

NEW YORK UNIVERSITY LAW REVIEW

Judicial Methodology, Southern School
Desegregation, and the Rule of Law
The Honorable David S. Tatel

Performing Racial and Ethnic Identity:
Discrimination by Proxy and the Future of Title VII
Camille Gear Rich

The Quiet "Welfare" Revolution:
Resurrecting the Food Stamp Program in the
Wake of the 1996 Welfare Law
David A. Super

Gibbons
Norman R. Williams

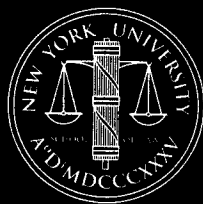
The Domestic Dog's Foreign Tail:
Foreign Relevant Conduct Under the Federal Sentencing Guidelines
Valerie S. Roddy

The Informal Experimental Use Exception:
University Research After *Madey v. Duke University*
Cristina Weschler

The Imperial Presidency Strikes Back:
Executive Order 13,233, the National Archives, and the
Capture of Presidential History
Stephen H. Yuhan

Lepage's v. 3M: An Antitrust Analysis of Loyalty Rebates
Joanna Warren

Volume 79



Number 4

October 2004

NEW YORK UNIVERSITY LAW REVIEW

VOLUME 79

OCTOBER 2004

NUMBER 4

CONTENTS

MADISON LECTURE

- JUDICIAL METHODOLOGY, SOUTHERN SCHOOL
DESEGREGATION, AND THE RULE OF LAW
The Honorable David S. Tatel 1071

ARTICLES

- PERFORMING RACIAL AND ETHNIC IDENTITY:
DISCRIMINATION BY PROXY AND THE FUTURE
OF TITLE VII
Camille Gear Rich 1134

- THE QUIET "WELFARE" REVOLUTION:
RESURRECTING THE FOOD STAMP PROGRAM IN THE
WAKE OF THE 1996 WELFARE LAW
David A. Super 1271

- GIBBONS
Norman R. Williams 1398

NOTES

- THE DOMESTIC DOG'S FOREIGN TAIL:
FOREIGN RELEVANT CONDUCT UNDER THE
FEDERAL SENTENCING GUIDELINES
Valerie S. Roddy 1500

- THE INFORMAL EXPERIMENTAL USE EXCEPTION:
UNIVERSITY RESEARCH AFTER *MADEY V. DUKE*
UNIVERSITY
Cristina Weschler 1536

- THE IMPERIAL PRESIDENCY STRIKES BACK:
EXECUTIVE ORDER 13,233, THE NATIONAL
ARCHIVES, AND THE CAPTURE OF PRESIDENTIAL HISTORY
Stephen H. Yuhan 1570

COMMENT

LEPAGE'S v. 3M:

AN ANTITRUST ANALYSIS OF LOYALTY REBATES

Joanna Warren 1605

NEW YORK UNIVERSITY LAW REVIEW
(ISSN 0028-7881) (USPS 016181)

All articles copyright © 2004 by the author, except when otherwise expressly indicated. For permission to reprint an article or any portion thereof, please address your written request to the *Law Review* or the author.

Except as otherwise provided, the author of each article in this issue has granted permission for copies of that article to be made for classroom use, provided that: (1) copies are distributed to students at or below cost; (2) the author and journal are identified on each copy; and (3) proper notice of copyright is affixed to each copy.

* * * * *

Published by the *New York University Law Review* at 110 W. Third Street, New York, New York 10012, in April, May, June, October, November, and December. Editorial and General Offices are located at 110 W. Third Street, New York, New York 10012. Inquiries also are accepted by telephone at (212) 998-6350 and by FAX at (212) 995-4032. Periodicals postage is paid at New York, New York and at additional mailing offices.

Current subscriptions: \$50.00 (plus \$6.00 for foreign mailing). Single issues: \$16.00 each (plus \$1.00 for optional first class mailing). Please enclose check with order. For single volumes, bound sets, and microfilm, contact William S. Hein & Co., Inc., 1285 Main Street, Buffalo, NY 14209-1987, (800) 828-7571.

Subscriptions are renewed automatically upon expiration unless the subscriber sends timely notice of termination. All notifications of change of address should include both old and new addresses, including zip codes. Please notify one month in advance to ensure prompt delivery.

Unless a claim is made for nonreceipt of issues within one year of the mailing date, the *Law Review* cannot replace those issues free of charge.

For information regarding subscriptions, please contact (212) 998-6590.

Postmaster: Send address change to the *New York University Law Review*, 110 W. Third Street, New York, New York 10012.

The *Law Review* invites the submission of unsolicited manuscripts. We regret that such manuscripts cannot be returned except if accompanied by a self-addressed, stamped envelope.

The *New York University Law Review* is printed on recycled paper.
