

Former D.C. Guard lawyer alleges retaliation by Army officials covering for generals implicated in Trump's coup

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In an interview published in the *New York Times* on January 3, the former top lawyer for the D.C. National Guard, Col. Earl Matthews, accused Army officials of retaliating against him for exposing the role of pro-Trump generals in standing down National Guard troops as far-right militia forces and other fascists stormed the US Capitol on January 6, 2021.

In a 37-page whistleblower reprisal complaint filed with the Department of Defense Office of Inspector General on October 20, 2023, but publicly released only last week, Col. Matthews accused “responsible management officials,” or RMOs, associated with the US Army War College in Carlisle, Pennsylvania of retaliating against him for refuting lying congressional testimony submitted by Lieutenant General Walter E. Piatt and General Charles A. Flynn to the House Oversight and Government Reform Committee in June 2021.

In the complaint, Matthews asserts that the RMOs refused to consider him for promotion despite glowing recommendations from his superior officers. He further charges that they engineered a baseless investigation against him last February that resulted in his being kicked out of the Army War College and escorted from a hotel by military police.

“It’s textbook whistle-blower retaliation,” Matthews told the *Times*. In the whistle-blower complaint, Matthews’ lawyers accuse the RMOs, including civilian and military officials, of “falsely accusing [Matthews] of misconduct and/or unprofessional behavior,” and refusing to “slate” (i.e., consider) him for duty assignments or promotions for which he is qualified.

The complaint alleges that on February 4, 2023, while Matthews was participating in a Senior Leader

Development Seminar (SLDS) for Army generals at the Hyatt Regency Hotel in Arlington, Virginia, Colonel Cary Metz informed Matthews that a report had been submitted accusing him of either assaulting or threatening an “Army Reserve general officer.” The allegation was later changed to the claim that Matthews invaded the “personal space” of a general and refused to leave when asked.

Within 10 minutes of Metz notifying Matthews of the complaint, hotel security and military police came to Matthews’ room and escorted him out of the building.

Twelve days after being kicked out of the course, on February 16, Matthews drafted a “memorandum for record” about the incident, which he circulated to senior military and civilian officials inside and outside the Army War College.

On February 27, Maj. Gen. David Hill, commandant of the Army War College, appointed Col. Orlando Ortega to investigate Matthews’ dismissal from the course and forceful removal from the hotel. The investigation cleared Matthews of any wrongdoing and found no evidence that he was threatening, disrespectful or discourteous to any general.

In the course of the investigation, the director of the Senior Leadership Development Seminar (SLDS), Daniel Pinnell, was interviewed. Pinnell said that Col. Betty Cumiskey had brought the allegation of misconduct by Matthews to his attention. According to Matthews’ complaint, Cumiskey declined to be interviewed or to provide a sworn statement in the course of the investigation into Matthews’ alleged misconduct.

Even though Cumiskey did not provide a statement,

Pinnell backed her allegation based on Matthews' alleged "unprofessional actions during and following SLDS, and his widely publicized attacks on Army senior leaders in relation to the January 6 insurrection."

Pinnell added that it "would be improper to continue [Matthews'] service as a USAWC DIMA (United States Army War College Drilling Individual Mobilization Augmentee)."

By "widely publicized attacks," Pinnell was referring to a December 2021 memorandum written by Matthews, with input from other National Guard officers. In the memo, Matthews accused Generals Piatt and Flynn of "consistently and repeatedly" misrepresenting and misleading the House Oversight Committee regarding the response of the National Guard during the attack on Congress. Matthews characterized the testimony offered by Flynn and Piatt as that of "absolute and unmitigated liars."

"I wrote that memo because I saw real wrongdoing," Matthews told the *Times*. In an interview with CNN last Friday, Matthews reiterated: "Almost every word that General Piatt and General Flynn stated in that [congressional] testimony is inaccurate and untruthful. And I'm a lawyer, I'm telling you, almost every word they uttered in that testimony is inaccurate and untruthful."

In addition to contradicting the generals' testimony, Matthews has, in protected communications submitted to Congress, accused the generals of lying to the Department of Defense Office of Inspector General in that office's investigation of the coup.

Matthews also publicly challenged a "misleading, factually flawed, and revisionist recitation" of the January 6 events authored by Gen. Piatt and titled "Report of Operations of the United States Army." Matthews asserted that this report was created solely to "improperly absolve certain Army senior leaders," including Piatt himself, "of any responsibility for the delay of the D.C. National Guard" on January 6.

Matthews is still in the US Army Reserve and also is the general counsel, corporate secretary and chief administrative officer for defense contractor Albers Aerospace. He was a political appointee in the Trump administration through November 2019. From 2022 to 2023 he served on Virginia Gov. Glenn Youngkin's

Commission to Combat Antisemitism.

On January 6, 2021 Matthews was the executive officer for then-D.C. National Guard Commander Maj. Gen. William Walker. Walker, former Capitol Police Chief Steven Sund and D.C. Metropolitan Police Chief Robert Contee have all publicly accused Pentagon generals of refusing to authorize the deployment of soldiers to assist overwhelmed police during the fascist siege of the Capitol.

Matthews, Walker, Contee and Sund have all submitted testimony to Congress that they heard Generals Piatt and/or Flynn cite the negative "optics" of Guard soldiers deploying to the Capitol. This bogus justification was given during a phone conference that began at 2:30 p.m. on January 6, well after Trump supporters had breached Capitol police lines.

Despite the public testimony of the police chiefs and National Guard officers, the House January 6 Select Committee refused to hold a public hearing on the Pentagon stand-down, relegating the issue to an appendix in its 800-plus-page "Final Report." That report whitewashed the Republican Party and elements within the judiciary and the police-military-intelligence apparatus for aiding Trump's coup.

The refusal of Pentagon generals to deploy National Guard troops to the Capitol for nearly four hours, while authorizing security teams to protect their own personal residences, is a testament to the widespread support Trump's coup had within the police-military apparatus. The victimization of Col. Matthews for speaking out against generals who aided Trump's attempted coup demonstrates the continuing support for the fascist Trump within the US military only 10 months before the 2024 presidential election.



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