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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

EXPERT REPORT OF JOHN D. GUANDOLO

1. I am John D. Guandolo and President of Understanding the Threat. I am a graduate of the United States Naval Academy, and served as a Marine Corps officer for approximately seven years thereafter. After my military service, I served as a Special Agent in the Federal Bureau of Investigation (“FBI”) for over twelve years where, among other things, I served in the Criminal Division for nearly five years, as the FBI’s Liaison to the U.S. Capitol Police for nearly two years assessing threats to senior government officials, then in the Counterterrorism Division for five years. In 2008, I was recruited out of the FBI to serve in the U.S. Department of Defense for approximately four years in the Irregular Warfare Section of Combatting Terrorism and Technical Support Office. Attached to this Report is a true and correct copy of my Curriculum Vitae.

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2. I have been retained by Representative David Eastman to review and evaluate “Oath Keepers,” a group founded by Stewart Rhodes, as to whether it is an organization which advocates the overthrow of the government of the United States or of the State by force or violence.
3. Prior to offering this opinion, I have interviewed or had conversations with likely hundreds of members of Oath Keepers. I have also discussed Oath Keepers and any threat it poses with active law enforcement officers. I was present with an FBI colleague - Special Agent - near the Capitol on January 6, 2021. In addition to my own personal observations that day, I have reviewed hours of video footage from the events that took place in and around the Capitol on January 6, 2021. I have reviewed numerous news articles about Oath Keepers. Additionally, I have reviewed the mission statement and bylaws of Oath Keepers that was posted on the Oath Keepers website, the affidavits of Matthew Kriner and Jonathan Lewis submitted by Plaintiff in this case, as well as pleadings in the case United States of America v. Elmer Stewart Rhodes III, No. 1:22-cr-00015. I have also reviewed the report of Dr. John Eastman, of today’s date.
4. As an organization, Oath Keepers’ core mission is to support the United States Constitution and encourage those who have sworn an oath to support and defend the Constitution to maintain fidelity to that oath. An organization cannot both support the Constitution and simultaneously advocate the overthrow of the government established by that Constitution.

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5. Nor is it proper to characterize an organization whose membership is bound to obey laws and who must all have previously taken an oath to the Constitution by the actions of an extreme minority, especially if that minority is acting outside of the rules and bylaws of that organization, and if the general membership is excluded from sanctioning or taking part in such activities or even knowing what they entail. This is especially true of an organization whose Code of Conduct admonishes each member that “All members are fully and solely accountable for their actions while members of Oath Keepers.”¹
6. Oath Keepers solicits for membership public servants who are already committed by oath to supporting and defending the Constitution, many of whom, like Representative Eastman, are prohibited by law from joining any organization which would seek to overthrow the government established by such Constitution.
7. Given my interaction with hundreds of Oath Keepers, it is clear that members of that organization do not pledge loyalty or fealty to any leadership of that group, or to a particular political philosophy, but rather are committed to upholding the federal Constitution.
8. Given my extensive training, past law enforcement service focusing on counter-terrorism, and present work with my organization Understanding the Threat evaluating hostile Movements and organizations within those

¹ Oath Keeper Bylaws § 8.04.

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Movements, I am an expert in evaluating and identifying domestic terror threats. It is my opinion that Oath Keepers is not a domestic threat to the United States government or any state government, but an organization made up of individuals from many walks of life dedicated to the U.S. Constitution and the principles upon which it rests.

9. It is my opinion that Oath Keepers, a Domestic Nonprofit Corporation registered in the State of Nevada, does not advocate the overthrow by force or violence of the government of the United States or the State of Alaska.
10. I declare under penalty of perjury that the foregoing is true and correct, and if called as witness would testify competently thereto.

DATED this __14th__ day of _November_ 2022.



