

Spring 2018

## Vol. 23: No. 2 (Spring 2018) Masthead

Follow this and additional works at: [https://docs.rwu.edu/rwu\\_LR](https://docs.rwu.edu/rwu_LR)

 Part of the [Legal Education Commons](#)

---

### Recommended Citation

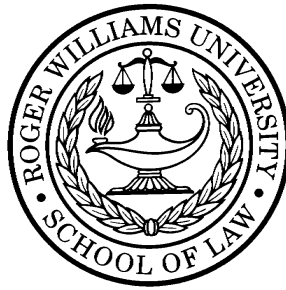
(2018) "Vol. 23: No. 2 (Spring 2018) Masthead," *Roger Williams University Law Review*: Vol. 23 : Iss. 2 , Article 1.

Available at: [https://docs.rwu.edu/rwu\\_LR/vol23/iss2/1](https://docs.rwu.edu/rwu_LR/vol23/iss2/1)

This Masthead is brought to you for free and open access by the School of Law at DOCS@RWU. It has been accepted for inclusion in Roger Williams University Law Review by an authorized editor of DOCS@RWU. For more information, please contact [mwu@rwu.edu](mailto:mwu@rwu.edu).

**ROGER WILLIAMS UNIVERSITY  
LAW REVIEW**

**VOLUME 23  
Spring 2018**



ROGER WILLIAMS UNIVERSITY  
SCHOOL OF LAW  
© 2018 Roger Williams University Law Review  
ISSN 1090-3968



# ROGER WILLIAMS UNIVERSITY LAW REVIEW

---

VOLUME TWENTY-THREE Spring 2018

NUMBER TWO

---

## EDITORIAL BOARD

Katherine D. Bishop  
*Editor-in-Chief*

Jennifer E. Lisi  
*Managing Editor*

Alexandra C. Rawson  
*Executive Articles Editor*

Camille M. Ingino  
*Articles Editor*

David M. Remillard  
*Articles Editor*

Andrew Senerchia  
*Articles Editor*

Nicole E. Rohr, PhD  
*Executive Notes & Comments Editor*

Tyler J. Bischoff  
*Notes & Comments  
Editor*

Kelsey A. Hayward  
*Notes & Comments  
Editor*

Matthew Strauss  
*Notes & Comments  
Editor*

Katelyn E. Kalmbach  
*Rhode Island Editor*

Andrew Lentz  
*Developmental Editor*

---

## ASSISTANT EDITORS

Samantha Armstrong  
James Bass  
Sophie Bellacosa  
John W. Caruolo  
Steven M. Davis  
Tara A. Gunn

Matthew L. Gustaitis  
Molly R. Hamlin  
Connor Mills  
Kaylin Pelletier  
Jonathan L. Pierre  
Brandon Ruggieri

## STAFF

Maxwell L. Beermann  
Michaela Bland  
Patrick K. Burns  
Camille C. Capraro  
Ryan M. Cummins  
Adam J. Fague  
David R. Fitzpatrick  
Koyejo-Isaac N. Idowu  
Brody Karn  
Stephen D. Lapatin  
Mackenzie C. McBurney

Krystal L. Medeiros  
Kathrine M. Morin  
Jillian M. Nobis  
Tyler Pare  
Kaelyn Phelps  
Andrew W. Plocica  
Jessie M. Reniere  
Alexander L. Ried  
Brenna P. Riley  
Sean M. Rock  
John Souza

---

## FACULTY ADVISORS

Jared Goldstein  
Jenna Wims Hashway

## ADMINISTRATIVE ASSISTANT

Shirley Staskiewicz



# ROGER WILLIAMS UNIVERSITY LAW REVIEW

---

VOLUME TWENTY-THREE Spring 2018

NUMBER TWO

---

## TABLE OF CONTENTS

### ARTICLES

Bold Executive Action and False Equivalence.....	Stephen H. Legomsky	329
The Domestic Establishment Clause .....	Josh Blackman	345
Immigration Enforcement and the Future of Discretion .....	Shoba Sivaprasad Wadhia	353
The Perpetual “Invasion”: Past as Prologue in Constitutional Immigration Law .....	Matthew J. Lindsay	369
Borders, Bans, and Courts in the European Union .....	Maryellen Fullerton	393
Finding the Forum that Fits: Child Immigrants and Fair Process .....	Lenni B. Benson	419

