The United Nations, the British, and the court-martial of Michael New

by Leo F. Scanlon, Jr.

The case of U.S. Army medic Michael New has generated a storm of support among military veterans and other citizens, who are thoroughly disgusted with the United Nations, and any policy that carries the smell of "no-win" warfare. New is awaiting the final review of the court-martial which issued him a bad conduct discharge, after he refused an order to put U.N. insignia on his uniform. Indicative of the sentiment, is H.R. 2540, an act presented to Congress, which 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." As a symbolic protest against the United Nations, the bill raises interesting questions, but it ignores the deeper fact, that the economic and social policies of the U.N. contribute far more to human slaughter than all the "U.N. military operations" together. By refusing to associate himself with the United Nations in any way, Michael New has presented a profound challenge to the politicians, who have refused to face this problem.

In a pre-trial proceeding held in Germany in January, New's attorneys presented evidence which shows that there is no simple solution to the general problem this case poses, because U.N. actions are routinely legitimized by dissimulation and deceit on the part of political leaders. The trial documents show what *EIR* has long reported: that the U.N.-certified slaughter in the Balkans was shaped by the British and the French, and that if the American people want to be disassociated from that intrigue, they will have to be willing to support an alternative to the "global government" policies of the U.N. apparatus.

How a U.N. military operation is created

It is a fact, often lost in all the controversy surrounding the U.S. military operations in Bosnia, that with the exception of a very small strategic force deployed in Macedonia, the Clinton administration systematically refused to participate in any U.N.-run military operation in that region. The history of the United Nations Protection Forces (Unprofor) in the former Yugoslavia, and the basic contradiction between the U.S. Constitution and the United Nations Charter, are tied together in the international political negotiations which shaped the crisis in the Balkans. David Sullivan, a high-ranking former Senate staff member, unraveled that history and presented it to the court in Michael New's defense.

The facts developed by Sullivan argue that New did not get a correct explanation from his Army superiors, when he asked "by what authority" he was being ordered to don U.N. military insignia. He was told, that the insignia and beret were necessary identification items, to be worn during the course of his deployment with U.N. Task Force Able Sentry, a deployment authorized by the President and concurred with by the Congress of the United States. New's attorneys point out that although the Congress did concur, de facto, with the deployment, the letter which the President sent to notify the Congress, erroneously characterized the U.N. mandate for the operation. The justification for the order given to New was wrong on an important point.

The point is obscure, but not insignificant. Sullivan presented a document prepared by Conrad Harper, legal adviser to the State Department, which explains that all authority for U.N. operations is based on U.N. Security Council resolutions—that is, the U.N. rule, and the U.S. interpretation of that U.N. rule. U.N. Security Council resolutions on these issues are governed by Chapters VI and VII of the U.N. Charter, which govern different types of military actions under U.N. authority. These chapters were controversial from the beginning, and the U.N. Participation Act (UNPA) of 1945 has extensive language describing what those chapters mean, in terms of American law.

It is a confusing aspect of that law (which was amended in 1949), that the section of the UNPA which deals with U.N. Chapter VI is called Section 7; and the section of the UNPA which deals with U.N. Chapter VII, is Section 6. The difference between Chapters VI and VII is that VI refers to non-combatant observation, reporting, etc., or deployment of experts as parts of some type of U.N. study team (such as the operations which inspect weapons in Iraq), while Chapter VII involves combatant forces which are imposing a truce or peace settlement on parties which are engaged in hostilities. Section 7 of the UNPA says that the President may deploy up to 1,000 persons worldwide under Chapter VI, without specific Congressional approval, and Section 6

of the UNPA says that the President *must* have specific statutory authorization from Congress to participate in a Chapter VII operation.

Sullivan points out that of the 97 U.N. documents related to the Bosnian deployments, 27 refer to Unprofor, and five of them refer to it as a Chapter VII mandate. There is no reference to Chapter VI in any of the documents whatsoever.

