

# NEW YORK UNIVERSITY LAW REVIEW

Integration, Affirmative Action, and Strict Scrutiny  
*Elizabeth S. Anderson*

Provisional Precedent:  
Protecting Flexibility in Administrative Policymaking  
*Kenneth A. Bamberger*

Foreclosing on Fame:  
Exploring the Uncharted Boundaries of the Right of Publicity  
*Melissa B. Jacoby & Diane Leenheer Zimmerman*

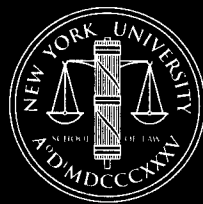
---

In Whole or In Part: Group Rights,  
the Intent Element of Genocide, and the "Quantitative Criterion"  
*David Alonzo-Maizlish*

An Analysis of State Responsibility for the  
Chinese-American Airplane Collision Incident  
*Margaret K. Lewis*

"We Would Not Defer to That Which Did Not Exist":  
AEDPA Meets the Silent State Court Opinion  
*Claudia Wilner*

Volume 77



Number 5

November 2002

# NEW YORK UNIVERSITY LAW REVIEW

---

VOLUME 77

NOVEMBER 2002

NUMBER 5

---

Copyright © 2002 New York University Law Review

## CONTENTS

### ARTICLES

INTEGRATION, AFFIRMATIVE ACTION, AND STRICT SCRUTINY  
*Elizabeth S. Anderson* 1195

PROVISIONAL PRECEDENT: PROTECTING FLEXIBILITY IN  
ADMINISTRATIVE POLICYMAKING  
*Kenneth A. Bamberger* 1272

FORECLOSING ON FAME: EXPLORING THE  
UNCHARTED BOUNDARIES OF THE RIGHT OF PUBLICITY  
*Melissa B. Jacoby & Diane Leenheer Zimmerman* 1322

### NOTES

IN WHOLE OR IN PART:  
GROUP RIGHTS, THE INTENT ELEMENT OF GENOCIDE,  
AND THE "QUANTITATIVE CRITERION"  
*David Alonzo-Maizlish* 1369

AN ANALYSIS OF STATE RESPONSIBILITY FOR THE  
CHINESE-AMERICAN AIRPLANE COLLISION INCIDENT  
*Margaret K. Lewis* 1404

"WE WOULD NOT DEFER TO THAT WHICH DID NOT EXIST":  
AEDPA MEETS THE SILENT STATE COURT OPINION  
*Claudia Wilner* 1442