

# H A R V A R D L A W R E V I E W

## IN MEMORIAM: LEWIS F. POWELL, JR.

*Chief Justice William H. Rehnquist Chief Judge J. Harvie Wilkinson III*

*Judge T.S. Ellis, III*

*John C. Jeffries, Jr.*

*Nina Totenberg*

*Christina B. Whitman*

## ARTICLE

MADISON'S AUDIENCE

*Larry D. Kramer*

## BOOK REVIEW

"FIRST PRINCIPLES" OF CONSTITUTIONAL  
CRIMINAL PROCEDURE: A MISTAKE?

*Carol S. Steiker*

## NOTE

The Hazards of Making Public Schooling a Private Business

## RECENT CASES

## RECENT PUBLICATIONS

HARVARD LAW REVIEW

© 1999 by The Harvard Law Review Association

CONTENTS

IN MEMORIAM: LEWIS F. POWELL, JR.

<i>Chief Justice William H. Rehnquist</i> . . . . .	589
<i>Chief Judge J. Harvie Wilkinson III</i> . . . . .	590
<i>Judge T.S. Ellis, III</i> . . . . .	594
<i>John C. Jeffries, Jr.</i> . . . . .	597
<i>Nina Totenberg</i> . . . . .	602
<i>Christina B. Whitman</i> . . . . .	607

ARTICLE

Madison's Audience . . . . .	<i>Larry D. Kramer</i> . . . . .	611
------------------------------	----------------------------------	-----

BOOK REVIEW

"First Principles" of Constitutional Criminal Procedure: A Mistake? . . . . .	<i>Carol S. Steiker</i> . . . . .	680
---	-----------------------------------	-----

NOTE

The Hazards of Making Public Schooling a Private Business . . . . .	695
--	-----

RECENT CASES

Constitutional Law — Fourth Amendment — Seventh Circuit Holds That Random Suspicionless Drug Testing of Participants in Extracurricular Activities Does Not Violate the Fourth Amendment. — <i>Todd v. Rush County Schools</i> , 133 F.3d 984 (7th Cir.), cert. denied, 119 S. Ct. 68 (1998) . . . . .	713
Federal Rules of Evidence — Expert Testimony — Fifth Circuit Holds That Clinical Medical Testimony on Causation Must Pass the <i>Daubert</i> Test for Admissibility of Hard Science. — <i>Moore v. Ashland Chemical Inc.</i> , 151 F.3d 269 (5th Cir. 1998) (en banc) . . . . .	719

CONTENTS

Title VII — Standing — Fourth Circuit Denies  
Standing to White Men Advancing Claim of  
Hostile Environment Due to Discrimination  
Against Coworkers. — *Childress v. City of  
Richmond*, 134 F.3d 1205 (4th Cir.) (per curiam)  
(en banc), cert. denied, 118 S. Ct. 2322 (1998) . . . . . 725

Constitutional Law — Abortion — Sixth  
Circuit Strikes Down Ohio Ban of  
Post-Viability and Dilation and Extraction  
Abortions. — *Women's Medical Professional  
Corp. v. Voinovich*, 130 F.3d 187  
(6th Cir. 1997), cert. denied, 118 S. Ct. 1347 (1998) . . . . . 731

Establishment Clause — School Vouchers —  
Wisconsin Supreme Court Upholds Milwaukee  
Parental Choice Program. — *Jackson v. Benson*,  
578 N.W.2d 602 (Wis. 1998), cert. denied,  
67 U.S.L.W. 3170 (U.S. Nov. 9, 1998) (No. 98-376) . . . . . 737

RECENT PUBLICATIONS . . . . . 743

---