John D. Guandolo

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Curriculum Vitae for John D. Guandolo

U.S. Military (1985-1996)

- **Graduate of the U.S. Naval Academy (1989)**
 - Bachelor of Science and General Engineering degree
 - Commissioned an Officer in the United States Marine Corps
- **United States Marine Corps**
 - **2nd Battalion, 2nd Marine Regiment, 2nd Marine Division (1990-1991)**
 - Infantry Rifle Platoon Commander in Combat Operations Desert Shield/Storm (1990-91)
 - **2nd Force Reconnaissance Company (1991-1996)**
 - Recon Platoon Commander (1991-1994)
 - 26 MEU Deployment, Bosnia Combat Operations
 - CIF Platoon Commander reporting to Combatant Commander in classified mission profile
 - Assistant Operations Officer
 - Airborne & Diving Officer
 - **Military Schools/Qualifications & Awards**
 - U.S. Army Ranger Course
 - U.S. Army Airborne, U.S. Army HALO, and USMC HAHO training
 - U.S. Navy Dive School, USMC Combat Diver Course, Dive Supervisor
 - USMC Special Operations CQB & Weapons Training, Urban Assault Course
 - Emergency Medical Technician (EMT)
 - AWARDS: Navy Achievement Medal, Combat Action Ribbon, Navy Unit Commendation, Meritorious Unit Commendation, National Defense Medal, Southwest Asia Service Medal w/ 2 bronze stars, Armed Forces Service Medal, NATO Medal, Kuwait Liberation Medal

Special Agent, Federal Bureau of Investigation (FBI)

- **Domestic & International Narcotics Investigations (1996-2000)**
 - Conducted long term criminal enterprise investigations domestically & overseas
 - Received 2 U.S. Attorneys Awards for Investigative Excellence
- **FBI Liaison to U.S. Capitol Police (2001-2002)**
 - Served as the singular point of contact for the FBI regarding all threats to the President, Vice President, the President's Cabinet, Members of Congress, Supreme Court Justices, and others
- **Counterterrorism Division (2002-2007)**
 - Investigated numerous domestic and international terrorism threats
 - Lead Agent in FBI "Major Case"
 - Created & implemented first training in U.S. Government on Global Islamic Movement including its doctrine, networks, and *modus operandi*. Success of Training Program hailed as

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“groundbreaking” by FBI Executive Assistant Director to Vice President’s National Security Staff

- Received “Defender of the Homeland Award from U.S. Senators Jon Kyl and Joseph Lieberman (2009) for the FBI training
- Served as FBI Supervisor at FBI Headquarters responsible for overseeing numerous counterterrorism investigations in several states, and FISA Application approvals
- **Surveillance Unit (2007-2008)**
 - Conduct surveillance on investigative targets of criminal and counterterrorism matters
- **Certified FBI Uncover Employee**
 - Conducted undercover operations in criminal, public corruption and counterterrorism investigations
 - Trained Department of Defense personnel in preparation for overseas deployments
- **Washington Field Office (WFO) SWAT Team Leader and Operator (1997-2006)**
 - SWAT Team EMT (1997)
 - SWAT Operator and Assistant Team Leader (1998-2003)
 - SWAT Team Leader for FBI Washington Field Office (2003-2006)
 - Commanded, led, and trained approximately 40 SWAT Operators
 - Wrote Standard Operating Procedures (SOP’s) for FBI WFO SWAT
 - Conducted numerous high risk warrant arrests and search warrants, domestic and international renditions of prisoners, special protective details for high level government officials, and other related operations
 - Conducted multi-jurisdictional training & operations across the United States
- **FBI Advanced Capability Medic (1998-2008)**
 - Graduated from George Washington School of Medicine Paramedic Course (1997)
 - Provided medical support for domestic and overseas FBI operations
 - Deployed to Nairobi, Kenya after 1998 Al Qaeda attack on the U.S. Embassy
 - Deployed to the Pentagon following the attacks on 9/11/2001
 - Provided medical and operational/tactical support for counterintelligence operation overseas
 - Provided direct medical support for FBI Director & U.S. Attorney General domestically & overseas
 - Combat Medical Instructor for FBI’s Pre-Deployment training for FBI Legal Attaches

U.S. Department of Defense (2008-2012)

