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In re: Investigation Into the
Termination of Walt Monegan

SWORN STATEMENT OF FRANK T. BAILEY

*** CONFIDENTIAL ***

Pages 1 - 21, inclusive

Tuesday, August 26, 2008
10:59 A.M.

Taken by Counsel for Governor Sarah Palin
at
CLAPP, PETERSON, VAN FLEIN, TIEMESSEN & THORSNESS
711 H Street, Suite 620
Anchorage, Alaska

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1 A-P-P-E-A-R-A-N-C-E-S

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3 For Governor Sarah Palin:

4 Thomas V. Van Flein

5 CLAPP, PETERSON, VAN FLEIN, TIEMESSEN & THORSNESS

6 711 H Street, Suite 620

7 Anchorage, Alaska 99501

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9

10 For Frank T. Bailey:

11 Gregory J. Grebe

12 LAW OFFICES OF GREGORY J. GREBE

13 1400 West Benson Boulevard, Suite 120

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16

17 Also Present:

18 Lisa C. Hamby (appearing telephonically)

19

20 Court Reporter:

21 Gary Brooking, Registered Professional Reporter

22 PACIFIC RIM REPORTING

23 711 M Street, Suite 4

24 Anchorage, Alaska 99501

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1 ANCHORAGE, ALASKA; TUESDAY, AUGUST 26, 2008

2 10:59 A.M.

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4 FRANK T. BAILEY,

5 deponent herein, being sworn on oath,

6 was examined and testified as follows:

7 EXAMINATION

8 BY MR. VAN FLEIN:

9 Q. Good morning, Mr. Bailey. My name is Tom

10 Van Flein. And I am assisting the Governor and

11 doing an investigation of some of the issues that

12 have arisen and have been raised by the legislative

13 council. Do you understand that?

14 A. Yes.

15 Q. And you're here with your attorney today,

16 Mr. Grebe?

17 A. Correct.

18 Q. Okay. Great. I want to make sure you're

19 here voluntarily, we haven't forced you to come

20 here.

21 A. Absolutely.

22 Q. Okay. And you understand we're just

23 looking for your honest recollection of the events?

24 A. Yes.

25 Q. Okay. Perfect. I want to turn your

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1 I-N-D-E-X

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3 EXAMINATION BY PAGE

4 Mr. Van Flein 4

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6 EXHIBITS (None marked)

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1 attention right now to -- well, first of all, your

2 position in the Governor's administration. What was

3 your job in the last six months?

4 A. In the last six months I was director of

5 boards and commissions for the Governor.

6 Q. Okay. And is there a job description that

7 you're aware of that says what you're supposed to

8 do?

9 A. Not really.

10 Q. All right. Okay. Were you also a campaign

11 worker before the Governor got elected?

12 A. Yes.

13 Q. Can you tell me: When is the first time

14 you heard the name Mike Wooten or Trooper Wooten?

15 A. Shortly after the campaign in the midtown

16 campaign office, I -- Governor allowed me to sit in

17 on a security briefing with Gary Wheeler, who was

18 the -- I understand the head of the Governor's

19 security detail. It was Gary, the Governor, Todd

20 and myself. And that was the first time that I had

21 actually heard -- heard Trooper Wooten's name.

22 Q. Okay. The election was in November 2006?

23 A. Yeah.

24 Q. So this is approximately sometime November

25 of 2006?

