
RECENT PUBLICATIONS

THE WITCH-HUNT NARRATIVE: POLITICS, PSYCHOLOGY, AND THE SEXUAL ABUSE OF CHILDREN. By Ross E. Cheit. New York, N.Y.: Oxford University Press. 2014. Pp. xx, 508. \$49.95. Child sexual abuse cases rise sporadically in the public consciousness, a recent example being the Jerry Sandusky case. In the outcry that follows, there is often a rush to judgment about the guilt of the accused as well as a corresponding overreaction in the opposite direction. In *The Witch-Hunt Narrative*, Professor Ross Cheit explains this phenomenon through the 1983 McMartin Preschool case. From there, he details the development of the “witch-hunt” narrative — that those accused of child sexual abuse were themselves victims of a witch hunt — based on trial testimony, police notes, and first-person interviews. Professor Cheit argues convincingly that some of the accused were improperly maligned, but that the development of the witch-hunt narrative has overall led people, from judges to the media to the general public, to overlook and dismiss strongly probative evidence of abuse, with deleterious effects. Whatever the resolution, Professor Cheit’s thorough and informative tome certainly does its part to combat the overreaction and misdirection that it so carefully documents and criticizes.

JUDGING THE BOY SCOUTS OF AMERICA: GAY RIGHTS, FREEDOM OF ASSOCIATION, AND THE *DALE* CASE. By Richard J. Ellis. Lawrence, Kan.: University Press of Kansas. 2014. Pp. xii, 286. \$34.95. With breezy storytelling, Professor Richard Ellis recounts the ten-year progression of *Boy Scouts of America v. Dale*, in which the Supreme Court upheld the Boy Scouts of America’s right to exclude gay members like James Dale, an assistant scoutmaster terminated in 1990. *Judging the Boy Scouts of America* sympathizes with Dale and accessibly describes the lawsuit’s arguments. The book highlights the litigation’s main characters, such as Dale’s lawyers from the Lambda Legal Defense and Education Fund and Cleary Gottlieb Steen & Hamilton LLP, while raising timely questions about how a court should balance the freedom of association with the modern value of nondiscrimination. With an appreciation for the realities of practice and advocacy, the book identifies *Dale* as part of a shift in Lambda Legal’s impact litigation strategy as it moved from safer, more lucrative AIDS cases toward riskier, higher-profile work, and describes the challenges of litigating in a rapidly evolving legal and cultural environment. Finally, Professor Ellis traces the case’s long-running impact to its effects on recent developments, such as the Boy Scouts of America’s 2013 policy reversal regarding gay boys (but not men).

CIVIL RIGHTS AND THE MAKING OF THE MODERN AMERICAN STATE. By Megan Ming Francis. New York, N.Y.: Cambridge University Press. 2014. Pp. xvii, 197. \$27.99. Prior to the fight against public segregation, the National Association for the Advancement of Colored People (NAACP) focused on eradicating mob violence and lynching. Professor Megan Ming Francis undertakes an exhaustive analysis of the archives to detail the NAACP's fight against racial violence. The NAACP successfully raised awareness and secured political support, but the culmination of its success came with the *Moore v. Dempsey* decision, which was the first time the federal judiciary interfered with a state criminal court proceeding. The Supreme Court held in favor of the black defendants, stating that a mob's presence in the courtroom violated due process under the Fourteenth Amendment. Professor Francis expands upon the existing literature on the *Moore* decision by describing the influence of the litigation process and changing political and social conditions. By detailing the NAACP's campaign against racial violence and its role in this precedent-setting case, Professor Francis develops a fascinating narrative of this under-explored period in the nation's struggle toward equality, and deepens our understanding of the civil rights movement and the American constitutional state.

THE MARRIAGE BUYOUT: THE TROUBLED TRAJECTORY OF U.S. ALIMONY LAW. By Cynthia Lee Starnes. New York, N.Y.: New York University Press. 2014. Pp. x, 225. \$45.00. How do you put a price on marriage? Professor Cynthia Lee Starnes deftly describes the history and theories of American alimony law, from its common law roots in coveture to the implications of modern no-fault divorce statutes. Throughout her book, Professor Starnes provides examples, hypotheticals, and statistics that highlight the importance of alimony for spouses who have spent their marriages as primary caregivers. *The Marriage Buyout* explains how current alimony practices generally result in inadequate and unpredictable payments to caregiver spouses and how current theoretical attempts to justify alimony practices are inconsistent with those same practices, such as the typically automatic termination of alimony upon a recipient's remarriage. Professor Starnes proposes a novel theory: viewing marriage as a contract-based partnership, and divorce not as a termination but rather as a buyout by one spouse of the other's financial interest in their partnership. A partnership-buyout theory, Professor Starnes argues, "offer[s] a conceptual rationale for alimony lacking in current law, . . . in an egalitarian, gender-neutral framework that casts caregivers as equal stakeholders in marriage rather than victims of marriage" (p. 168). *The Marriage Buyout* challenges many of the most fundamental concepts in American alimony law, and is a thought-provoking read for anyone interested in the subject.