The Unprofor disaster

The Unprofor operation came into existence when the United Nations intervened in the chaos that accompanied the collapse of the former Yugoslavia. The intervention was designed to prevent the emergence of a group of stable, independent nation-states, which had been recognized in Europe—by Germany in particular. British geopoliticians, seeking turmoil in the continent, saw to it that radical gangs of Serbian racists were unleashed to attack Muslim and Croatian populations in the area, and the U.N. stepped in to "impose peace." That plan, described in a report of the U.N. secretary general, was eventually incorporated into the resolutions which authorized the multiple Unprofor operations, and was implemented by U.N. "mediators" Cyrus Vance and Thorvald Stoltenberg, and European Union "mediator" Lord David Owen. As Serbian aggression continued, Unprofor ensured the slaughter, by deploying to stop any Bosnian or Croatian retaliation.

U.S. military officials rebelled at the prospect of participating in the scheme, and the U.S. stayed out of Unprofor. When world opinion finally became revolted by the bloody Unprofor fiasco, the U.N. called upon NATO to form a military force, IFOR, which would "separate the warring parties." Under U.S. leadership, this was quickly done—and none of the forces involved wore any U.N. insignia.

However, there was one, little-noticed action, in which the United States had detailed a small force to Unprofor in Macedonia. This was to make clear, that any expansion of Serbian terror attacks in that direction would involve American troops, and would trigger a U.S. military response. The main force was a Nordic battalion, with U.S. military observers attached. Those troops reported back to U.S. headquarters in Naples, and from there to the Commander in Chief for Europe (CINCEUR), but they were operating under a U.N. Chapter VII mandate.

British and French scheming

Sullivan points out, that it was the British and French who opposed any language which would define that Macedonia deployment (Task Force Able Sentry) as a Chapter VI U.N. operation. This is instructive, because the deployment was a classic Chapter VI (non-combatant) task, but by defining it under a Chapter VII (combatant) mandate, the British and French tried to obscure the signal sent by the U.S. participation. The trick was that under U.S. law, the troops were technically not allowed to participate in a Chapter VII deployment, since any action under a Chapter VII mandate would require the approval of Congress—a barrier the British could easily place in the Clinton administration's way.

In July 1995, when President Clinton notified Congress of his intention to relieve the Nordic battalion in Macedonia with a U.S. contingent, he informed the Speaker of the House that the administration understood Task Force Able Sentry to be a "Chapter VI operation in support of a Chapter VII deployment." The formulation is pure double-talk: There is no such animal under U.S. law; but the circumstance is common enough that military lawyers jokingly refer to it as a "Chapter Six and a Half" deployment.

The prosecutor in the court-martial accepted the facts as presented by Sullivan, but went on to present a most amazing interpretation: He argued, that since the U.N. Security Council had political reasons for not mentioning Chapter VI in any authorizing resolutions or mandates; and since President Clinton notified Congress, in his July letter, that he was proceeding under Chapter VI authority; and since Congress created a "constructive agreement" with that notification, by not withholding operating funds for troops deployed in Task Force Able Sentry; and since the job of Able Sentry is essentially—at this time—a Chapter VI-type enforcement of an agreed-upon truce between parties (Serbs, Bosnians, etc.) who are not recognized to be at war with each other by the Congress or anyone else; it is effectively true that *Task Force Able Sentry is in reality a Chapter VI operation, no matter what the U.N. documents say.* Michael New, in the eyes of the Army, disobeyed a legal order.

Citizens are responsible

This story is the bizarre background to the predicament that New found himself in, when he followed his understanding of the Constitution, as informed by the military code of conduct, and in spite of social pressure and threats of punishment, refused to obey an order which was inadequately justified to him. His understanding of the law is coherent with the essence of the U.N. Participation Act, and the concerns of the Congress which passed it: No U.S. soldier can serve in a combat capacity in a U.N.-declared war, unless the Congress of the United States declares the United States a belligerent in the conflict, or explicitly authorizes the President to engage U.S. forces in a limited capacity. Simply put, the U.N. has no authority over any U.S. citizen.

Ironically, it is in the realm of military affairs only, that U.S. law recognizes the dangers of the "new world order" schemes of the United Nations Organizations. In matters of economic policy, the current Congress is recklessly pursuing the free trade, balanced budget, privatization regimen which the U.N.'s World Bank is imposing, with murderous results, around the globe. The violation of any nation's sovereignty by these policies is unconstitutional, no matter who supports it, and it is time for more citizens to wake up and say, "Enough is enough."