GIVIL WAR TO GIVIL RIGHTS

The Law of the Marvel Cinematic Universe

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AGENDA

Global Searches of Cell Phones

4th Amendment to the US Constitution

That Time Heroes Committed Murder

Bringing Back Coulson

Winter Soldier & Treason

Toxic Tort Liability

Civil Rights

Treaties

Cruel & Unusual Punishment



LOOKING FOR LOKI

SHIELD Conducts Global Search of All Cell Phone Cameras

No Search Warrant

No Order from FISA



4TH AMENDMENT

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

NSA & FOREIGN INTELLIGENCE SURVEILLANCE ACT

FISA "to authorize and regulate certain governmental electronic surveillance of communications for foreign intelligence purposes."

FISA created a procedure for the Government to obtain ex parte judicial orders authorizing domestic electronic surveillance upon a showing that, inter alia, the target of the surveillance was a foreign power or an agent of a foreign power. 50 U.S.C. §§ 1804(a)(3), 1805(a)(2).

Congress also created two new Article III courts—the Foreign Intelligence Surveillance Court ("FISC"), composed of eleven U.S. district judges, "which shall have jurisdiction to hear applications for and grant orders approving" such surveillance, § 1803(a)(1), and the FISC Court of Review, composed of three U.S. district or court of appeals judges, "which shall have jurisdiction to review the denial of any application made under [FISA]," § 1803(b).13

BULK METADATA COLLECTION

The Government has developed a "counterterrorism program" under Section 1861 of FISA in which it collects, compiles, retains, and analyzes certain telephone records, which it characterizes as "business records" created by certain telecommunications companies (the "Bulk Telephony Metadata Program").

The records collected under this program consist of "metadata," such as information about what phone numbers were used to make and receive calls, when the calls took place, and how long the calls lasted.



COMPUTER SEARCHES

Or Did SHIELD Violate the Constitution?

SEARCH WARRANT EXCEPTIONS

- 1) The gravity or violent nature of the offense with which the suspect is to be charged;
- 2) Whether the suspect is reasonably believed to be armed;
- 3) A clear showing of probable cause to believe that the suspect committed the crime;
- 4) Strong reason to believe that the suspect is in the premises being entered;
- 5) A likelihood that the suspect will escape if not swiftly apprehended; and
- 6) The peaceful circumstances of the entry

United States v. Caraballo, Nos. 12-3839-cr (L), 14-4203-cr (Con), 2016 U.S. App. LEXIS 13870 (2d Cir. Aug. 1, 2016)



LAWFULARRESTS



MIRANDA RIGHTS

NEVER GIVEN BY SHIELD

Miranda: Bars the government from using the statements of a defendant made during a custodial interrogation, to prove the case against the defendant, provided the statements were made before the defendant was told of their rights to remain silent and to an attorney. See, Miranda v. Arizona, 384 U.S. 436, at 444 (1966).

Goal of "exclusionary rule" is to prevent unlawful police conduct.

"Overriding considerations of public safety" could justify a failure to provide Miranda warnings before initiating custodial interrogation. New York v. Quarles, 467 U.S. 649 (1984).





AGENT CARTER FOLLOWED CONSTITUTION
BETTER THAN AGENTS OF SHIELD



PRESIDENTIAL SUCCESSION

Chief Dooley Said the Vice President Called Him. Problem: The US Did NOT Have a Vice President in 1946

EXCESSIVE FORCE





THE INSANITY OF TREASON

Trial of the Winter Soldier

WHAT IS TREASON?

Treason is defined under the Constitution as "levying War against them [The United States], or in adhering to their Enemies, giving them Aid and Comfort." United States Constitution, Article III, Section 3.

Trial of Vice President Arron Burr held that "levying war" against the United States includes those who "perform a part in the prosecution of the war" commit treason. *In re Burr*, 1807 U.S. LEXIS 406, 10 (U.S. 1807).

This requires that a traitor performs a part of an overt act and be "leagued with the conspiracy." In re Burr, at *13-14.