<p style="text-align: right;">6</p> <p>1 A. Correct.</p> <p>2 Q. Okay. And how did his name come up?</p> <p>3 A. Gary brought up: Is there anybody out</p> <p>4 there that we should be concerned about, any</p> <p>5 threats? And they specifically brought up only one</p> <p>6 person, and that was Mike Wooten.</p> <p>7 Q. And was your understanding that the</p> <p>8 security detail was asking for information on</p> <p>9 physical-type violent threats that they may have to</p> <p>10 be aware of now that she was a public figure?</p> <p>11 A. Yes.</p> <p>12 Q. And the only person they brought up was</p> <p>13 this guy, Trooper Wooten?</p> <p>14 A. Correct.</p> <p>15 Q. All right. How long did this discussion</p> <p>16 last, to your recollection?</p> <p>17 A. I don't remember.</p> <p>18 Q. What can you tell me about the demeanor of</p> <p>19 either the Governor or her husband? And when I ask</p> <p>20 that question, I mean, did they show apprehension</p> <p>21 about this guy? Were they expressing a fear, in a</p> <p>22 sense? What was your take on this?</p> <p>23 A. There was a serious genuine concern about</p> <p>24 not only their safety but the safety of their</p> <p>25 family, their kids, their nieces, nephews, her</p>	<p style="text-align: right;">8</p> <p>1 in with a gun or something like that? What kind of</p> <p>2 preparations did the security take, or do you know?</p> <p>3 A. I don't know.</p> <p>4 Q. Okay. And you probably then are unaware of</p> <p>5 whatever investigation the security detail may have</p> <p>6 done based on that information?</p> <p>7 A. That's correct. I don't know.</p> <p>8 Q. Okay. Now, there's an allegation that you</p> <p>9 improperly accessed confidential personnel files or</p> <p>10 confidential workers' compensation files pertaining</p> <p>11 to Mr. Wooten. Can you tell me if there's any truth</p> <p>12 to that?</p> <p>13 A. There is no truth to that. I have never</p> <p>14 seen a workers' comp file, I have never seen a</p> <p>15 personnel file, I have never seen an employment</p> <p>16 hiring file on Trooper Wooten.</p> <p>17 Q. Okay.</p> <p>18 A. I don't even know where they are.</p> <p>19 Q. And so you never went around and asked some</p> <p>20 clerk in a filing department to take a peek at a</p> <p>21 file somewhere?</p> <p>22 A. Of course not.</p> <p>23 Q. Okay. And to the extent there's an</p> <p>24 indication on the conversation you had with Rodney</p> <p>25 Dial, to the extent that you implied you had seen</p>
<p style="text-align: right;">7</p> <p>1 father, regarding Trooper Wooten.</p> <p>2 Q. And what kind of a threat was made that was</p> <p>3 relayed by the Governor to the security detail?</p> <p>4 A. The piece about Trooper Wooten threatening</p> <p>5 her father's life. That was the big -- that was the</p> <p>6 big actual physical threat that I remember from</p> <p>7 that.</p> <p>8 Q. Okay. And is it your understanding then</p> <p>9 that the security detail, through Mr. Wheeler, was</p> <p>10 soliciting this information from the Governor and</p> <p>11 her husband?</p> <p>12 A. Yes.</p> <p>13 Q. And they were responding to that</p> <p>14 solicitation?</p> <p>15 A. Correct.</p> <p>16 Q. And prior to the security detail mentioning</p> <p>17 it, had you even heard of Mr. Wooten?</p> <p>18 A. No.</p> <p>19 Q. So it wasn't something the Governor was</p> <p>20 talking about to you until somebody asked about</p> <p>21 security threats?</p> <p>22 A. Correct.</p> <p>23 Q. All right. And do you know, was a picture</p> <p>24 of Mr. Wooten put up at the Atwood Building or</p> <p>25 anything like that to prepare people in case he came</p>	<p style="text-align: right;">9</p> <p>1 something, were you exaggerating your knowledge, or</p> <p>2 were you basing it on something else?</p> <p>3 A. I was basing it on candid conversations I</p> <p>4 had had with Todd regarding Trooper Wooten.</p> <p>5 Q. Okay. Let me ask this, point out: Did the</p> <p>6 Governor at any time ever ask you to do anything</p> <p>7 regarding Trooper Wooten?</p> <p>8 A. No.</p> <p>9 Q. Did you ever have any conversations with</p> <p>10 Commissioner Monegan about Trooper Wooten?</p> <p>11 A. No.</p> <p>12 Q. Did Todd Palin come to you on occasion with</p> <p>13 information about Trooper Wooten?</p> <p>14 A. Yes.</p> <p>15 Q. And do you have an understanding what his</p> <p>16 concern was?</p> <p>17 A. Yes. Generally that same concern for the</p> <p>18 safety of their family and his sister-in-law, his</p> <p>19 father-in-law. That was the general concern that</p> <p>20 drove him to bring up issues about Trooper Wooten.</p> <p>21 Q. Do you know if there was a sense of</p> <p>22 bewilderment or frustration that Mr. Palin had, that</p> <p>23 he didn't think anything -- that the government</p> <p>24 agencies were doing anything to look into this?</p> <p>25 A. Definitely sensed a sense of frustration,</p>

