

The case for Army Specialist Michael New

By Dennis Cuddy

The first week in October, the unit of U.S. Army Specialist Michael New is to be transferred to Yugoslavia as part of a "UN peacekeeping force." He has been told that he must wear UN insignias on his uniform. New, however, views the UN as unlike the United States, which is "one nation, under God," and sovereign.

He has informed his superiors that while he has taken an oath to uphold our Constitution, he has not taken an oath to the UN, and he will not wear UN insignias.

When New asked his superiors how his status as an American soldier would change if he covered his uniform with UN insignias, they refused to answer.

The Army is in a difficult position.

If it says there s no change, then why wear UN insignias? If it says the insignias simply identify a UN operation, then one could respond that the Korean War was a UN operation, too, but Americans wore U.S. 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 (UN) banner.

NATO 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 UN insignias, 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 UN. President Truman didn t place himself under the command of the UN during the Korean War, but in Bosnia recently when President Clinton and NATO asked to retaliate against Bosnian Serbs violating the no-fly zone, the UN vetoed the action and Clinton and NATO acquiesced.

Administration officials stress that even current NATO action against the Bosnian Serbs is being done "with the approval of the UN." Thus, the UN is being treated as a de facto world government. We also know that Clinton himself 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 UN 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." And the WFA is affiliated with the World Federalist Movement, which has stated: "The UN Security Council really does have powers. It could decide on a peace enforcement action, and its decision would be binding on all UN members. In this one area, the UN already is a kind of sovereign world government." Confirming this attitude is the statement by the current UN secretary-general Boutros Boutros-Ghali, who said: "It is undeniable that the centuries-old doctrine of absolute and exclusive sovereignty no longer stands. In this setting the significance of the United Nations should be evident and accepted."

Promotion of the UN as a de facto world government has been growing for some time, as the April 1962 federal document "Blue-print for the Peace Race" in its third stage called for the strengthening of the UN Peace Force "until it had sufficient armed forces and armaments so that no state could challenge it."

In 1982, Congressman Ted Weiss reported that this disarmament proposal had not been withdrawn. In January 1991, William Nary, the historian of the Arms Control and Disarmament Agency, confirmed that. The U.S. Army's basic point concerning its order to Specialist New is that the president, through Army officers, has given a "lawful" or "legal" order as commander-in-chief to him to wear UN insignias over his uniform, and he must obey or possibly be court-martialed.

The "lawful" nature of the order as far as President Clinton is concerned perhaps comes from his still-classified Presidential Decision Directive 25 (signed May 3, 1994), which strengthens the UN and describes how American soldiers will serve under foreign commanders.

However, one reason New has asked for an explanation of how his status would change if he wore UN insignias is to determine if this order actually is lawful. 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 explicitly states that the president "shall be commander-in-chief of the Army and Navy of the United States only "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 the UN insignia over his own uniform, this must identify her or him as being in the actual service of the UN. And we know that the Clinton administration believes in this concept, because when Vice President Al Gore referred to the Americans killed April 14, 1994 as a result of friendly fire attack while patrolling over Iraq, he referred to them as "those who died in the service of the United Nations." Another reason New has asked how wearing UN insignias would change his status is that he wants to know whether, if taken prisoner, he would be treated as an American POW or as a UN hostage.

There is precedent for American soldiers refusing to be "in the actual Service of any other entity than the United States.

When the Allied High Command in World War I demanded that American troops fill in the gaps in the French and British formations on the Western Front,

Gen. John "Black Jack" Pershing refused. 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 Specialist New is not constitutional, and he is correct to refuse to wear UN insignia over his American uniform.

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