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## **VETERAN CHALLENGES PRESIDENTS' ABILITY TO CIRCUMVENT LAWS WITH SECRET EXECUTIVE ORDERS**

(Iredell, Texas, May 24, 2012) An American soldier who was court-martialed in 1996 for refusing to wear a United Nations uniform and deploy as a UN mercenary, has returned to court with new evidence which he believes will support his position that the orders were unlawful.

Attorneys for former Specialist Michael New filed a petition last week with the **Army Court of Criminal Appeals**, challenging the legality of the court-martial conviction which resulted in a Bad Conduct Discharge for SPC New, who was a medic with 3<sup>rd</sup> Infantry Division in Germany in 1995.

The **Michael New Action Forum has released the following statement:** "Because the court martial was fundamentally flawed, the resulting trial and conviction is deemed to be constitutionally unfair. In all criminal trials under our system of justice, the government had an affirmative duty, a duty it refused to perform, to provide the defense team with all evidence reaching the innocence of the accused; Evidence reaching the innocence of the accused is called "exculpatory evidence" but again the government in the trial of Michael New repeatedly refused to produce that evidence which now - after 16 years - has been forced into the public domain. By the revelation of that exculpatory evidence it is now clear that Michael New was unfairly convicted at his court martial of failing to obey an illegal order - when in fact we now know that the Presidential Order was itself illegal. As result, the conviction and sentence of the court martial is subject to being set aside. The Extraordinary Writ of *Coram Nobis* permits this new information to be brought to the court's attention long after the end of the trial in order to correct an unjust conviction and sentence. It is the innocence of Michael New that is now, after 16 years, revealed to the court for the first time and it is expected that the court will set aside this miscarriage of justice."

The secret version of Clinton's executive order, Presidential Decision Directive #25 (PDD 25) revealed that President Clinton had authorized himself to place American armed forces under the control of UN peacekeeping and peace enforcement operations, in knowing disregard of legislation which limited his use of such troops. Instead of complying with the United Nations Participating Act, PDD 25 arbitrarily changed the rules and suggested that Congress might remove the restrictions at some future appropriate time.

New's attorneys point out in the brief that it is not necessary for the court to determine that the deployment order for SPC New to serve on a U.N. deployment in a U.N. uniform was unlawful to reverse the court martial. It is only necessary for the court to determine that the actions of the government prosecutor denied SPC New his constitutional and statutory right to present a complete defense challenging the lawfulness of President Clinton's order. Rather than getting the law changed, the Clinton administration simply classified its illegal orders and proceeded ahead as if nothing was wrong. Hiding behind the presumption that all military orders are lawful, SPC New was denied access to those documents as part of a Clinton cover-up.

### **BACKGROUND:**

The House of Representatives passed a resolution in 1996 condemning the placing of American troops under U.N. control by an overwhelming margin.

Michael New's Petition and Brief in Support, along with attached appendices, including transcript excerpts and exhibits from the court-martial proceeding, as well as both previously classified PDD 25 and PRD 13 documents obtained from the Clinton library, may be found at [www.lawandfreedom.com/](http://www.lawandfreedom.com/) and at [www.MikeNew.com/](http://www.MikeNew.com/).

The ancient Petition of *Coram Nobis* is an ancient writ, rarely used today, but recently confirmed by the Supreme Court as still valid. It revolves around the fundamental duty of the prosecution to provide any and all materials to the defendant, even if that material should prove to be exculpatory - "removing the guilt".