

CONCLUSION

Governor Sarah Palin

The policy underlying Alaska's Ethics Act is to discourage executive branch employees from acting upon personal interests in the performance of their public responsibilities and to avoid conflicts of interest in the performance of duty. The Act makes clear that compliance with the code of ethics creates a burden on each executive branch employee that is personal in nature.

Compliance with the code of ethics is not optional. It is an individual responsibility imposed by law, and any effort to benefit a personal interest through official action is a violation of that trust. As explained above, the term "benefit" is very broadly defined, and includes anything that is to the person's advantage or personal self-interest. The term "personal interest" as used in the Ethics Act means any interest held by the public officer or the public officer's immediate family, including a sibling such as Governor Palin's sister Molly, Molly's children, her father Mr. Heath or any other family member. AS 39.52.960(11).

As defined in AS 39.52.960(14), the term "official action" means "advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer."

The evidence supports the conclusion that Governor Palin, at the least, engaged in "official action" by her inaction if not her active participation or assistance to her husband in attempting to get Trooper Wooten fired [and there is

evidence of her active participation]. She knowingly, as that term is defined in the above cited statutes, permitted Todd Palin to use the Governor's office and the resources of the Governor's office, including access to state employees, to continue to contact subordinate state employees in an effort to find some way to get Trooper Wooten fired. Her conduct violated AS 39.52.110(a) of the Ethics Act. That statute provides that:

“The legislature reaffirms that each public officer holds office as a public trust, and any effort to benefit a personal or financial interest through official action is a violation of that trust.”

Governor Palin knowingly permitted a situation to continue where impermissible pressure was placed on several subordinates in order to advance a personal agenda, to wit: to get Trooper Michael Wooten fired. She had the authority and power to require Mr. Palin to cease contacting subordinates, but she failed to act.

Such impermissible and repeated contacts create conflicts of interests for subordinate employees who must choose to either please a superior or run the risk of facing that superior's displeasure and the possible consequences of such displeasure. This was one of the very reasons the Ethics Act was promulgated by the Legislature. That such a conflict of interest arises in such circumstances was best summarized by John Bitney, who summed it up when he testified:

MR. BITNEY: I seem to recall that I said “I’ll check it out,” or “let me see what I can do.” I mean, you know, that was, you know. My recollection of my own sense was, you know, “here’s a friend and” if you will “the Governor’s husband”, who’s got into office who’s got a problem, you know, and someone that seems to be a serious problem for him, from my perspective. You know, when the First Gentleman comes into your office and says you got a problem, you sort of feel compelled to look into it and see if something can be done.

In this case, Governor Palin has declined to provide an interview. An interview would have assisted everyone to better understand her motives and perhaps help explain why she was so apparently intent upon getting Trooper Wooten fired in spite of the fact she knew he had been disciplined following the Administrative Investigation. She also knew that he had been permitted to keep his job, and that the disciplinary investigation was closed and could not be reopened. Yet she allowed the pressure from her husband, to try to get Trooper Wooten fired, to continue unabated over a several month-period of time.

Governor Palin has stated publicly that she and her family feared Trooper Wooten. Yet the evidence presented has been inconsistent with such claims of fear. The testimony from Trooper Wheeler, who was part of her security detail from the start, was that shortly after elected to office, she ordered a substantial reduction in manpower in her personal protection detail in both Anchorage and Juneau, an act that is inconsistent with a desire to avoid harm from Trooper Wooten or others. Moreover, assuming that Trooper Wooten was ever inclined to attack Governor Palin or a family member, logic dictates that getting him fired would accomplish nothing to eliminate the potential for harm to her or her family. On the contrary, it might just precipitate some retaliatory conduct on his part. Causing Wooten to lose his job would not have de-escalated the situation, or provided her or her family with greater security.

Finally, it is noteworthy that in almost every contact with subordinate employees, Mr. Palin's comments were couched in terms of his desire to see Trooper Wooten fired for reasons that had nothing to do with fear. His comments were always couched in terms that he was a bad Trooper, that he was not a good recruiting image for AST, that his discipline amounted to nothing more than a slap on the wrist, that nothing had happened to him following the administrative investigation, and so forth. According to interview notes from the Attorney General who interviewed former Chief of Staff Mike Tibbles, Mr. Palin even sought to obtain information about Trooper Wooten that was confidential by law ["T. Palin asked for Wooten's file," "wanted Grimes report," "refused to give it him"]. The words selected by Mr. Palin, and his actions, give insight into his motivation and that of his wife, Governor Palin.

I conclude that such claims of fear were not bona fide and were offered to provide cover for the Palins' real motivation: to get Trooper Wooten fired for personal family related reasons.

While it is true that in the absence of an interview with either Governor Palin or Todd Palin, the specific answers to questions such as these are left unanswered, it is likewise true that their apparent motives can be inferred from the circumstances, their actions and their comments.

For all the above reasons, I find that Governor Sarah Palin abused her power as Governor in that her conduct violated AS 39.52.110(a) of the Ethics Act.