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RICHMOND, Va. — In a victory for free speech and the right to be free from wrongful arrest, a federal court has rejected the government's bid to dismiss a lawsuit on behalf of a decorated Marine who was arrested by a swarm of FBI, Secret Service agents and local police and forcibly detained in a psychiatric ward for a week because of controversial song lyrics and political views posted on his Facebook page. In allowing the case to move forward, U.S. District Court Judge Henry Hudson ruled that The Rutherford Institute had alleged sufficient facts to indicate that Marine Brandon Raub's involuntary commitment violated his rights under the U.S. Constitution's First and Fourth Amendments.

Institute attorneys filed a civil rights lawsuit in federal court on behalf of Raub, alleging that his seizure and detention were the result of a federal government program code-named "Operation Vigilant Eagle" that involves the systematic surveillance of military veterans who express views critical of the government. The complaint alleges that the attempt to label Raub as "mentally ill" and his subsequent involuntary commitment was a pretext designed to silence speech critical of the government.

[Judge Hudson's decision in Raub v. Bowen et. al. is available at www.rutherford.org .](#)

"Brandon Raub's case exposes the seedy underbelly of a governmental system that continues to target military veterans for expressing their discontent over America's rapid transition to a police state," said John W. Whitehead, president of The Rutherford Institute and author of [A Government of Wolves: The Emerging American Police State](#)

. "While such targeting of veterans and dissidents is problematic enough, for any government

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official to suggest that they shouldn't be held accountable for violating a citizen's rights on the grounds that they were unaware of the Constitution's prohibitions makes a mockery of our so-called system of representative government. Thankfully, Judge Hudson has recognized this imbalance and ensured that Brandon Raub will get his day in court."

On Aug. 16, 2012, Chesterfield police, Secret Service and FBI agents arrived at Brandon Raub's home, asking to speak with him about his Facebook posts. Like many Facebook users, Raub, a Marine who has served tours in Iraq and Afghanistan, uses his Facebook page to post song lyrics and air his political opinions. Without providing any explanation, levying any charges against Raub or reading him his rights, law enforcement officials handcuffed Raub and transported him to police headquarters, then to John Randolph Medical Center, where he was held against his will. In a hearing on Aug. 20, government officials pointed to Raub's Facebook posts as the reason for his incarceration. While Raub stated that the Facebook posts were being read out of context, a Special Justice ordered Raub be held up to 30 more days for psychological evaluation and treatment.

In coming to Raub's aid, Institute attorneys challenged the government's actions as procedurally improper, legally unjustified, and in violation of Raub's First Amendment rights. On Aug. 23, Circuit Court Judge Allan Sharrett ordered Raub's immediate release, stating that the government's case was "so devoid of any factual allegations that it could not be reasonably expected to give rise to a case or controversy." Rutherford Institute attorneys filed suit in May 2013 in the U.S. District Court for the Eastern District of Virginia to acknowledge the harm done to Raub and to rectify the violation of his First, Fourth, Fifth, and Fourteenth Amendment rights. Affiliate attorneys Anthony Troy of Eckert Seamens and William H. Hurd and Stephen C. Piepgrass of Troutman Sanders LLP in Richmond are assisting The Rutherford Institute in bringing the lawsuit.