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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

|                             |   |
|-----------------------------|---|
| RANDALL KOWALKE,            | ) |
|                             | ) |
| Plaintiff,                  | ) |
|                             | ) |
| vs.                         | ) |
|                             | ) |
| DAVID EASTMAN,              | ) |
| STATE OF ALASKA DIVISION OF | ) |
| ELECTIONS, and              | ) |
| GAIL FENUMIAI,              | ) |
|                             | ) |
| Defendants.                 | ) |
|                             | ) |

Case No. 3AN-22-07404 CI

**AFFIDAVIT**

DAVID EASTMAN, being duly sworn upon oath, deposes and states as follows:

1. I am a Defendant in this action, and am providing this Affidavit in support of my Opposition to Plaintiff's Motion for Preliminary Injunction.
2. In 2009, I made a donation to Oath Keepers and thereafter received a Life Member Commemorative Certificate in the mail.
3. I have never attended, in person or telephonically, or by video, any Oath Keeper meeting or event.
4. I was present in Washington, D.C., January 4th-7th, 2021 to meet with members of my congressional delegation and to hear the president speak.
5. The last time I entered the U.S. Capitol building was in 2009.

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6. At no time during my January 2021 trip to Washington, D.C., did I participate in any protest, violence, or other criminal activity.
7. I do not advocate for, or aid or belong to any party or organization or association which advocates, the overthrow by force or violence of the government of the United States or of the State of Alaska, nor have I ever done so in the past.
8. Attached as Exhibit A, hereto, is a true and correct copy of Article VIII of the bylaws of the Oath Keepers, taken from the Oath Keepers Website on November 24, 2021, as reflected at <https://web.archive.org/web/20211124035822/https://oathkeepers.org/bylaws/#article-viii>.
9. Section 8.01(a) provides that no one can be a member of Oath Keepers who “has been convicted of treason or felony. . .” *See* Exhibit A, at 1.
10. Section 8.01(b) provides that associate membership “is available to those citizens who have not served in any capacity listed in subsection (a) above, who support our mission and take an oath to support and defend the Constitution.” *Id.*
11. Section 8.02(a) provides that “[n]o person who advocates, or has been or is a member, or associated with, any organization, formal or informal, that advocates the overthrow of the government of the United States or the violation of the Constitution thereof, shall be entitled to be a member or associate member.” *Id.*
12. Section 8.05 provides that “Oath Keepers is a non-partisan association of currently serving military, reserves, National Guard, veterans, Peace Officers, and Fire Fighters who will fulfill the Oath we swore, with the support of like minded citizens who take an Oath to stand with us, to support and defend the Constitution

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against all enemies, foreign and domestic, so help us God. Our Oath is to the Constitution.” *Id.* at 2.

13. As a West Point cadet, active duty army officer, and at other times, I have taken an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic.

14. I last took an oath to support and defend both the Constitution of the United States and the Constitution of the State of Alaska on January 19, 2021, when I was sworn into office at the commencement of the 2021 state legislative session.

15. I have never renounced any of my oaths to support and defend the Constitution of the United States or the Constitution of the State of Alaska.

16. I have never participated in or given aid to any insurrection, rebellion, or sedition against the government of the United States or of the State of Alaska.

17. Upon belief based on the information described below, it does not appear to me that the Oath Keepers remains an active organization or association. Not only is the Oath Keepers’ website at <http://oathkeepers.org/> no longer active, its founder and last known leader, Steward Rhodes, is incarcerated pending trial. I have found no record of any scheduled meetings, emails or mailings sent by Oath Keepers since Mr. Rhodes was incarcerated, or other activities that would indicate that the Oath Keepers remains an active organization or association.

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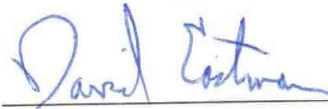
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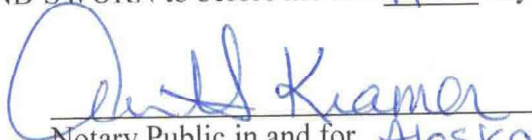
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 14<sup>th</sup> day of September 2022.



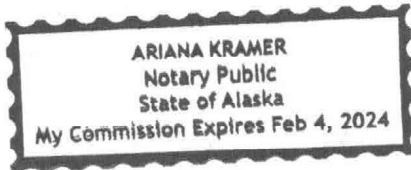
David Eastman

SUBSCRIBED AND SWORN to before me this 14<sup>th</sup> day of September 2022.



