THE JOURNAL OF LAW AND COMMERCE

NOTICE TO CONTRIBUTORS

1. The Journal invites the submission of unsolicited manuscripts. Submissions and correspondence concerning publications should be addressed to Editor-in-Chief, Journal of Law and Commerce, University of Pittsburgh School of Law, Barco Law Building, 3900 Forbes Avenue, Pittsburgh, PA 15260.

2. The Journal requests that manuscripts be accompanied by an abstract of not more than 200 words describing the contents of the article.

3. Footnotes should conform to The Bluebook: A Uniform System of Citation (21st ed. 2020).

4. All manuscripts, including footnotes and abstracts, should be typed and submitted directly to the website.

Published twice yearly: Fall, Spring
Annual Subscription Rate: U.S. - $20.00; Foreign - $25.00
Internet Address: http://jlc.law.pitt.edu/
E-mail Address: jlc.law@mail.pitt.edu

Single copies of Volume 39 are $11.00 and may be ordered from the Business Manager, Journal of Law and Commerce, University of Pittsburgh School of Law, Barco Law Building, 3900 Forbes Avenue, Pittsburgh, PA 15260.

Volumes 1 through 38 may be ordered from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, NY 14209; (800) 828-7571.

If subscription is to be discontinued at expiration, notice to that effect should be sent to the Journal office, otherwise it will be renewed.

This work is licensed under a Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 United States License.

This site is published by the University Library System of the University of Pittsburgh as part of its D-Scribe Digital Publishing Program, and is cosponsored by the University of Pittsburgh Press.
Citations in this issue generally conform to The Bluebook: A Uniform System of Citation (20th ed. 2015), unless otherwise noted.

Cite this volume as: 39 J.L. & COM. __ (Spring 2021).

Views expressed in articles are to be attributed to their authors and not to the Journal, its editors, or the University of Pittsburgh.
UNIVERSITY OF PITTSBURGH
ADMINISTRATION AND FACULTY
OF THE SCHOOL OF LAW

BENJAMIN GINSBERG, Director of Development
HAIDER ALA HAMOUDI, Vice Dean and Professor of Law
VINCENT O. JOHNSON, Interim Director of Equity and Inclusive Excellence
ALEXANDRA LINSENMeyer, Assistant Dean of Students
MEGAN LOVETT, Assistant Director, Public Interest and Pro Bono Initiatives
ROCHELLE R. McCAIN, Interim Executive Director, Professional Development Office
CHARMAINE McCall, Assistant Dean for Admissions and Financial Aid
TOMAR NICOLE PIERSON-BROWN, Associate Dean for Equity and Inclusive Excellence and
Associate Clinical Professor of Law
LORI E. McMARTIN, Interim Executive Director of External Relations
AMY J. WILDERMUTH, Dean and Professor of Law

FACULTY AND LIBRARIANS

KEVIN C. ABBOTT, Professor of Practice
JABEEN ADAWI, Assistant Clinical Professor of Law
JESSIE ALLEN, Associate Professor of Law
KEVIN D. ASHLEY, Professor of Law
ELENA A. BAYLIS, Professor of Law
DEBORAH L. BRAKE, Professor of Law, Associate Dean of Research and Faculty Development, and
John E. Murray Faculty Scholar
RONALD A. BRAND, Chancellor Mark A. Nordenberg University Professor, Director of the Center for
International Legal Education, and John E. Murray Faculty Scholar
DOUGLAS M. BRANSON, Professor Emeritus of Law
BENJAMIN E. BRATMAN, Professor of Legal Writing
TERESA K. BROSTOFF, Professor of Legal Writing Emerita
JOHN M. BURKOFF, Professor Emeritus of Law
NANCY M. BURKOFF, Professor Emerita of Law
WILLIAM M. CARTER, JR., Professor of Law and John E. Murray Faculty Scholar
PAT K. CHEW, Judge J. Quint Salmon and Anne Salmon Chair
CHARLES C. COHEN, Professor of Practice
MARY CROSSLEY, Professor of Law and John E. Murray Faculty Scholar
VIVIAN CURRAN, University Distinguished Professor
STEPHANIE A. J. DANGEL, Professor of Practice
KEVIN DEASY, Associate Professor of Legal Writing Emeritus
RICHARD DELGADO, Distinguished Professor Emeritus of Law
GERALD S. DICKINSON, Associate Professor of Law
GREER DONLEY, Assistant Professor of Law
THE HON. D. MICHAEL FISHER, Distinguished Jurist in Residence
THE HON. JUDITH K. FITZGERALD, Professor of Practice
HARRY MARSHALL FLECHTNER, Professor Emeritus of Law
PAIGE FORSTER, Professor of Practice
CURTIS A. FOX, JR., Professor Emeritus of Law
LAWRENCE A. FROLIK, Professor Emeritus of Law
JOSHUA GALPERIN, Visiting Assistant Professor of Law
JOHN P. GISMONDI, Professor of Practice
BRET GROTE, Professor of Practice
PHILIP T. HACKNEY, Associate Professor of Law
ROBERT BERKLEY HARP, Professor Emeritus of Law
DAVID A. HARRIS, Sally Ann Semenko Endowed Chair and John E. Murray Faculty Scholar
ARTHUR D. HELLMAN, Professor Emeritus of Law

