Supreme Court, that we were being mean-spirited, that the criteria were too strict. People talk about the pendulum going one way or the other, but now we're looking at Congress saying: Hey, the criteria are too lenient.

EIR: Is the impetus from Congress now essentially coming from the Conservative Revolution grouping, the freshmen Republicans, or is it across the board?

Gambino: It began that way, when it began a year or two ago. I would say, now, I think there is almost a consensus, for the most part, except for maybe some members who don't want to see any changes. But I would say the vast majority want to make these changes. This has not been the "holder-up" of the welfare reform legislation, which is more an issue of pregnant teenage mothers, and a few other issues, than the SSI part of the program. I think there is consensus up there to tighten the criteria.

And the administration fairly early on, in fairness to the administration, had opposed some of the more stringent welfare reform bills regarding SSI, because some of the early ones were very restrictive; they would have gone back to the original criteria, which many people said were much too strict, as opposed to just tightening the criteria. And the administration now has come together with the Congress on what they believe is a fair legislative proposal, which would reduce the number of children on SSI by a couple of hundred thousand, as opposed to half a million.

New discharged for refusing UN uniform

by Leo F. Scanlon

The U.S. Army has upheld the Jan. 24 court-martial verdict against Army Specialist Michael New, the soldier who reported for duty but refused to wear a UN uniform into a battle zone in the Balkans. Maj. Gen. Montgomery Meigs, the officer who convened the court-martial, issued a Bad Conduct Discharge to New in June, formally separating the medical specialist from his service. The decision represents a top-down decision to bury the issues raised by New and his defense team, in order to avoid a public discussion of the illegalities which the U.S. military is committing, in the effort to stretch U.S. law to fit the terms dictated by the United Nations.

That procrustean effort is doomed to fail, even though the Army won its conviction in this case, largely by keeping the relevant evidence out of the trial. The trick was borrowed from the playbook of corrupt professional prosecutors, who have perfected the art of manufacturing criminal charges in order to crush political opponents. In this case, the Army did not manufacture the charge, but did succeed in securing an *in limine* ruling which found that the extraordinary order to wear the uniform, badges, and insignia of the United Nations, was lawful, thus making it impossible for New to present a defense of his actions.

In August 1995, New, a decorated veteran with service in Kuwait, was ordered to Macedonia as part of a deployment of U.S. forces which had been active in that area, under UN jurisdiction, for some time. New did not question the deployment (which was crucial for preventing the expansion of the field of operations of "Greater Serbian" aggression in the Balkans), but questioned the additional orders that required him to don UN insignia, and carry a UN identification card—the latter, an apparently unprecedented requirement, and one which opens up serious questions of international law for a combatant who is exposed to hostile forces and potential capture.

The *in limine* ruling was supplemented by the trial judge's decision to not allow the court-martial panel to hear factual evidence about the illegitimate legal authorities which governed the UN deployment in Macedonia. The Army ruled that these practices were matters of state policy which could not be considered in the court-martial. New was only allowed to argue that he had "misunderstood" the

order he was given.

Thus, New was not allowed to elaborate the heart of his defense, which was based on the evidence that the Presidential order which authorized the Macedonia deployment was flawed. The record showed, and the Army admitted, that the enabling documents were deliberately mis-worded, in order to accommodate the political pressures from the British and French, who were intent on using the UN to forcibly partition the Balkans (see *EIR,* March 29, p. 68, and April 5, p. 66).

No presumption of innocence

Defense attorney Col. Ronald Ray points out, in his appeal of this ruling, that the Army turned the principle of the presumption of innocence inside out, in order to convict New of disobeying an order. It is the Army, he says, which had the burden to prove that the order to wear UN insignia was legal. New showed, that he had grounds to believe the order unlawful, and he was never given a proper answer to the legitimate question he posed to his superiors. In fact, the answer he got—"Do what I told you or go to jail"—is one which the Army code of conduct specifically forbids a soldier to accept.

