

Legal Issues Raised by APs

These are principally constitutional issues and the courts take the constitution very seriously. Amendments & articles refer to the constitution. However in the short term the constitution can be ignored while in the long term it can be changed. However, again, laws that look unconstitutional can also be ignored or stalled, until the issue is settled by the courts. And changing the constitution is hard, it takes a 2/3 majority, of both houses instead of a plurality.

Masked Vigilantes

Vigilantism is the actions of people who claim to enforce the law but lack the authority to do so. Vigilantism is not in itself illegal but often leads to other acts that are illegal.

Attacking criminals is assault. This can be mitigated if the attack was in self defence, however self defence does not apply if the attacker put themselves in harm's way.

This is waived if the vigilante is preventing a serious crime - robbery, violent assault etc.

Attacking using deadly force is even more illegal(!). People armed with deadly weapons have a duty to retreat rather than use them. Again this is waived if they or someone else is in immediate danger or they are preventing a serious crime, though they may still be prosecuted for murder or other consequences of their actions. Many AP are inherently equipped with deadly weapons.

On the other hand having a secret identity is legal. Being compelled to reveal your "true" identity is a violation of the first amendment dealing with free speech. The such a disclosure would be "compelled speech".

Similarly the right to bear arms is covered by the second amendment. Many AP go armed and the case has been made that other AP with lethal powers should be treated as armed. They are allowed to be so by the second amendment though there is a limit to what is allowed eg assault weapons are not.

Restrictions on AP

Forced Registration of AP

This is a grey area. This might be alright if done for "none discriminatory" reasons but is unconstitutional if done for discriminatory reasons. It is likely to fail to meet the requirements of probable cause under 4th amendment. Probable cause is that there is reasonable suspicion that an individual has committed a crime.

Monitoring of AP

This would be a violation of the right to privacy under the 4th amendment. There is no probable cause for a given individual to be tracked.

Similarly mandatory testing of AP would violate right to privacy and possibly other provisions. Mandatory testing of everyone would have even greater consequences.

Banning AP Organisations

This is a priori a restriction on free association which is protected by the first amendment. It can be waived for terrorist organisations etc

Forced Service by AP

This is outlawed by the 13th amendment that prevents involuntary servitude ie slavery

Imprisonment of AP without trial

This would be banned by the principle of Habeus Corpus in article one. Anyone imprisoned has the right to be charged with the crime they are accused of. This can be suspended in times of rebellion or invasion.

Killing AP

Violates the 14th amendment which protects the life and liberty of citizens from being deprived by the state without due process of law.

Isolation or Quarantine of AP

People suffering from a disease can be isolated from the general population. People exposed to a disease may be quarantined.

The law provides for inspection of individuals who are reasonably believed to be infected. It allows for their detention for such a time as is reasonably necessary.

Legal Certainty

Laws drafted too generally will be interpreted generally and may capture unintended cases.

Laws drafted vaguely may fail as they cannot provide for due process. If they are vague a person might not be able to understand what they have to do to comply with them so they become arbitrary.

Posse Comitatus Act

The Army, Navy and Air forces of the United States may not be used for law enforcement purposes within the United States. They may be used to help restore order in the aftermath of a natural disaster or terrorist attack, in the case where a state does not possess the power to do this itself.

The National Guard may be used to help in their home state or in neighbouring ones if invited by the governor.

Intellectual Property and Personal Liability

Inventions are the property of their inventor. This would be the case for any AP generated technology but note that only really implausibly advanced technology requires an AP to use it.

People are liable for damage caused by their property eg rampaging Robots.