

Military Court to Review Order Forcing Soldiers to Serve Under United Nations

(District of Columbia) – The Court of Appeals for the Armed Forces (CAAF) has given the U.S. Army a deadline of July 2 to enter arguments concerning the court-martial of an American soldier who refused to wear a United Nations uniform.

In 1996 the Army court-martialed Specialist Michael New, a medic serving in the 3rd Infantry Division in Germany, after he refused to wear a United Nations uniform and deploy on a U.N. mission into Macedonia. Mr. New was found guilty of disobeying a lawful order and sentenced to a Bad Conduct Discharge..

During his trial, New's attorneys requested the Army to provide a classified executive order entitled Presidential Decision Directive 25 (PDD25) that had been represented by the Army to New as one of the legal bases for the order issued by then-President Bill Clinton. The Army prosecutor refused, whereupon the military judge ordered the prosecutor to show the classified document to New's attorneys. The prosecutor then produced a document representing it to be the classified version of PDD 25. Unknown to the military judge and New's defense counsel, the document produced was not, in fact, the classified PDD 25. New did not discover this until 2009, well after the court-martial and appeals, when through a Mandatory Review process New got a hold of the real classified document.

After review of the classified document, New's attorneys concluded that the document proves that New was right in alleging that President Clinton did not have the authority to make the deployment, for it was in conflict with the United Nations Participation Act of 1945.

"The Army had that document, and that document provided exculpatory evidence in favor of specialist New, and they withheld it," Herb Titus, one of New's attorneys said. "Withholding evidence favorable to a defendant in a court-martial violates not only due process but military discovery rules."

Because the evidence did not come to light until after New's court-martial, and through no fault of New, New has filed a *Petition of Coram Nobis* with the military courts, asking the courts to overturn his conviction and bad conduct discharge as the first step to restoring New's military honor.

According to G. Gordon Liddy, who broke the case on national radio in 1995, "This is a threshold case involving questions never before answered concerning the Constitutional limitations on presidents and Congress, as well as questions about the American military and their role in international military actions."

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