INSANITY DEFENSE

1. When (he/she) committed the crime[s], (he/she) had a mental disease or defect;

AND

2. Because of that disease or defect, (he/she) was incapable of knowing or understanding the nature and quality of (his/her) act or was incapable of knowing or understanding that (his/her) act was morally or legally wrong.

None of the following qualify as a mental disease or defect for purposes of an insanity defense: personality disorder, adjustment disorder, seizure disorder, or an abnormality of personality or character made apparent only by a series of criminal or antisocial acts.



HYDRA & TREASON

All of the HYDRA Agents at the Hub levied war against the United States by:

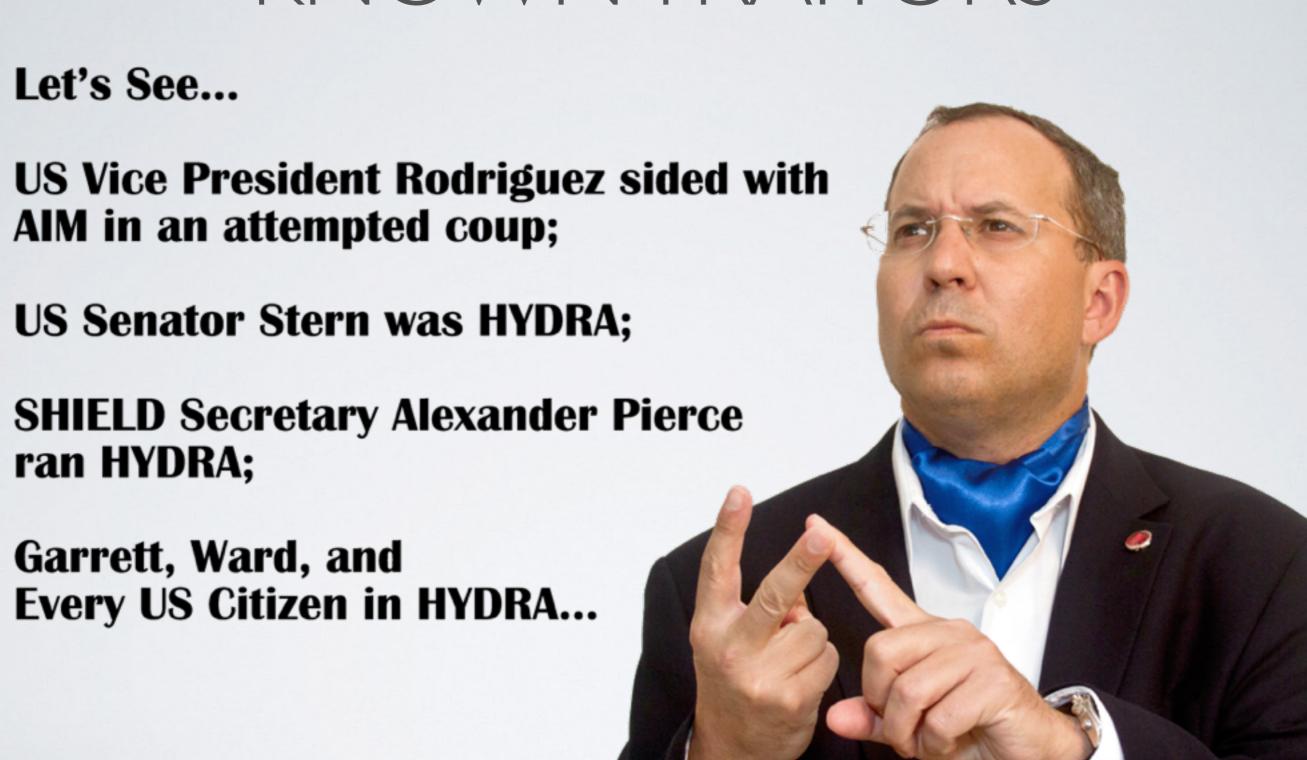
I) Being part of the conspiracy to build flying aircraft carriers that target people by DNA for mass executions;

2) Killing Agents of SHIELD in their take over of the facilities in furtherance of Project Insight;

3) All other actions done in prosecution of the war against the US government.



