openness to judicial review, and above all, "commitment to the rule of law" (p. 32), are vital to securing the fundamental balance between civil liberties and national security — a balance that, in today's world, should be of increasing concern and interest to all.

REGULATING VICE: MISGUIDED PROHIBITIONS AND REALISTIC CONTROLS. By Jim Leitzel. New York, N.Y.: Cambridge University Press. 2008. Pp. xv, 301. \$29.99. In this nuanced analysis of vice policy, Professor Jim Leitzel advocates a balanced approach that eschews both categorical prohibitions and complete liberalization. Instead, he argues vice policy should follow a "robustness principle" in which any regulation should account for both rational and less-than-rational vice-seeking behavior. This principle requires eliminating most prohibitions of adult vices in favor of only imposing small costs on rational vice-seeking adults, while providing robust support for the less-than-rational actors who lack self-control. Meanwhile, vice policy should address the "standard 3 1/3 vice concerns," which Professor Leitzel defines as (1) kids, (2) addicts, (3) external harms, and (3 1/3) negative impacts on nonaddicted adults (p. 10–11), the latter equaling only 1/3 since Professor Leitzel considers it less of a concern. Professor Leitzel's analysis reaches many popular vices, including alcohol, drugs, tobacco, gambling, pornography, and even sadomasochism, mentioning possible "training requirements for those who want to legally engage in breath restriction" (p. 185). Through his innovative approach, Professor Leitzel provides a refreshingly balanced framework in a field often dominated by loud moral judgments and polarized extremes.