

Marine Should Not be Punished for Anti-Obama Facebook Posts

A Marine who said he would not follow an unlawful order from President Obama should not be dismissed, Rep. Duncan Hunter (R-Calif.) said Friday.

Hunter, a Marine reservist who served in Iraq and Afghanistan, said Marine Sgt. Gary Stein should not be punished for posting his opinions on Facebook.

"This upsets me," Hunter said in an interview with The Hill. "He should not be discharged for talking to his friends and using the new social media of the day.

"This sergeant is getting punished for basically using modern technology which allows us to talk to way more friends way easier," Hunter said. "He was not acting while in uniform."

Stein faces discharge from the Marines for posting on his Facebook page, the Armed Services Tea Party, where he criticized Obama and said he would not follow unlawful orders from him.

Hunter said that the comments on Facebook were similar to him writing a letter to his friends or communicating by email, and that Stein was writing as a private citizen, not a uniformed Marine.

"This is being politicized and it shouldn't be," Duncan said.

The Marines said in a statement that Stein was investigated after he "posted political statements about the President of the United States on his Facebook web page."

"After reviewing the findings of the preliminary inquiry, the Commander decided to address the allegations through administrative action," the statement says.

A Defense Department directive says that troops cannot participate in political activities while in uniform, and also that commissioned officers cannot use contemptuous words against leaders.

On Stein's Facebook page, which he founded in 2010, he calls Obama a "domestic enemy," and he suggested that Defense Secretary Leon Panetta could be tried for treason for saying the Obama administration could declare war without congressional approval.

The comment that initiated the disciplinary proceedings was Stein's statement that he would not follow an unlawful order, which he made discussing the United States turning over troops to NATO to be tried for the burning of Qurans in Afghanistan.

Hunter defended Stein's comments, saying that Stein was talking about a hypothetical situation. Hunter also defended Stein's statements about not following unlawful orders, saying that he felt the same way over something like turning over U.S. citizens to other states, adding that it was a situation he never thought he'd encounter.

"He gave his views in a hypothetical situation on what he would do. That's the story," Hunter told The Hill.

Stein posted a statement on his Facebook page Wednesday that said the allegations were "drummed up" against him to be used as an example.

"I swore an oath to obey the orders of the President. ... But those orders must be lawful," Stein wrote. "It is the duty of each and every service members to know the difference between an unlawful and lawful order is."

Hunter, who ran for Congress as a Marine, did not take issue with the Pentagon's policy against political activity in uniform. But he suggested that the law could need clarifying as the use of social media has grown.

"Sgt. Stein isn't yelling top of his lungs in uniform while saluting the flag," Hunter said. "It's his Facebook page."

Lisa Windsor, a former Army prosecutor, said the Marines likely evaluated the fact that Stein posted the comments on the "Armed Forces Tea Party" page, as opposed to his own private page.

"There's just a whole question about how public is public? What was his intent?" Windsor said. "To me, it appears his intent was for his views to be very public."