<p style="text-align: right;">10</p> <p>1 yes.</p> <p>2 Q. And why do you say that?</p> <p>3 A. Just because of, you know, the way he would</p> <p>4 bring the issue up to me. I could tell he was</p> <p>5 frustrated.</p> <p>6 Q. And when did you first learn that actually</p> <p>7 some action had been taken against Trooper Wooten</p> <p>8 based on some of the incidents that he engaged in,</p> <p>9 you know, towards the Governor's sister and others?</p> <p>10 A. After his personnel file was made public in</p> <p>11 the media this June or July or whenever that was,</p> <p>12 then at that point we had heard that he had been</p> <p>13 given a ten-day suspension for all of those</p> <p>14 allegations, and it was reduced to five. And that</p> <p>15 was the first time I knew that anything had happened</p> <p>16 to him.</p> <p>17 Q. And in any of your prior conversations with</p> <p>18 Mr. Palin, did you understand whether he knew</p> <p>19 anything formal had ever been done?</p> <p>20 A. My sense was that he did not think anything</p> <p>21 had been done ever on the situation.</p> <p>22 Q. Okay. So not until Mr. Wooten released</p> <p>23 this information, or his union, were you aware that</p> <p>24 anything had ever been done regarding Trooper</p> <p>25 Wooten's reckless conduct?</p>	<p style="text-align: right;">12</p> <p>1 A. No.</p> <p>2 Q. Are you aware now of what the process is?</p> <p>3 A. Apparently it's going directly to the</p> <p>4 commissioner.</p> <p>5 Q. So that was a commissioner's job, is to</p> <p>6 address complaints against a Trooper, right?</p> <p>7 A. Right.</p> <p>8 Q. And Mr. Monegan never told you that?</p> <p>9 A. No.</p> <p>10 Q. When I say "you," the administration?</p> <p>11 A. No. I never saw anything from Monegan on</p> <p>12 how to put forward a complaint or a concern.</p> <p>13 Q. How about your conversations with Mr. Dial?</p> <p>14 Did he ever say, hey, there's a process here, and</p> <p>15 this is what we do?</p> <p>16 A. No.</p> <p>17 Q. Now, there's some type of -- it's somewhat</p> <p>18 incomprehensible, but there's some type of an</p> <p>19 allegation that you were -- in your conversation</p> <p>20 with Mr. Dial, you were actually trying to</p> <p>21 collectively bargain or go around the union process.</p> <p>22 What is that about?</p> <p>23 A. I don't know exactly what the allegation</p> <p>24 is, but specifically what I was trying to do was to</p> <p>25 find out if Lieutenant Dial knew of any</p>
<p style="text-align: right;">11</p> <p>1 A. Correct. That is correct.</p> <p>2 Q. Did you speak with Mr. Glass about concerns</p> <p>3 about Trooper Wooten?</p> <p>4 A. Yes.</p> <p>5 Q. And what were you relating to Mr. Glass?</p> <p>6 A. I relayed concerns regarding Trooper Wooten</p> <p>7 using his patrol vehicle to take kids around the</p> <p>8 school. Not knowing if that was allowed in the job</p> <p>9 description that he had or that he held, I brought</p> <p>10 that up to -- to John Glass, concerned that he was</p> <p>11 maybe getting away with something that he should not</p> <p>12 have been.</p> <p>13 Q. Okay. And were you asking: Is there a</p> <p>14 way -- is there a complaint process here, or what do</p> <p>15 we do with this information?</p> <p>16 A. I didn't ask him in those terms. I just</p> <p>17 gave him the specific information that I had been</p> <p>18 given.</p> <p>19 Q. Did Mr. Glass ever tell you what the</p> <p>20 process was?</p> <p>21 A. No.</p> <p>22 Q. Did you ever see anything from Commissioner</p> <p>23 Monegan, a memo, an e-mail, anything that explains</p> <p>24 the process for pursuing a complaint against a State</p> <p>25 Trooper?</p>	<p style="text-align: right;">13</p> <p>1 misinformation campaign or any e-mail campaign that</p> <p>2 was going to be coming up through the PSEA ranks</p> <p>3 that we could then get to the Department of</p> <p>4 Administration so that they could be prepared to</p> <p>5 counter any wrong information that was coming out.</p> <p>6 Q. About what?</p> <p>7 A. Regarding facts with Troopers in the state</p> <p>8 of Alaska and --</p> <p>9 Q. Their performance --</p> <p>10 A. -- how many Troopers --</p> <p>11 Q. -- crime results, that kind of thing?</p> <p>12 A. Yeah. Yeah. I mean, that's probably a</p> <p>13 good way to put it; how many open positions there</p> <p>14 are out there. The misinformation campaign that we</p> <p>15 heard was that the Governor does not like rural</p> <p>16 Alaska because she doesn't support Troopers. And</p> <p>17 that, in my mind, is completely incorrect.</p> <p>18 So it was that information that I wanted to</p> <p>19 find out if Rodney knew was going to be coming, we</p> <p>20 wanted to make sure and get that to him at where they</p> <p>21 handle the press release and any press responses</p> <p>22 regarding contract negotiations.</p> <p>23 Q. Okay. Well, help clarify for me. How does</p> <p>24 that affect collective bargaining at all?</p> <p>25 A. I can't see a way that it would. I mean,</p>

