

THE WHITE HOUSE

WASHINGTON

December 24, 2017

EXECUTIVE ORDER

The Retrial of Lieutenant David W. Smallwood, USNR

WHEREAS it is essential to maintain in the armed services of the United States the highest standards of equal treatment, due process and opportunity for all those who serve in our country's defense. Regardless of rank or privilege, no member of the armed forces shall be denied equal protection or due process of law.

The armed forces of the United States shall, at all times, strive to insure equal application of the law under the Uniform Code of Military Justice (UCMJ). The executive, judicial and legislative branches of our government shall make an all-out effort to eliminate selective prosecutions and the manipulation of the military justice system, which frequently results in "different spansks for different ranks."

WHEREAS Lieutenant David W. Smallwood, was an officer and pilot in the United States Naval Reserves. His subordinate Chief Petty Officer Michael Tufariello discovered massive and chronic payroll fraud occurring on the base to which they were both assigned. Thousands of military reservists were paid for drill periods they never attended, and senior officers fraudulently manipulated attendance log books to obtain retirement points.

Under Lt. Smallwood's direction, Chief Petty Officer Michael Tufariello took direct action to safeguard evidence and expose corruption thereby protecting taxpayer dollars from fraud, waste and abuse. These frauds were ultimately confirmed by the Government Accountability Office (GAO). No one responsible for the payroll fraud was ever held accountable.

Within a week of each other, Chief Petty Officer Tufariello was wrongfully imprisoned in a military mental hospital. Lt. Smallwood was placed under arrest and ordered back to the regular Navy to be court martialed for fraternization and a \$75.51 travel claim.

Lieutenant David W. Smallwood had entered into an attorney/client relationship with two military attorneys that were denied to him for his defense. Documentary evidence indicates the Navy admitted an attorney/client relationship had been established, but still denied Smallwood access to legal counsels with which he had confided. Lieutenant Smallwood was ultimately dismissed from the naval service.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, by the Constitution and as Commander-in-Chief of the armed services, it is hereby ordered as follows:

1. Lieutenant David W. Smallwood shall be reactivated back into military service, because he was denied due process of law. His court martial and punishment are therefore declared null and void. Once reactivated, Lt. Smallwood may be once again retried for those same violations of military law he was previously convicted of.
2. After his court martial, Lt. Smallwood was selected for promotion to the rank of Lieutenant Commander, but never promoted. Once reactivated for military service, Lt. Smallwood shall be promoted to the rank he would have logically attained to this point and receive all back wages with interest from the time he was

dismissed from the naval service.

3. Should naval authorities decide to levy charges against Lt. Smallwood, he shall be tried by a jury of his peers, specifically a jury comprised of reserve military officers familiar with the Training & Administration of Reserves (TAR). Only reserve naval officer shall be considered for jury duty, as I am troubled by the double standards between the regular and reserve navies involving fraternization, which may have contributed to the severe punishment Lt. Smallwood received.

Furthermore, in an effort to curtail the potential for any unlawful command influence, jury members shall be chosen from a pool of reserve officers whose fitness reports are not written or approved by the convening authority, or anyone in his/her chain of command.

4. All other injured parties involved with Lt. Smallwood's 1985 court martial, either directly or indirectly, shall be made whole for what they have suffered as well. This includes, but is not limited to, Chief Petty Officer Michael R. Tufariello and Lieutenant Commander Glenn R. Tyson.

Donald J. Trump
President