HARVARD LAW REVIEW

ARTICLE

THE CORE OF AN UNEASY CASE FOR JUDICIAL REVIEW

Richard H. Fallon, Jr.

ESSAY

VOTE FRAUD IN THE EYE OF THE BEHOLDER: THE ROLE OF PUBLIC OPINION IN THE CHALLENGE TO VOTER IDENTIFICATION REQUIREMENTS

Stephen Ansolabehere and Nathaniel Persily

NOTES

The Ministerial Exception to Title VII:
The Case for a Deferential Primary Duties Test

Harmonizing Copyright's Internationalization with Domestic Constitutional Constraints

Toward a Twenty-First-Century Jacobson v. Massachusetts

A Federal Administrative Approach to Redistricting Reform

The Incentive Gap: Reassessing U.S. Policies To Secure Nuclear Arsenals Worldwide

Never Again Should a People Starve in a World of Plenty

The Extraterritorial Constitution and the Interpretive Relevance of International Law

RECENT CASES

Copyright © 2008 by

THE HARVARD LAW REVIEW ASSOCIATION

VOLUME 121

MAY 2008

NUMBER 7

 $\mathbb{C}\mathbb{K}$

HARVARD LAW REVIEW

© 2008 by The Harvard Law Review Association

CONTENTS

Article
The Core of an Uneasy Case for Judicial Review
ESSAY
Vote Fraud in the Eye of the Beholder: The Role of Public Opinion in the Challenge to Voter Identification Requirements Stephen Ansolabehere and Nathaniel Persily1737
Notes
The Ministerial Exception to Title VII: The Case for a Deferential Primary Duties Test1776
Harmonizing Copyright's Internationalization with Domestic Constitutional Constraints1798
Toward a Twenty-First-Century Jacobson v. Massachusetts
A Federal Administrative Approach to Redistricting Reform1842
The Incentive Gap: Reassessing U.S. Policies To Secure Nuclear Arsenals Worldwide1864
Never Again Should a People Starve in a World of Plenty1886
The Extraterritorial Constitution and the Interpretive Relevance of International Law1908

i

CONTENTS

RECENT CASES
Criminal Law — Fourth Amendment — Ninth Circuit Upholds Car Seizure Through Staged Accident and Theft. — United States v. Alverez-Tejeda, 491 F.3d 1013 (9th Cir. 2007)
Evidence — Confrontation Clause — Fourth Circuit Holds that "Machine-Generated" Analysis Is Not Testimonial Evidence. — United States v. Washington, 498 F.3d 225 (4th Cir. 2007)
Copyright Law — Constitutional Constraints — Tenth Circuit Subjects Copyright Statute to First Amendment Scrutiny. — Golan v. Gonzales, 501 F.3d 1179 (10th Cir. 2007)
Federal Statutes — Alien Tort Statute — Second Circuit Holds that Human Rights Plaintiffs May Plead Aiding and Abetting Theory of Liability. — Khulumani v. Barclay National Bank Ltd., 504 F.3d 254 (2d Cir. 2007) (per curiam)
Constitutional Law — Commerce Clause — First Circuit Upholds Application of RICO to Criminal Gang Not Engaged in Economic Activity. — United States v. Nascimento,