



Written by [Patrick Krey](#) on September 7, 2020

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Exercising The Right

Don't Post Your Guns on Social Media

A story out of Sault Ste. Marie, Michigan, serves as a scary reminder of the damage that can be done to a person who shares images of his firearms on social media. The *College Fix* reported on March 16 about how 20-year-old Lucas Gerhard sent a picture of himself holding his AR-15 to a private chat group on the social-media platform SnapChat, which contained other students from his college. Gerhard captioned the photo with the words, "Takin this bad boy up, this outta make the snowflakes melt, aye? And I mean snowflakes as in snow." Gerhard meant the post in jest, poking fun at overly sensitive leftists on campus who get "triggered" over such simple things as a person owning a firearm.

Sadly, Gerhard's joke became prophetic when one of the message recipients showed the image to a leftist friend, who then reported it to the college. The school, in turn, reported it to local law enforcement, and the situation deteriorated from there. Law enforcement came to Lucas' dorm with a search warrant and arrested him the next day for making a terroristic threat under the state's anti-terrorism laws.

Gerhard's father, who is a retired U.S. Marine with 30 years in the Corps, contacted the school to somehow stop this madness, but was told by the college's safety and risk management director that it was out of their hands. Gerhard was jailed with bond set at \$250,000, and remained jailed for 83 days! The trial is still pending as of the time of this writing, but supporters of the young man have raised over \$25,000 for his legal defense, and Republicans in the state legislature are looking into re-writing the state's anti-terrorism laws to prevent something like this from happening again.

Seriously, Don't Post Your Guns on Social Media

Here is a similar story of unintended consequences, with almost all of them being bad. WTSP.com, 10 Tampa Bay, reported on July 10 about a man from West Chapel, Florida, who believes he was targeted for a burglary because he posted pictures of his large gun collection online. Fortunately, the man knew how to use what he owned, and he shot all three of the masked suspects who tried burglarizing his house. Two of the suspects were killed at the scene, and a third, who was injured, fled until he was held at gunpoint by a neighbor who heard the shots and came to help. WTSP.com reported that the surviving suspect, 19-year-old Jeremiah Trammel, may have only been spared from being mortally wounded because the homeowner's gun jammed as he was shooting at the suspects. Due to the state's felony murder rule, which makes any participant of a violent felony vicariously liable for the murders of anyone who dies during the crime, Trammel is being charged with the deaths of his two accomplices. Pasco County Sheriff Chris Nocco said that the three suspects broke in to the house armed and wearing masks, but that the homeowner was alerted by the sound of breaking glass and was able to arm himself and shoot at the suspects as they walked toward him. The investigation is ongoing, but Nocco added that the "victim in this case was exercising his Second Amendment right to protect himself in his home."

Social-media Activity May Lead to Gun Loss

Constitutional law scholar Eugene Volokh wrote an opinion piece for Reason.com on July 30 warning about the impending danger posed by so-called red flag laws that are now being used to confiscate guns without due process because of social-media postings.



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The case that caught Volokh's attention involved a California man who was active online under a pseudonym and engaged in intentionally provocative trolling on racial issues. He was exposed, or "doxed" as it's popularly known, by left-wing activists. The reaction by local law enforcement was what struck Volokh as setting a dangerous precedent. Sacramento County Sheriff's Office spokesperson Lacey Nelson told the local CBS affiliate that detectives worked in coordination with multiple federal agencies to monitor the man for weeks before obtaining a "gun violence restraining order against him and a search warrant," adding that his firearm was seized. Nelson boasted that the "search warrant is the first of its kind at least in the country. As far as how we obtained it and were able to serve it.... He was posting enough racist rhetoric and propaganda on Facebook that it was concerning that his behaviors could become violent in retaliation."

Volokh was alarmed by this rationale, and wrote that "nothing in the quoted statements from Sheriff's Office officials suggests that the 'gun violence restraining order' and gun seizure stemmed from any crime he had committed (including conspiracy or solicitation); it sounds like the basis for the 'gun violence restraining order' is his political rhetoric." Volokh wrote that just because the man had posted things that might be considered politically incorrect, that alone is not sufficient to proactively take a person's guns. "A person's hateful and pro-violence rhetoric — whether it's hatred for blacks and Jews, as Casarez [the California man] seems to espouse, or for police officers or capitalists or government officials — is by itself the exercise of First Amendment rights, and the government can't retaliate against such speech by using it as a basis to deny Second Amendment rights. While the government can use speech as evidence of what one has done or why one has done it (a common use in criminal procedures), I don't think it can use it as evidence of future dangerousness sufficient to deny someone a constitutional right."

Volokh concluded his editorial by stating that he remained unconvinced these actions were constitutional, but he's waiting for more information to be released that might prove that the man had actually committed a crime by engaging in or conspiring to engage in violence or solicited acts of violence. He added that the current record showed no such thing. Red flag laws could be expanded to take guns from people who post conservative views on social media about immigration or social issues. If recent events are any indicator, things might move from bad to worse.



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