Notary Public in and for Alaska

My Commission Expires: Feb 4<sup>th</sup> 2024



AFFIDAVIT

*Kowalke vs. Eastman, et al.*, 3AN-22-07404 CI

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# Oath Keepers Bylaws

+ **ARTICLE I**

+ **ARTICLE II**

+ **ARTICLE III**

+ **ARTICLE IV**

+ **ARTICLE V**

+ **ARTICLE VI**

+ **ARTICLE VII**

- **ARTICLE VIII**

**MEMBERSHIP**

**Section 8.01. Membership:**

**(a) Member:** Membership is available to those individuals who are current serving or retired military, reserves, National Guard (including Air National Guard), and veterans; as well as current and former police and fire-fighters. Provided, that no person who has been convicted of treason or felony in any state or territory of the United States, or dishonorably discharged, unless restored to civil rights; and no person who has been adjudicated mentally incompetent, unless restored to legal capacity, shall be entitled to be a member.

**(b) Associate Member:** Associate Membership is available to those citizens who have not served in any capacity listed in subsection (a) above, who support our mission and take an oath to support and defend the Constitution. Provided, that no person who has been convicted of treason or felony in any state or territory of the United States, unless restored to civil rights; and no person who has been adjudicated mentally incompetent, unless restored to legal capacity, shall be entitled to be an Associate Member.

**Section 8.02. Restrictions on Membership:**

**(a)** No person who advocates, or has been or is a member, or associated with, any organization, formal or informal, that advocates the overthrow of the government of the United States or the violation of the Constitution thereof, shall be entitled to be a member or associate member.

**(b)** No person who advocates, or has been or is a member, or associated with, any organization, formal or informal, that advocates discrimination, violence, or hatred toward any person based upon their race, nationality, creed, or color, shall be entitled to be a member or associate member.

**(c)** Oath Keepers reserves the right in it's sole discretion, to withhold, deny, or revoke the membership or associate membership of any person whom Oath Keepers determines will dilute, impair or disrupt Oath Keeper's mission, dishonor, or in any manner bring ill repute to Oath Keepers.

**Section 8.03. Disclaimer:** Unless otherwise affirmatively stated by the member or officer, no statement, appearance, presentation, speech, or action, by said member, shall be taken, construed, or intended to be on behalf of the United States government, any branch of the military, or any other government entity, federal or state. The status as a current serving service-member of the armed forces of the United States, municipal, state, or federal law enforcement officer or fire-fighter, shall not be a determining factor in the selection or appointment as an Officer or Trustee of Oath Keepers.

**Section 8.04. Code of Conduct.** All members must understand that their actions not only reflect on Oath Keepers but on the entire military, law enforcement, fire fighters and first responder , former and current, community. We strive to maintain a positive image within our communities and states. All members are fully and solely accountable for their actions while members of Oath Keepers. All Oath Keepers Members and Associates shall possess and maintain high moral and ethical standards and uncompromised integrity for continued membership in Oath Keepers. All members are to conduct themselves in a courteous and lawful manner at all times. Members are expressly prohibited from fraternizing with

known criminals, known or suspected criminal organizations and their members, associates or affiliates. Oath Keepers and its members are responsible to maintain the integrity and honor of this organization. Oath Keepers shall have a zero tolerance policy for actions that bring disrespect, dishonor or disrepute on Oath Keepers or the military, law enforcement, fire fighters and first responder community.

**Section 8.05. Our Mission.** Oath Keepers is a non-partisan association of currently serving military, reserves, National Guard, veterans, Peace Officers, and Fire Fighters who will fulfill the Oath we swore, with the support of like minded citizens who take an Oath to stand with us, to support and defend the Constitution against all enemies, foreign and domestic, so help us God. Our Oath is to the Constitution.

**Section 8.06. Our Motto. "Not on our watch!"**

+ **ARTICLE IX**

**CERTIFICATE**

The undersigned, being the duly-elected secretary of Oath Keepers, certifies that the foregoing Bylaws were adopted by the directors of the corporation on October \_\_, 2009; and that such Bylaws are currently in full force and effect and have not been altered, amended, modified, rescinded, or revoked. The undersigned has signed this Certificate as of \_\_\_\_\_, 2009. \_\_\_\_\_, Secretary