**ROGER WILLIAMS UNIVERSITY**  
**SCHOOL OF LAW**  
**2017 – 2018**

---

**FACULTY AND ADMINISTRATIVE OFFICERS**

---

Donald J. Farish, B.S., University of British Columbia; M.S., North Carolina State University; Ph.D., Harvard University; J.D., University of Missouri; *University President.*

Michael J. Yelnosky, B.S., University of Vermont; J.D., University of Pennsylvania Law School; *Dean and Professor of Law*

Diana Hassel, B.A., Mount Holyoke College; J.D., Rutgers, The State University of New Jersey School of Law-Newark; *Associate Dean for Academic Affairs and Professor of Law*

Laurie Barron, B.A., Yale University; M.S.W., New York University School of Social Work; J.D., New York University School of Law; *Director of the Feinstein Center for Pro Bono & Experiential Education*

Michael Bowden, B.A., University of Rhode Island; J.D., University of Maine; *Director of Law School Communications*

Michael Donnelly-Boylan, B.A., University of Notre Dame; M.S., Suffolk University; *Assistant Dean of Admissions*

Suzanne Harrington-Steppen, B.A., Boston College; J.D., City University of New York School of Law; *Associate Director of Pro Bono Programs*

Chelsie Horne, B.S., M.B.A., C.M.P., Johnson & Wales University; *Director of Programs & Events*

Andrew Horwitz, B.A., Haverford College; J.D., New York University School of Law; *Assistant Dean for Experiential Education and Professor of Law*

Deborah Johnson, B.A., University of Notre Dame; J.D., Northeastern University School of Law; *Director of Diversity and Outreach and Coordinator of International Programs*

Lorraine Newton Lalli, B.A., Spelman College; J.D., Roger Williams University School of Law; *Assistant Dean of Students*

Kathleen Massa, B.S., Roger Williams University; *Assistant Dean for Business Affairs*

Raquel M. Ortiz, B.A., Harvard College; M.S.L.S., Simmons College; J.D., Suffolk University; *Assistant Dean for Library & Information Services and Associate Professor of Law*

Veronica Paricio, B.A., Dartmouth College; *Assistant Dean for Career Development*

Thomas Shaffer, B.A., Marywood University; J.D., Roger Williams University School of Law; *Director of Admissions*

Kathryn Thompson, B.S., Suffolk University; J.D., Suffolk University Law School; *Director of Academic Success Program*

Douglas Peterson, B.A., Suffolk University; *Registrar & Director of Student Finance and Records*

Eliza Vorenberg, B.A., Bryn Mawr College, J.D. Columbia Law School; *Director of Pro Bono & Community Partnerships and Director of the New York Pro Bono Scholars Program*

Julia Wyman, B.A. Trinity College, J.D. University of Maine School of Law; *Director of the Marine Affairs Institute and Director of the Rhode Island Sea Grant Legal Program*

---

Katie A. Ahern, LL.M., Boston University School of Law; J.D., Roger Williams University School of Law; B.S., University of Rhode Island; *Director of the Business Start-up Clinic and Visiting Assistant Professor of Law*

Carl Bogus, A.B., J.D., Syracuse University; *Professor of Law*

Colleen Brown, A.B., Bowdoin College; M.A., Brandeis University; J.D., Northeastern University School of Law; *Professor of Legal Practice*

John Chung, B.A., Washington University; J.D., Harvard Law School; *Professor of Law*

Edward C. Clifton, B.A., U.C. Berkeley, J.D., U.C.L.A.; *Distinguished Jurist in Residence*

Elizabeth Colt, B.A., Barnard College; J.D., Emory University School of Law; *Professor of Legal Practice*

David Coombs, B.A., University of Idaho; J.D., University of Idaho School of Law; LL.M., U.S. Army Judge Advocate General's School; *Chief Justice Weisberger Visiting Professor of Law*

David Gibbs, B.A., Tufts University; J.D., University of California School of Law; *Director of Business Law Programs and the Corporate Counsel Externship*

Jared Goldstein, B.A., Vassar College; J.D., University of Michigan Law School; *Distinguished Research Professor of Law*

Deborah Gonzalez, B.S., Roger Williams University; J.D., Roger Williams University School of Law; *Director of the Immigration Law Clinic and Associate Clinical Professor of Law*

Irina Gott, B.A., University of Connecticut, J.D., Suffolk University Law School; *Professor of Legal Practice*

Jonathan Gutoff, A.B., Brown University; J.D., University of Chicago School of Law; *Professor of Law*