KNOWNTRAITORS





KILLER ROBOT LIABILITY



VISITING THE GUEST HOUSE

That Time the Good Guys Killed Those Two Dudes

NECESSITY DEFENSE

- (1) There is no legal alternative to violating the law;
 - (2) The harm to be prevented is imminent; and

(3) A direct, causal relationship is reasonably anticipated to exist between defendant's action and the avoidance of harm.



KREETOXICTORT LIABILITY

FOREIGN SOVEREIGN IMMUNITIES ACT

Cover the Kree?

Property Rights Exception?

Death or injury exception?

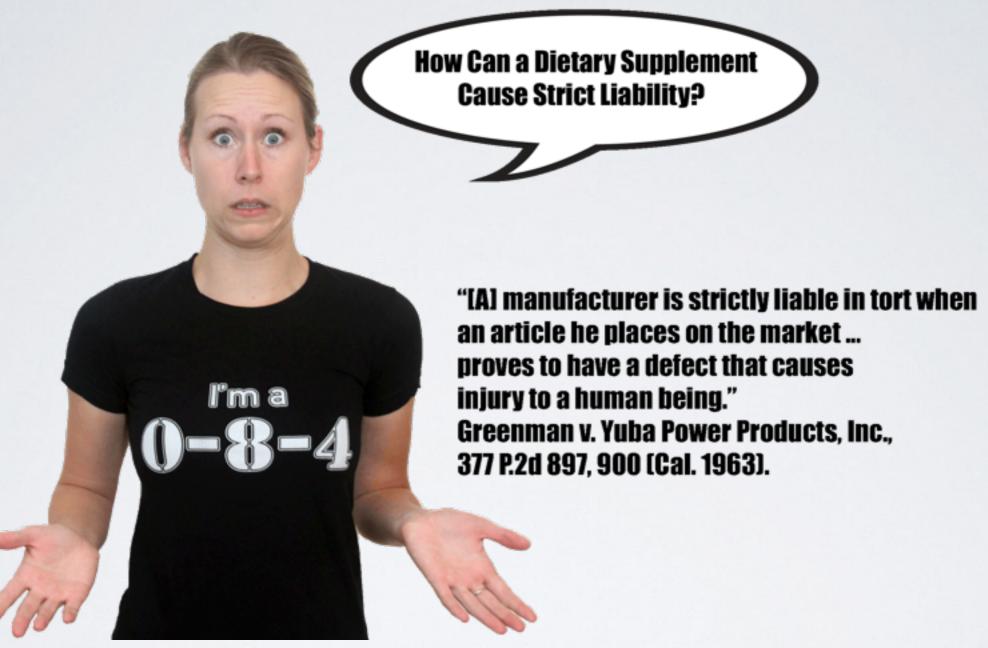




FISH OIL LIABILITY

Side Effects Include: Eugenic Weapon or Turn into Teleporting Dog

PRODUCTS LIABILITY



Plaintiffs would have to prove that the risk of the Terrigen Crystals was knowable from currently available scientific knowledge.



IS STEALING A HELICARRIER MUTINY OR AIR PIRACY?



MUTINY VS AIR PIRACY



UNLAWFUL ORDERS

DID YOU FOLLOW HYDRA ORDERS?

"I Was Just Following Orders."

DC Circuit Judge Washington in 1813 on being required to follow illegal orders with, "It is repugnant to reason, and to the positive law of the land. No military or civil officer can command an inferior to violate the laws of his country; nor will such command excuse, much less justify the act."

United States v. Jones, 26 F. Cas. 653, 657-658 (C.C.D. Pa. 1813).

No one can be convicted for NOT following an illegal order.

United States v. Jordan, 7 U.S.C.M.A. 452, 456 (C.M.A. 1957).



KILLING GRANT WARD

Was Coulson Justified?

TARGETED KILLING OF US CITIZENS ON ALIEN MOONS

DOJ White Paper on Target Killings:

An informed, high-level official of the U.S. government has determined that the targeted individual poses an imminent threat of violent attack against the United States

NO- Coulson Rogue

Capture is infeasible, and the United States continues to monitor whether capture becomes feasible; and

Not for the United States

The operation would be conducted in a manner consistent with the applicable law of principles.

Absolutely Not.