Vol. 39, No. 2 (2021) • ISSN: 2164-7984 (online) • ISSN 0733-2491 (print)
ADMINISTRATIVE STAFF

AMY COCO, Program Director, Pitt Legal Services Incubator
STEPHEN M. CONWELL, Business Manager
LUANN M. DRISCOLL, Director of Administrative Services and Director of the Document Technology Center
KIM GETZ, Director of Information Technology
MEME JEFFRIES, Director of Financial Aid and Assistant Director of Admissions
BETH T. LIBERATORE, Registrar
JAMES MENTZER, Assistant Director; J.D. Advantage Careers; Ombudsperson
CRI PARISE, Director of Communications and Marketing
SARAH WEISSMAN, Assistant Director, Private Sector Careers
ROBERT G. WIBLE, Director of Academic Success and Bar Exam Services and Adjunct Professor of Law
THE JOURNAL OF LAW AND COMMERCE

Volume 39     Spring 2021

Editor in Chief
ALYSSA ZOTTOLA

Lead Executive Editor
JUSTICE POWLUS

Lead Managing Editor
KIERSTEN REINHOLD
MATTHEW BORGES

Lead Notes & Comments Editor
KENNETH HELD

Lead Articles Editor
SEAN ASHROFF

Lead Business Manager
ALEX MCKINLEY

Supervising Editors
AARON AHLGREEN
NICHOLAS ANDREWS
NADIA BROOKS
TRISTAN DIETRICK
ANDREW KOLESA
PAUL MCDONNELL
ALEKSA OSTOJIC
CHRISTIAN ROBERTS
MORGAN SMITH
NATALIA VIKNEVICH
MICHAEL WISE

Associate Editors
EMILY BEEKEN
COLTON BLAIR
ALEXANDER DETTWYLER
EMMA HOWARD
CODY MADISON
DEVIN MALONE
CASSANDRA MAAS

MATTHEW NAKASIAN
LEAH SHARP
PAYTON SMITH
SARAH SUERETH
KAILEIGH TRGOVAC
GABRIELLE WAST
KAITLIN WIGGINS

Faculty Advisors
PROFESSOR PETER OH
DEAN HAIDER HAMOUDI

Director of Administrative Services
LUANN M. DRISCOLL

Document Technology Staff
VICKI DE DOMENICO
KAREN KNOCHEL

Vol. 39, No. 2 (2021) ● ISSN: 2164-7984 (online) ● ISSN 0733-2491 (print)
# TABLE OF CONTENTS

## ARTICLES

<table>
<thead>
<tr>
<th>Page</th>
<th>Author</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>113</td>
<td>Lu-in Wang</td>
<td>Race, Dignity, and Commerce</td>
</tr>
<tr>
<td>131</td>
<td>Richard Collins</td>
<td>American Common Market Redux</td>
</tr>
</tbody>
</table>

## NOTES

<table>
<thead>
<tr>
<th>Page</th>
<th>Author</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>157</td>
<td>Alyssa Zottola</td>
<td>All Powerful? How the FBI’s Request of Apple to Unlock an iPhone Using the All Writs Act Fails the New York Telephone Test</td>
</tr>
<tr>
<td>181</td>
<td>Emma Carson</td>
<td>From (Someone Else’s) Cold, Dead Hands: Disarming the PLCAA With the Sales and Marketing Predicate Exception Post <em>Soto v. Bushmaster</em></td>
</tr>
</tbody>
</table>