Jenna Wims Hashway, B.A., Hofstra University, J.D., Roger Williams University; *Professor of Legal Practice*

Susan Schwab Heyman, B.A., Brandeis University; J.D., Benjamin N. Cardozo School of Law; *Professor of Law*

Justin Kishbaugh, B.A., King's College; M.F.A., Naropa University; Ph.D., Duquesne University; *Writing Specialist*

Bruce Kogan, B.A., Syracuse University; J.D., Dickinson School of Law; LL.M., Georgetown University Law Center; *Professor of Law*

Niki Kuckes, B.A., Cornell University; J.D., Yale Law School; *Professor of Law*

David Logan, B.A., Bucknell University; M.A., University of Wisconsin; J.D., University of Virginia School of Law; *Professor of Law*

Peter Margulies, B.A., Colgate University; J.D., Columbia University School of Law; *Professor of Law*

Tanya Monestier, B.A., York University (Toronto); L.L.B., Osgood Hall Law School; *Professor of Law*

Colleen Murphy, B.A., University of Virginia; J.D., Yale Law School; *Professor of Law*

Larry Ritchie, B.A., J.D., University of South Carolina; LL.M., Georgetown University Law Center; *Professor of Law*

Emily Sack, B.A. Swarthmore College; M.A., M.Phil., Columbia University; J.D., New York University School of Law; *Professor of Law*

Anthony Santoro, B.A., Boston College; J.D., LL.M., Georgetown University Law Center; *Professor of Law*

Judith Savage, B.A., Wellesley College; J.D., Case Western Reserve University School of Law; *Distinguished Jurist in Residence*

Andrew Spacone, B.S., Canisius College; M.A., State University of New York at Buffalo; J.D., University at Buffalo School of Law; *Visiting Assistant Professor of Business Law*

Louise E. Teitz, B.A., Yale College; J.D., Southern Methodist University School of Law; *Professor of Law*





## Identification Statement

The *Roger Williams University Law Review* is a journal of legal scholarship and commentary that is managed, edited, and published by students of Roger Williams University School of Law. The *Law Review* publishes three issues each year. The Winter issue is devoted to topics of national interest. The Summer issue focuses on Rhode Island topics, and features a survey of recently-enacted Rhode Island statutes, as well as significant local caselaw. In addition, the *Law Review* also publishes a symposium issue, the focus of which varies yearly. Committed to serving both a national and Rhode Island audience, the *Law Review* is distributed to law school libraries, government institutions, private law firms, and individual subscribers.

**Subscription rates:** \$28.50 per year in the United States; \$33.00 per year in foreign countries. Single issues are \$15.00 each. Please address all subscription requests and other business communications to the attention of the Administrative Assistant, *Roger Williams University Law Review*. If a subscription is to be discontinued at the expiration of the current volume, then notice to that effect should be sent to the Administrative Assistant; otherwise, subscriptions will be automatically renewed. One month's notice is necessary to effect change.

**Contact information:**

Roger Williams University Law Review  
10 Metacom Avenue  
Bristol, RI 02809  
Email: lawreview@rwu.edu  
Phone: (401) 254-4661  
Fax: (401) 254-4640  
Website: [www.rogerwilliamslawreview.org](http://www.rogerwilliamslawreview.org)

**Copies of Articles:** Except as otherwise provided, the author of each article in this issue and the *Roger Williams University Law Review* grant permission for copies to be made available for classroom use, provided that (1) the copies are distributed at or below cost; (2) the author and the *Law Review* are identified on each copy; (3) a proper notice of copyright is affixed to each copy; and (4) the user notifies the *Law Review* that copies have been made.

## Submission of Manuscripts and Letters

The *Roger Williams University Law Review* accepts unsolicited manuscripts and letters, both in paper form and via electronic mail. All manuscripts must be typewritten, double-spaced and on 8½" x 11" paper; footnotes should conform to *The Bluebook: A Uniform System of Citation* (20th ed. 2015).

Although the *Law Review* reserves the right to edit all manuscripts and letters, it is the goal of the *Law Review* to preserve the individuality of each author's work. The *Law Review* edits manuscripts for spelling, grammar, citation form, and other technical matters. Neither the author's writing style nor the substantive structure is revised without the express consent of the author.

Manuscripts and letters cannot be returned. Acknowledgment of receipt of manuscripts is made immediately upon receipt, and publication decisions are made within two weeks of receipt.

Copyright is reserved by the *Law Review* to all material published by the *Law Review*, absent express agreement to the contrary.