<p style="text-align: right;">14</p> <p>1 that's all public information, in terms of if people 2 send out an e-mail campaign, it's going to spread 3 very quickly, and it gets out there. 4 Q. Now as head of boards and commissions, it 5 doesn't sound like this would have been within your 6 job duty. 7 A. No. 8 Q. So was this something you just sort of took 9 upon yourself? 10 A. It is. It is something I took upon myself. 11 You know, I look at it as one of my job duties to 12 portray the Governor in an accurate light. And so 13 if we sense that something was coming up that was 14 inaccurate, I wanted the proper department to be 15 ready to handle that. 16 Q. Okay. Do you have any idea as you sit here 17 why the PSEA has such antipathy towards a governor 18 that pushed, you know, one of the largest increases 19 and benefits for their union members in almost 20 20 years? 21 A. It doesn't make sense to me. I don't 22 understand. 23 Q. Is there somebody who has got some type of 24 an ax to grind against the administration that 25 you're aware of?</p>	<p style="text-align: right;">16</p> <p>1 my own on this discussion. 2 Q. Okay. And you sort of touched on it, but 3 one thing that the Ethics Act looks at are people's 4 motivations, you know, why people do things. Is it 5 for a genuine interest or something that would 6 benefit them personally financially, somehow to the 7 expense of the public? That's kind of the Ethics 8 Act in a nutshell. 9 So let me ask you this: What was your 10 motivation and your issues in dealing with Trooper 11 Wooten? 12 A. My motivation was simply that, to my 13 knowledge, from discussions with Todd, none of the 14 complaints that had ever been brought forward 15 regarding Trooper Wooten had ever been resolved. 16 And so when a new issue was talked about or brought 17 up, I wanted to make sure that at least that was 18 documented and that they took care of that, that 19 issue. 20 Q. Were you looking for a formal process for 21 someone to help? 22 A. I think I was. I didn't come out and ask 23 for that. I guess I would have assumed, maybe 24 incorrectly, that if there was a process, that 25 somebody would have shared that with me. Hey,</p>
<p style="text-align: right;">15</p> <p>1 A. I don't -- I don't know for sure. 2 Q. Okay. 3 A. You know, it doesn't make sense to me. It 4 doesn't fit. 5 Q. All right. The bottom line is, though: It 6 sounds like when you were talking to Mr. Dial about 7 any of this, you weren't doing it because the 8 Governor asked you to, correct? 9 A. Correct. 10 Q. You weren't doing it because the Department 11 of Administration had asked you to? 12 A. That is correct. 13 Q. And would you agree you probably 14 overstepped your boundaries? 15 A. I would agree that I did, yes. 16 MR. VAN FLEIN: Go off record for a second. 17 (Off record.) 18 MR. VAN FLEIN: Back on record. 19 Q. And in what way do you think you 20 overstepped your job duties or boundaries? 21 A. Very specifically, on that call with Rodney 22 Dial, I overstepped my boundaries by representing 23 that the Governor was wondering why this guy was 24 still around. I should not have spoken for the 25 Governor, or Todd, for that matter. I went out on</p>	<p style="text-align: right;">17</p> <p>1 Frank, here's a process for you to deal with this 2 concern, this complaint that you got. And that was 3 never, never relayed to me. 4 Q. Not one person, in the entire Department of 5 Public Safety, ever told you: Hey, here's what you 6 do. You go to the commissioner, and you tell him 7 what your concerns are. And they can give you a 8 form to fill out, and they will investigate it? 9 A. Not to my knowledge, no. 10 Q. That would have been helpful? 11 A. Very helpful. 12 Q. Okay. In your mind, did you form an 13 impression about Mr. Wooten being a threat to the 14 Governor? 15 A. Yes. 16 Q. Why? 17 A. Ever since that very first security 18 briefing that time, where they sat down and talked 19 in detail about their concerns about their physical 20 safety for their family with Trooper Wooten, it 21 always stuck in my mind that at some point this guy 22 could fly off the handle and do something terrible 23 to their family and that it would be irreversible. 24 It always -- it has never left me, that that 25 possibility is out there.</p>

