

# Alaska State Legislature

## Select Committee on Legislative Ethics

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## HOUSE SUBCOMMITTEE DISMISSAL OF COMPLAINT H 21-01

The House Subcommittee hereby dismisses Complaint H 21-01 against Representative David Eastman.

1. On November 8, 2021, the House Subcommittee received a properly filed complaint against Representative David Eastman.
2. The complaint alleged the following:

"The Oath Keepers were founded by Steward Rhodes in 2009 in response to the election of President Barack Obama. The Oath Keepers organized; they opened chapters, formed a Board of Directors, and established 10 orders to live by, elevating themselves as Guardians of the Republic and Constitution. (60 Minutes) Their oath, to protect their interpretation of the US Constitution, is for life.

The FBI describes the Oath Keepers as "an anti-government militia with current and former law enforcement and military members among its members." The Oath Keepers is currently under investigation for their role in the January 6<sup>th</sup> insurrection, "an act of domestic terrorism" (FBI), in which insurrectionists stormed the US Capitol to overturn the election of President Joe Biden and prevent the peaceful transition of power, a bedrock of Democracy.

On October 6, news broke that Representative David Eastman (R-Wasilla) is a lifetime member of this group. According to the article in the Anchorage Daily News, he considers it a "privilege." I am deeply troubled by Rep. Eastman's admission, as well as his unapologetic conflict of interest with his Oath of Office. One cannot defend the Constitution while at the same time attempt to overthrow the government. Yet, Rep. Eastman apparently is of the belief that the Oath Keepers are more qualified than the Courts to interpret the Constitution and therefore are justified in acts of domestic terrorism.

By his own admission, Representative Eastman is unfit to serve, based on Alaska Constitution Article 12, Section 4 which states:

"No person who advocates, or who aids or belongs 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 shall be qualified to hold any public office of trust or profit under this constitution."

I am filing this Ethics Complaint to urge the Alaska Legislature to expel Representative Eastman on the grounds that his loyalty to the State of Alaska is compromised by his membership in the Oath Keepers. He should not be compensated for, nor enjoy the benefits

of, a position in which the public has placed its trust, while a member of an organization whose purpose is to undermine the very constitution and institutions he has taken an oath to serve and protect.

Not addressing this issue now will serve to normalize the Oath Keepers, and similar antidemocratic organizations, within the halls of the Alaska Legislature. It will send the message that this conflict of interest and disloyalty are acceptable in a public servant. It will encourage others who are members of the Oath Keepers or similar domestic terror organizations to seek higher office with the goal of destroying our institutions from within. Indeed, this is already happening in other states where Oath Keepers are openly running for higher office. Our Constitution foresaw this potentiality.

The Alaska Constitution is clear that such people are "unqualified to hold public office of trust or profit."

3. Representative Eastman waived confidentiality of the complaint process pursuant to AS 24.60.170(l) on February 21, 2024. Waiver of confidentiality allows proceedings of the subcommittee to be conducted in a public forum. Committee deliberations and vote on the decision, however, are not open to the public or the subject of the complaint pursuant to AS 24.60.170(f).

**Relevant Statutes**

**Sec. 24.60.170. Proceedings before the committee; limitations.**

*(c) When the committee receives a complaint under (a) of this section, it may assign the complaint to a staff person. The staff person shall conduct a preliminary examination of the complaint and advise the committee whether the allegations of the complaint, if true, constitute a violation of this chapter and whether there is credible information to indicate that a further investigation and proceeding is warranted. The staff recommendation shall be based on the information and evidence contained in the complaint as supplemented by the complainant and by the subject of the complaint, if requested to do so by the staff member. The committee shall consider the recommendation of the staff member, if any, and shall determine whether the allegations of the complaint, if true, constitute a violation of this chapter. If the committee determines that the allegations, if proven, would not give rise to a violation, that the complaint is frivolous on its face, that there is insufficient credible information that can be uncovered to warrant further investigation by the committee, or that the committee's lack of jurisdiction is apparent on the face of the complaint, the committee shall dismiss the complaint and shall notify the complainant and the subject of the complaint of the dismissal. The committee may ask the complainant to provide clarification or additional information before it makes a decision under this subsection and may request information concerning the matter from the subject of the complaint. Neither the complainant nor the subject of a complaint is obligated to provide the information. A proceeding conducted under this subsection, documents that are part of a proceeding, and a*

*dismissal under this subsection are confidential as provided in (l) of this section unless the subject of the complaint waives confidentiality as provided in that subsection.*

**DISMISSAL ORDER**

The House Subcommittee hereby dismisses Complaint H 21-01 in its entirety. It has been determined by the committee that the complaint does not allege facts that if proven would be a violation under the Legislative Ethics Act AS 24.60.

Adopted this 7<sup>th</sup> day of December 2021  
by the chair of the House Subcommittee

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H. Conner Thomas, Chair