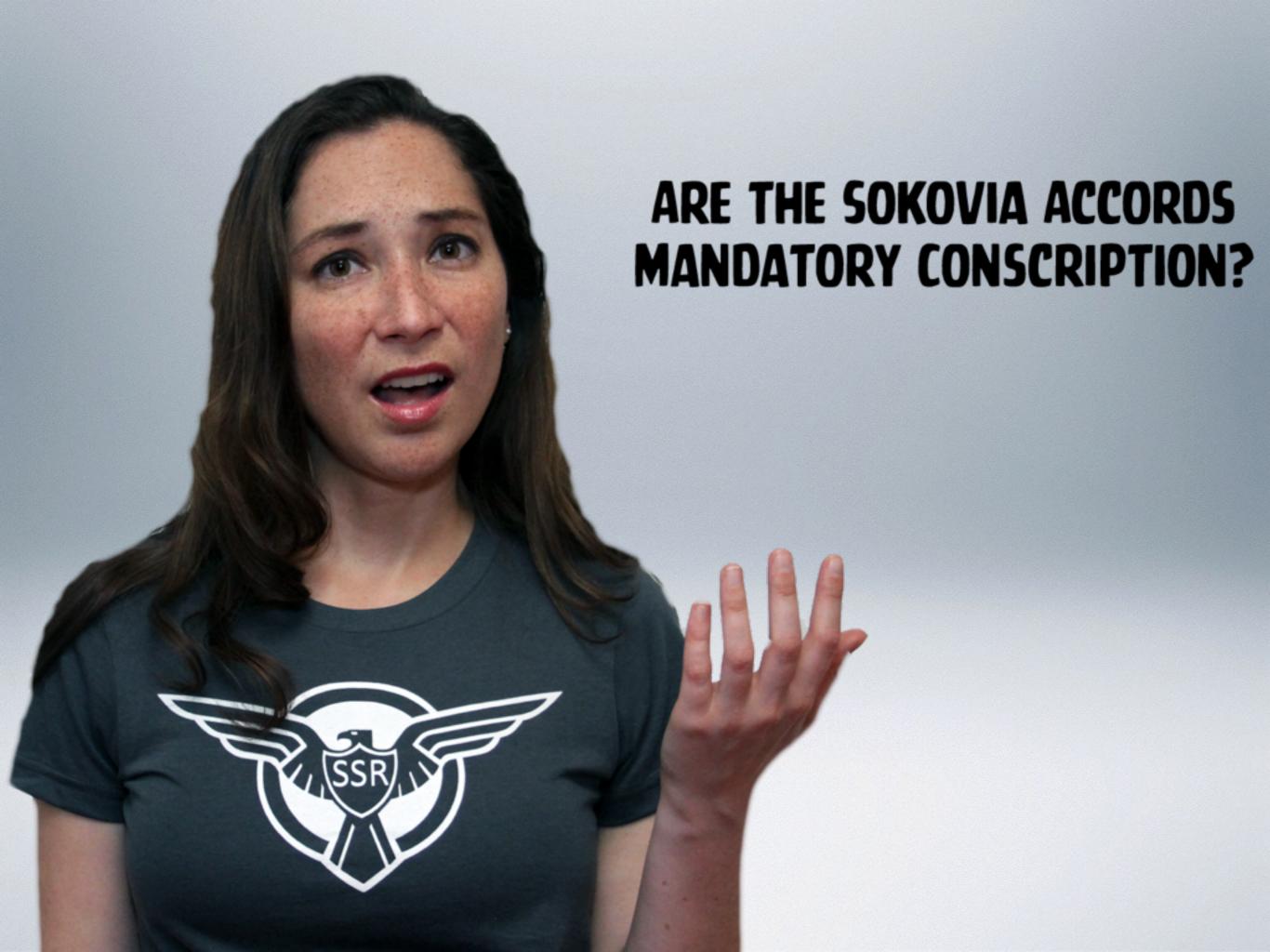


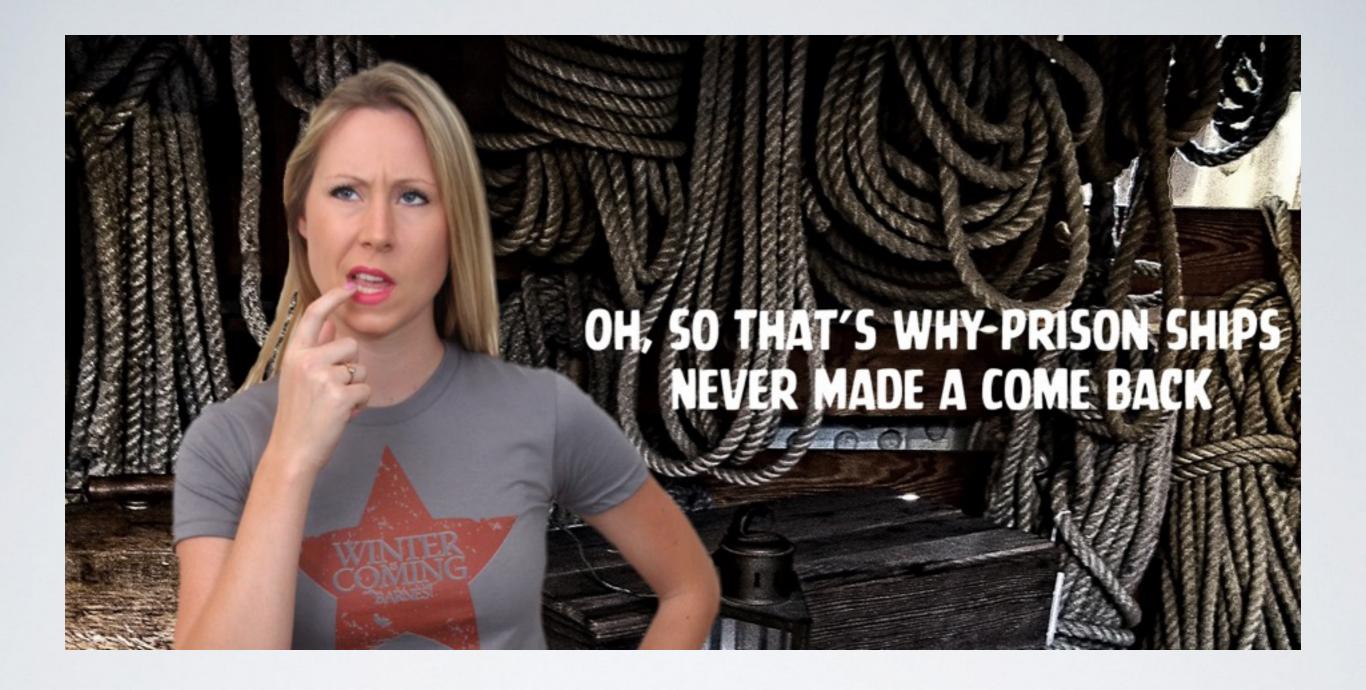
SOKOVIA ACCORDS

In accordance with the document at hand, I hereby certify that the below mentioned participants, peoples and individuals, shall no longer operate freely or unregulated, but instead operate under the rules, ordinances and governances of the afore mentioned United Nations panel, acting only when and if the panel deems it appropriate and/or necessary.



TREATIES CANNOT VIOLATE THE CONSTITUTION





THE RAFT

Prison Ships Violate the 8th Amendment



SPIDER-MAN

Child Endangerment?

PERMISSION FORM WAIVER



I May Reilly Parker, the parent of Peter Parker ("my child"), give permission

for my child to attend the capture of Captain America, Falcon, Scarlet Witch, Hawkeye, & Ant-Man.

I understand that personal injury can and may occur to my child, and I hereby authorize **Tony Stark, CEO Stark Industries, member of the Avengers**, or another appointed Avenger, to seek and consent to emergency medical attention for my child as needed; and I further agree to be liable for and to pay all costs incurred in connection with such medical attention.

