

Marine Still Outspoken Despite Facing Dismissal

The story was picked up by hundreds and hundreds of national and local news agencies across the world including ABC News, Boston Globe, CBS News, Yahoo News, Military Times Publications, Miami Herald and Times Union.

A Marine facing dismissal for running a Facebook page called Armed Forces Tea Party that criticizes the Obama administration is still speaking out but has been getting little support from military law experts and free speech advocates who say he may have crossed the line.

The Marine Corps notified Sgt. Gary Stein Wednesday that it is moving to dismiss him for violating the Pentagon's policy barring troops from engaging in political activities.

The military has had a policy since the Civil War limiting the free speech of service members, including criticizing the commander in chief.

David Loy, of the American Civil Liberties Union in San Diego County, said he has not followed Stein's case closely, but that based on what he has seen in the media, he thinks there may be a legitimate concern on the part of the Corps about Stein appearing to be speaking as a member of the armed forces because of his Facebook page's name.

"The military has a very strong interest and appropriately so to remaining neutral," he said. "The last thing we want is our military taking side on political issues."

Former Navy officer David Glazier, a professor at Loyola Law School in Los Angeles, agreed.

"He's really rubbing the government's nose in it," he said. "It's really hard to have sympathy for him."

Stein said he is not swayed. He said he received hundreds of emails from service members and the public in support of him.

"They're entitled to their opinions, but I still think this is a freedom of speech issue," Stein said. "I'm standing up for the Constitution."

Stein, a nine-year member of the Corps, said he started the page to encourage fellow service members to exercise their free speech rights.

The Marine Corps said in a statement that it decided to take administrative action after Stein declared on Facebook that he would not follow unlawful orders from Obama. He later criticized the comments of Defense Secretary Leon Panetta.

According to Pentagon directives, military personnel in uniform cannot sponsor a political club; participate in any TV or radio program or group discussion that advocates for or against a political party, candidate or cause; or speak at any event promoting a political movement. Commissioned officers also may not use contemptuous words against senior officials, including the defense secretary or the president.

Stein said his statement about Obama was part of an online debate about NATO allowing U.S. troops to be tried for the Quran burnings in Afghanistan. In that context, he said, he was stating that he would not follow orders from the president if those orders included detaining U.S. citizens, disarming them or doing anything else that he believes would violate their constitutional rights.

Stein said in addition to being discharged, he would have his rank reduced to lance corporal if he is proven to be in violation. He said he was removed from his job at the Marine Corps Recruiting Depot in San Diego on Wednesday and given a desk job with no access to computers.

Stein was first cautioned by his superiors at Camp Pendleton in 2010, after he launched his Facebook page and criticized Obama's health care overhaul. Stein volunteered to take down the page while he reviewed the rules at the request of his superiors.

He said he determined he was not in violation and relaunched the page. Stein said he now plans to fight the charges. He had applied to extend his service, which was set to expire in a few months.

Former military prosecutor Lisa Windsor said since the Civil War, military members have been testing those limits and gotten in trouble. Now those cases can go global because of the Internet.

"I think they've been very lenient with him so far," Windsor said.

Stein said he will not wear his uniform when he speaks to tea party supporters but he likely will mention his case.