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BRIGHAM YOUNG UNIVERSITY

PRELAW REVIEW

Courts and Consequences: The Impact
of Terrorism on U.S. Participation in
the International Criminal Court

Mark Champoux

The International Criminal Court
and the U.S. War on Terrorism:
Does It Help or Hinder?

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The USA Patriot Act and Internet
Surveillance

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The Bush Doctrine in the Context of
International Law and Human Rights

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Saving Grace: Terrorism as a Deterrent
to the Secularization of American Law

Carolyn Deverich

2003
VOLUME 17





BRIGHAM YOUNG UNIVERSITY PRELAW REVIEW

VOLUME 17, 2003



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VOLUME 17, 2003

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The editing staff would like to graciously acknowledge those organizations and individuals who have supported the *Brigham Young University Prelaw Review* in this, its seventeenth volume:

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ALPHAGRAPHICS

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PUBLISHER'S NOTE

World Trade Center. Al Qaeda. Bin Laden. Afghanistan. Homeland Security. Such a string of places, people, groups and concepts were barely part of the American nomenclature before 11 September 2001. Now they seem as though we have known about them for a very long time. Since September 11, news coverage, political careers, and travel policies have centered around terrorism and its implications on the day-to-day life of America. In the meantime, new laws and policies have been put into place, defining and re-defining what it means to live in an open society.

When individuals are attacked, they might feel powerless and become suspicious of similar people in similar places. When a large group of people is attacked, that same fear can be mobilized into vast changes in the political or legal environment. As a result of September 11, many laws have been enacted addressing many aspects of "security." For some that has increased their sense of personal safety; for others, the number and scope of the laws exceeds their definition of what is appropriate in an open and civil society.

BYU students have had a chance this year to address the question "Terrorism: Has the Impact on American Law Been Extreme?" We hope you enjoy their research and writing in this area.

I express my deep appreciation to Lindsay Larson, this year's Editor-in-Chief of the *Brigham Young University Prelaw Review*. Lindsay has worked very hard to manage her staff, raise money for printing costs, and enhance the quality of the submissions accepted for publication. I appreciate the members of the professional editorial board, dear friends and colleagues who help us accomplish our task. I also appreciate the members of the student editorial board who have spent many hours working closely with the authors to bring another excellent edition of the *Review* to press. Thank you all very much.

The 2003–2004 topic for the *BYU Prelaw Review* has been announced. It is: "Corporate Scandals: Can American Business Be Trusted?" We look forward to the on-going scholarship of BYU students on this timely topic.

EILEEN CRANE

Prelaw Advisor, BYU

Chair, PLANAC, Prelaw Advisors National Council

Past President, WAPLA, Western Association of Prelaw Advisors

EDITOR'S NOTE

From the effects on the insurance industry to Internet surveillance, the articles in the 2003 *Brigham Young University Prelaw Review* show the varied and immediate consequences of terrorism and its impact on American law following September 11. Our authors carefully consider not only the current situation but also explore the future ramifications of U.S. responses to terrorism. While our authors are challenged by their limited legal knowledge, they have boldly delved into complicated issues and, in the process, arrived at thought-provoking conclusions.

This journal is the product of many dedicated individuals who deserve great praise for supporting the *Prelaw Review* in its seventeenth volume. First and foremost, we must thank Eileen Crane, BYU's Prelaw Advisor extraordinaire. Not only did she originate this journal, she continues to guide its creation and publication. Linda Hunter Adams, our production advisor, has been equally instrumental in publishing this edition. She has consistently answered questions, examined our work, and guided us through the process of creating a journal. I would also like to thank my editors who have worked diligently on polishing the authors' papers. I have greatly appreciated their good humor in satisfying my every request. Our authors have also been infinitely patient in completing the revisions we have requested. My Managing Editor, Rob Zawrotny, deserves praise for his willingness to complete any assignment I asked, whether great or small. Although assuming the position of Production Editor rather late in the process, Joe Miller certainly made up for lost time, spending many late hours working on both the paper he edited and the layout for the journal. Finally, I would particularly like to thank the generous financial donors, who have made possible this edition of the *Prelaw Review*.

We hope you find our journal challenging and insightful.

LINDSAY LARSON
Editor-in-Chief