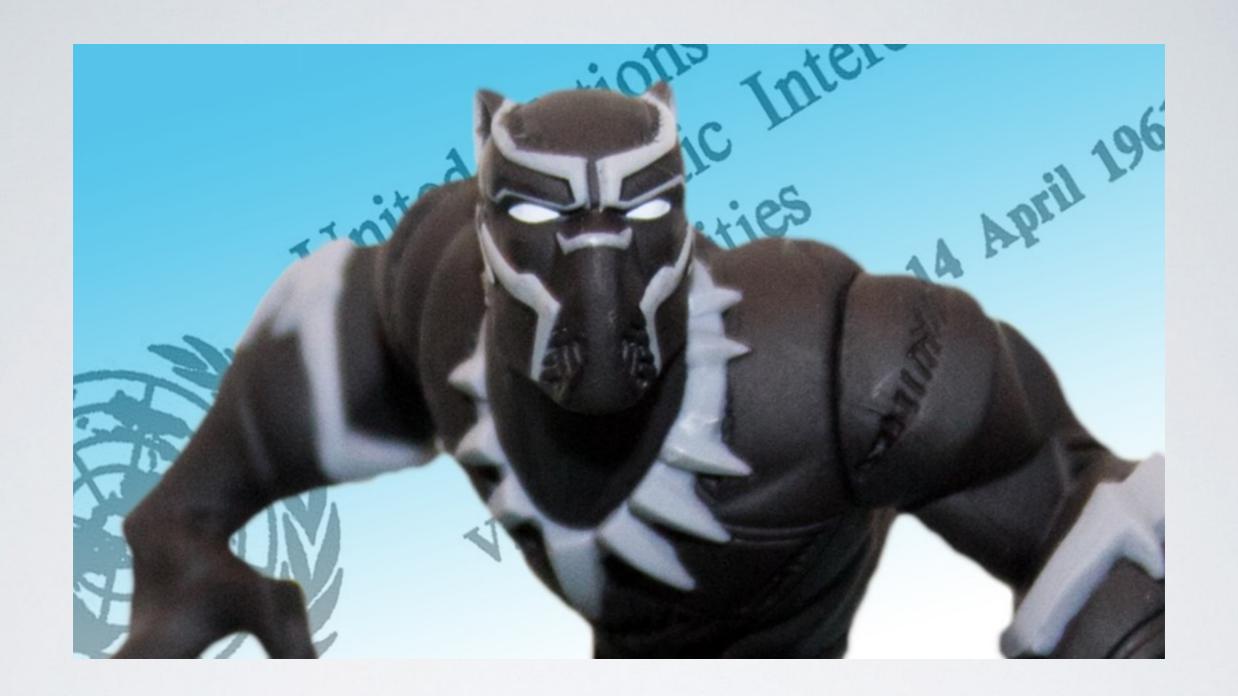
I hereby release the *United Nations, the United States, the Federal Republic of Germany, and the Avengers*, its employees, agents and volunteers, from any and all liability, claims, demands, causes of action and possible causes of action whatsoever arising out of or related to any loss, damage or injury (including death) that may be sustained by my child while participating in or traveling to and from this event.

The following is all of the insurance information, restrictions, allergy and medication information necessary for my child to receive appropriate medical care.

Blue S.H.I.E.L.D. of New York, AF15081962. Peter gets low blood sugar if he does not eat any protein. Allergic to venom.

I give permission for my child to ride in any vehicle designated by **Stark Industries**, its employees and adult volunteers, while participating in and traveling to and from this event.

I agree to accept full responsibility, financially or otherwise, for any damage my child may do to the property of *the Federal Republic of Germany*, properties visited on outing, other's personal property, or vehicles used for transportation.



DIPLOMATIC IMMUNITY

Can Kings be International Super-Heroes?



SUSPENDED ANIMATION



PLAYING DOCTOR

Informed Consent Required for Medical Experiments

California law is specifically designed to give legal effect to the Nuremberg Code of Ethics in Medical Research and Declaration of Helsinki to prohibit unethical experiments on living human beings. Cal Health & Saf Code § 24171.

Removing Skullcap and brain surgery would violate prohibition of unnecessary physical and mental suffering.





HOW DOTHE DEAD GIVE CONSENT?



DID FURY HAVE POWER OF ATTORNEY?



ONLY IF YOU FAIL



THANKYOU

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