- Worked as a Strategic Analyst in a 2-man unit specifically created for myself and one other individual inside the Irregular Warfare Section of the Combatting Terrorism and Technical Support Office
- Our unit was the only group in the world to accurately predict and brief the 2011 Muslim Brotherhood revolution in the Middle East, its impact, and its outcome before it happened

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- Briefed current and former senior U.S. government officials - civilian and military - on the Islamic and communist Movements, including their doctrines, strategies, networks, and modus operandi, as well as recommendations for defeating them
- Instructor at the Joint Forces Staff College (JFSC), adjunct instructor at the U.S. Army War College
- Co-Authored *Sharia the Threat to America* (2010)
- Created first training program in the West to train military, law enforcement, and intelligence professionals the true nature of the threats facing the United States and the West, and how to teach this information to others
- Worked with leaders of foreign governments to help them deal with the practical manifestations of the threats in their nations

Understanding the Threat/UTT (2012 - present)

- Founder and President of Understanding the Threat
- Empower citizens, elected officials and police to dismantle the communist and jihadi networks inside the United States and re-establish a republican form of government at the county level
- Briefed and trained numerous federal, state, and local leaders across the United States
- Have trained thousands of police officers, military and intelligence professionals, government leaders, and citizens across the United States and Canada.
- Information provided to Executive Branch officials has directly led to hostile actors being removed from their positions
- Author of *Raising a Jihadi Generation* (2013)
- Author of *Islam's Deception: The Truth About Sharia* (2019)
- **Inducted into the International Who's Who for work in the field of national security (2014)**

Notable Information

- Current Auxiliary Sheriff's Deputy
- Knighted as a Knight of Saint John of Jerusalem, Ecumenical Order (Knights of Malta)
- Claremont Lincoln Fellow
- Singer/Songwriter, written hundreds of songs, released 5 albums, 1 song with radio play

Exhibit M, 000008 of 10**Re: Supplemental Report for John Guandolo: Kowalke v. Eastman --
Housekeeping re Experts**

From miller <miller@aklaw.us>

To Goriune Dudukgian <gdudukgian@njp-law.com>

CC Harrison, Lael (LAW) <lael.harrison@alaska.gov>, Flynn, Thomas S (LAW) <thomas.flynn@alaska.gov>, James Jim Davis <jdavis@njp-law.com>, Law Offices of Joseph Miller LLC <millerlaw@acsalaska.net>

Date Thursday, November 17th, 2022 at 9:27 PM Thursday, November 17th, 2022 at 9:27 PM

Hi Goriune,

I also wanted to let you know that like Dr. John Eastman, John Guandolo has not testified in any case as an expert. Let me know if you have any questions concerning this.

Thank you,

Joe Miller

Law Offices of Joseph Miller, LLC

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----- Original Message -----

On Wednesday, November 16th, 2022 at 8:35 PM, Joe Miller <miller@aklaw.us> wrote:

Hi Goriune,

Per your request, please find attached the supplemental to the Expert Report of John Guandolo. Let me know if you require anything else with respect to this expert.

Thank you,

info@aklaw.us

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DAVID EASTMAN,)
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**NOTICE OF SUPPLEMENT TO THE EXPERT REPORT OF
JOHN GUANDOLO**

COMES NOW the Law Offices of Joseph Miller, LLC, and hereby provides the attached supplement to the Expert Report of John Guandolo, dated November 14, 2022.

RESPECTFULLY SUBMITTED this 16th day of November 2022, at Fairbanks, Alaska.

LAW OFFICES OF JOSEPH MILLER, LLC

By: s/ Joseph Miller – Bar Number 9511067
Attorney for Representative Eastman

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I am being compensated by David Eastman at a rate of \$200 per hour for my consulting services and for authoring of my report. To date, I have spent 6 hours on this case.

A handwritten signature in black ink, appearing to read "John D. Guandolo". The signature is written in a cursive style with a long horizontal stroke at the end.

11/16/22

John D. Guandolo

Date