It is irrelevant, Ray says, that New did not know the intricate prevarications which are routinely used to justify certain deployments on behalf of the UN. It is also irrelevant that volunteers routinely wear the insignia of the UN—an argument the Army has raised, on the premise that "we do it all the time, and nobody stops us, so it must be legal." The administration argues that the Macedonia deployment was not intended to be a combat mission, and therefore was not prohibited, no matter how it was defined by the UN.

What is relevant, is that the President authorized U.S. forces to be deployed on a UN mission which was categorized as a combat mission—a characterization insisted on by the British and French delegations to the UN—in spite of the fact that Congress must give approval for such a deployment. House Speaker Newt Gingrich (R-Ga.) and the rest of the congressional leadership acceded to the action, and, like Pontius Pilate, washed their hands of the matter. Even after it became clear that the Army intended to railroad New, they allowed H.R. 2540 to die. That bill would prohibit any member of the Armed Forces from being required to wear any insignia that "indicates (or tends to indicate) any allegiance or affiliation to or with the United Nations."

This behavior by the politicians is even more despicable than the actions of the Army, and people close to the issue report that certain "conservatives" on Capitol Hill are attempting to craft a "defense" of New which will preserve the fiction of legality of UN operations. U.S. Ambassador to the United Nations Madeleine Albright added herself to the "consensus of fools," when she insisted to a Senate panel, that the "UN uniform" (as it was called by New's commanding officers) was merely a type of insignia, which was necessary to "prevent potential deadly confusion."

National sovereignty

The fundamental issues involved were outlined by Lyndon LaRouche, candidate for the Democratic Party's 1996 U.S. Presidential nomination, in April. "I wish to announce that I am fully in support of the principal claim by Army Specialist Michael New," LaRouche said.

"There is no allowable margin for doubt, that Army Specialist New rightly judged himself to have received an unlawful order, directly contrary to his oath to uphold the U.S. Constitution. Except in the instance of nullification of our Constitution by virtue of our republic's defeat in warfare, no branch or other agency of our government has the authority to subvert our national sovreignty by acts tantamount to accepting the United Nations Organization as 'The World Government.' To order any sworn officer of the United States to overthrow the sovreignty of the U.S.A. by means of such an unlawful order is a plainly impeachable act, tantamount to treason, whether actionable under the treason clause of our Constitution, or not.

"Relative to these United States, there exists on this planet no higher governmental authority than the sovreignty of a nation-state republic."

In New's appeal, Colonel Ray concluded:

"The Congress has exclusive authority to approve receipt or wear of any foreign badges or insignia. Art. I, Sec. 9 (last Paragraph) U.S. Constitution. The President simply lacks any authority to order this extraordinary act, to order U.S. Soldiers to involuntarily wear a foreign UN uniform. . . . America's first military principles being virtue, honor and patriotism, were first declared by George Washington for the Continental Army and John Adams for the Continental Navy and passed by the Continental Congress on November 28, 1775, and reaffirmed by the Congress as recently as 1956. Many people in America's trusted institutions enjoy the benefits and protections of the institution. However, today, leadership in government from the President to admirals and generals and civilian appointees have increasingly lost their exclusive allegiance to America, our first principles are often ignored even in the military and there is less and less commitment to virtue, honor and patriotism. . . . Thus we have an increasing level of unfaithfulness in the military, even at the service academies and even in our most trusted office, the Presidential office. . . .

"General, there are few offenses in the military more common than the violation of orders. . . . But we know this was no ordinary order, and Michael New's reasons for disobeying it are not those of the ordinary soldier. As far as I can tell Michael New has the distinction of being the only American fighting man ever court-martialed for refusing to wear the uniform, badges or insignia of a foreign government. . . .

"Congress should not and America will not allow Michael New's exclusive allegiance and faithfulness to America and his otherwise exemplary and honorable service to be dismissed as 'bad conduct.' "