



Written by [Alex Newman](#) on April 6, 2012

## Military Board Seeks Discharge of Marine for Obama Criticism

After an all-day hearing on Thursday, however, a three-member Marine Corps administrative panel claimed the Iraq-war veteran had violated military regulations prohibiting partisan political statements and expressing contempt for the Commander-in-Chief. Stein was also alleged to have ignored warnings from superiors about his criticism of Obama.



The board's discharge recommendation will go to the commanding General of the Marine Corps Recruit Depot San Diego, who will make a final decision. However, if the General disagrees with the panel — which Stein's military attorney indicated was likely — the Secretary of the Navy could review the case.

An "other-than-honorable" discharge would mean that Sgt. Stein, a father who served for close to a decade and planned to re-enlist after his contract expires in July, would lose all of his military benefits. He would also be barred from joining other branches of the service and from entering bases, not to mention the blight on his record.

Stein attracted the scrutiny of his superiors after he created an "Armed Forces Tea Party" group on Facebook in 2010. According to prosecutors, he used the group to post "contemptuous" comments and images of Obama — including a picture of the President superimposed on the "Jackass" movie poster. Other members reportedly used the online organization to accuse Obama of "treason."

Citing his oath to uphold and defend the U.S. Constitution, Stein also allegedly said he would not follow unconstitutional orders to detain, disarm, or violate any of the constitutionally protected rights of Americans. But as many of Stein's supporters inside and outside the service have pointed out, U.S. military personnel can be and have been criminally punished under the Uniform Code of Military Justice (UCMJ) for obeying unlawful orders from their superiors.

Stein also used his Facebook account to blast Obama as a "coward" and an "economic and religious enemy" of America, according to the prosecutor. He allegedly sold "Nobama" bumper stickers from a personal website, too.

"This is what he's putting out to the public, and he's a sergeant of Marines, on active duty," alleged Capt. John Torresala, who represented Stein's chain of command before the administrative board. "How can this not be prejudicial to good order and discipline?"

Sgt. Stein's attorney, however, argued that the anti-Obama comments were protected by the First Amendment's guarantee of free speech, saying the remarks were made while he was off-duty and were not posted in any sort of official capacity. There was even a prominent disclaimer on Stein's page



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specifically stating that the opinions were his own and that the Armed Forces Tea Party was not associated with the military.

"We're truly surprised and disappointed but it was an honor to fight for a hero like Sgt. Stein and every other Marine's right to speak freely," defense attorney Marine Capt. James Baehr was quoted as saying in media reports after the panel announced its decision. "Sgt. Stein has broken no law."

According to the *Los Angeles Times*, Capt. Baehr [called](#) the case the most important one he has ever handled. Limiting the free speech of service members would make them less than first-class citizens, he told the panel, adding that higher-ups would look vindictive by discharging Stein a few months before the end of his service.

"Think about how dangerous this could be if the U.S. government can prosecute you for something you say on your private Facebook page," Baehr warned. "How can we expect Marines to participate in citizenship if they cannot join political discussions?"

Several Congressmen including former Marines also came to Stein's defense. Rep. Duncan Hunter (R-Calif.), for example, sent a letter asking that he not be dismissed merely for expressing opinions shared by most members of the Corps. Powerful Chairman Rep. Darrell Issa (R-Calif.) of the House Oversight and Government Reform Committee backed Stein as well.

Sgt. Stein filed a lawsuit in federal court seeking to prevent the April 5 administrative hearing. The judge, however, [refused](#) to act, saying Stein had called Obama a "domestic enemy" on an internal military computer network.

But the outspoken Marine continues to reject all of the charges against him. "The allegations drummed up against me are no more than an agenda by the Marine Corps to use me as an example," Stein said in a statement last month. "If I am guilty of anything it would be that I am American, a freedom-loving Conservative, hell bent on defending the Constitution and preserving America's greatness."

Before Thursday's hearing, he echoed those remarks, expressing sorrow about what was happening to him. "It hurts me to know that I could be punished for one of the constitutional rights I have given the last 9 years of my life to protect," Stein [wrote](#) on Facebook. "It is my duty as a Marine and an American to uphold the Constitution and the values of our Founding Fathers."

But despite the unfavorable ruling, Stein and his supporters are still hopeful. "On to the next fight," he said in an online posting.

The Armed Forces Tea Party issued a statement as well, pointing out that the board's decision was not final and asking supporters to contact lawmakers on Stein's behalf. "Gary's chin is up and he is in good spirits as he knows that this fight is not over but just started," the group said. "He swore an oath to uphold and defend the Constitution and will continue to do so!"

Stein is not the first serviceman to be disciplined by the Obama administration. Earlier this year, for example, Cpl. Jesse Thorsen was in hot water for publicly [endorsing Republican presidential hopeful Rep. Ron Paul](#) and a non-interventionist foreign policy. Even military chaplains [are being censored](#).

Before that, Lt. Col. Terrence Lakin was court martialed for refusing to obey orders from Obama until he proved his [eligibility to serve](#) as President. The career Army officer was not allowed to call witnesses or present evidence, according to news reports, and was eventually [sentenced](#) to six months in military detention.

Meanwhile, polls show U.S. troops are [quickly losing confidence](#) in their Commander-in-Chief and the



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various unconstitutional wars being waged around the world. An annual survey by the *Military Times* last year revealed that just 25 percent approved of the job Obama was doing. Even less supported his strategy in Afghanistan or the [unlawful "regime change" mission](#) in Libya.

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