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CONSTITUTIONAL CONSTRAINTS ON RETROACTIVE CIVIL LEGISLATION: THE HOLLOW PROMISES OF THE FEDERAL CONSTITUTION AND UNREALIZED POTENTIAL OF STATE CONSTITUTIONS

Jeffrey Omar Usman*

Young children have a strong sense that changing the rules after the game has been played is wrong and unfair.1 As they move through various stages of moral development, children’s understanding of rules becomes more sophisticated.2 They transition from viewing rules as semi-divine revelations of enduring truth to comprehending that rules can be, and sometimes should be, changed or modified.3 While modification of rules comes to be seen as morally permissible, and even an interesting common area of childhood cooperation in moral exploration,4 children, nevertheless, proceed with a firm understanding that the players are bound by the rules of the game.5 Playing by the same rules becomes an aspect of relationship-building among children and impacts the perception of the children’s character among both their peers and adults.6

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3 Id.

4 See Marjorie J. Kostelnik et al., Guiding Children’s Social Development and Learning 208–09 (7th ed. 2012). In fact, children will often be more concerned with changing the rules of a game than actually playing it. Michael Reiss & Harriet Sants, Behaviour and Social Organisation 92 (1987). Working with their peers in changing rules, children come to learn mutability and learn to integrate change into social order through structuring and inventing rules. Id.


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FINDING THE LOST INVOLUNTARY PUBLIC FIGURE

Jeffrey Omar Usman*

Though their quarry is shrouded in mystery,1 and indeed sometimes thought to be only a creature of myth or legend,2 a number of judges, both those acting alone3 and those concentrated in groups,4 claim to have seen an involuntary public figure cross their paths. Descriptions have been offered, and those descriptions have been dutifully reported.5 It is not clear though that the judges saw either the same thing or the same thing from the same angle.6

* © 2014 Jeffrey Omar Usman. Assistant Professor of Law, Belmont University School of Law, L.L.M., Harvard Law School; J.D., Vanderbilt University Law School; B.A., Georgetown University. I offer my appreciation to Christine Davis, Brett Knight and Nate Lykins for their excellent assistance and for the able and skillful editorial aide provided by the members of the Utah Law Review most especially Mark Capone, Larissa Lee, and Christopher Mitchell. My thanks as always to Elizabeth Usman and Emmett Usman.


5 See, e.g., Dameron, 779 F.2d at 742 (indicating that an otherwise private individual became an involuntary public figure by “assum[ing] special prominence in the resolution of [a] public question” by “bec[oming] embroiled, through no desire of his own, in [a public]