

Why Should an American Soldier Don U.N. Insignia?

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By Dennis Cuddy

Army Spc. Michael New of Conroe [Texas] was scheduled to be arraigned today for court-martial for refusing to wear U.N. insignia over his American uniform. A number of members of Congress, including at least two from Texas, have written to President Clinton in support of New.

On Oct. 10, New, stationed in Schweinfurt, Germany, was to report for duty wearing a blue U.N. cap and shoulder patch for a peacekeeping mission in Macedonia, formerly a republic in Yugoslavia. He reported for duty, but in his normal uniform. The Army contends that New disobeyed a lawful order when he did not report in the designated uniform.

"Michael New is a decorated Persian Gulf veteran and a patriot," House Majority Whip Tom DeLay, R-Sugarland [Texas], said in a recent Star-Telegram story. "His opposition to wearing the U.N.'s colors is based not on pacifism, but on principle. He is willing to fight and die for his country, but he is not willing to fight and die for the United Nations. Frankly, I can't blame him."

New told his superiors that although he has taken an oath to uphold the Constitution, he has not taken an oath to the United Nations and will therefore not wear its insignia over his American military identification. The Army is in a difficult position. If it says that there's no status change, then why wear U.N. insignia? If it says that the insignia simply identifies a U.N. operation, one could respond that so was the Korean War but Americans wore their own uniforms.

It's the difference between a confederation and a federation. The Korean War was a confederal operation of independent nations wearing their own uniforms and operating under a common banner: the U.N. flag. Similarly, the North Atlantic Treaty Organization is a confederation to which the United States belongs, and there are military operations under the NATO flag. However, when nations' individual identities are discarded and all forces of all nations wear only U.N. insignia, that means a change of command or authority. An American would no longer be strictly a U.S. soldier but rather a soldier "in the service of the U.N."

President Truman didn't place himself under U.N. command during the Korean War, but in Bosnia recently, when President Clinton and NATO sought to retaliate against Bosnian Serbs violating the "no-fly" zone, the United Nations vetoed the action. Clinton and NATO acquiesced. Administration officials stress that even the current NATO action against the Bosnian Serbs is being done "with the approval of the U.N."

Thus, the United Nations seemingly is being treated as a de facto world government. Clinton administration officials have supported world government, with former Defense Secretary Les Aspin earlier even signing the "Declaration of Interdependence," described by constitutional columnist James Kilpatrick as "a genuinely subversive document" and by Sen. Jesse Helms as a "treasonable document." We also know that Clinton wrote a letter to the World Federalist Association, the leading organization working for world federal government, wishing it "future success." The WFA has written that one approach to global governance is "step-by-step. . . using the U.N. but without trying to amend the Charter. . . National sovereignty would be gradually eroded until it is no longer an issue. Eventually a world federation can be formally adopted with little resistance."

The U.S. Army's basic point concerning its order to New is that the president, through Army officers, has given a

"lawful" or "legal" order as Commander in Chief to him to wear U.N. insignia over his uniform, and he must obey or possibly be court-martialed.

The "lawful" nature of the order, as far as Clinton is concerned, perhaps comes from his still "classified" Presidential Decision Directive 25 (signed May 3, 1994, and with the effect of law), which strengthens the United Nations and describes how American soldiers will serve under foreign commanders. However, one reason that New has asked for an explanation of how his status would change if he wore U.N. insignia is to determine if this order to him actually is "lawful" or "legal," because to be such, it would have to be constitutional.

Like New, the president has taken an oath to "preserve, protect and defend the Constitution of the United States." And the Constitution states that the president "shall be Commander in Chief of the Army and Navy of the United States. . .when (they are) called into the actual service of the United States." In this regard, one's military uniform is extremely important because it designates in whose "actual service" the soldier is operating. If an American soldier wears U.N. insignia over his uniform, this must identify her or him as being in the "actual service" of the United Nations.

The Clinton administration believes in this concept; when Vice President Al Gore referred to the 15 Americans killed April 14, 1994, as a result of a friendly-fire attack while patrolling over Iraq, he referred to them as "those who died in the service of the United Nations."

Another reason that New has asked how wearing U.N. insignia would change his status is that he wants to know whether, if taken prisoner, he would be treated as an American prisoner of war or as a U.N. hostage. There is precedent for American soldiers refusing to be "in the actual service" of any entity other than the United States.

During World War I, when the Allied high command demanded that American troops fill in the gaps in the French and British formations on the western front, Gen. John "Black Jack" Pershing refused, insisting that his troops would fight under American officers and in American formations, and not as that day's Hessians.

Could a president today order American soldiers to go to China, discard their own uniforms, put on Chinese uniforms and fight "in the actual service" of the Chinese?" No, because the president would not be acting constitutionally if he ordered a soldier to engage "in the actual service" of any entity other than the United States. Thus, the Army's order to New is not constitutionally "lawful" or "legal," and he is correct to refuse to wear U.N. insignia over his American uniform.

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