<p style="text-align: right;">18</p> <p>1 Q. Okay. And did you have any concern that if 2 nothing was done, something bad might happen? 3 A. Yes, I did. 4 Q. And that's why you wanted the Troopers to 5 look into him? 6 A. Correct. 7 Q. And again, this was all before you knew 8 that they did? 9 A. Right. Right. 10 Q. Did you ever request someone to go outside 11 the government process to break the rules, to break 12 the process regarding Trooper Wooten? 13 A. No. Let me qualify that. To my knowledge, 14 I did not. Understand, I'm new to government. I 15 don't know all of the rules. But I would not have 16 knowingly ever asked somebody to go outside that 17 process. 18 Q. And especially if no one tells you what the 19 process is. 20 A. Right. Right. Correct. I did not know. 21 Q. And if Mr. Monegan had said, here's what 22 you do, is that what you would have recommended be 23 done? 24 A. Yes. 25 Q. Or if Mr. Dial had said the same thing?</p>	<p style="text-align: right;">20</p> <p>1 Q. And nothing like that was ever done? 2 A. Not to my knowledge. 3 Q. And instead, what approach was taken here? 4 A. It was handed out six, seven months later 5 down the road. 6 Q. To a political committee? 7 A. I don't know who it was actually given over 8 to, to be honest. 9 Q. Okay. And as you sit here today, it sounds 10 like -- and I'm paraphrasing. You correct me if I'm 11 wrong. But you may have overstepped your job 12 duties, but you didn't act unethically and you 13 didn't violate any laws? 14 A. Not to my knowledge, no. That is correct. 15 MR. VAN FLEIN: Okay. Mr. Grebe, do you have 16 any questions? 17 MR. GREBE: No questions. 18 MR. VAN FLEIN: Okay. Thank you, Mr. Bailey. 19 THE WITNESS: Thank you. 20 MR. VAN FLEIN: Thank you, Mr. Grebe. We'll 21 go off record. 22 (Proceedings concluded at 11:28 a.m.) 23 -o0o- 24 25</p>
<p style="text-align: right;">19</p> <p>1 A. Uh-huh. 2 Q. Is that right? 3 A. Correct. 4 Q. Okay. Or Mr. Glass? 5 A. Right. Right. 6 MR. VAN FLEIN: Go off record. 7 (Off record.) 8 BY MR. VAN FLEIN: 9 Q. All right. Mr. Bailey, I think we're 10 almost done here. I want to follow up on one issue. 11 In your discussions in -- was it February with 12 Mr. Dial? 13 A. Yes. 14 Q. February 2008? 15 A. Yes. 16 Q. If Mr. Dial sincerely thought you were 17 doing something unethical or illegal, do you think 18 he had an obligation to report that to his 19 superiors, maybe your superiors at the time? 20 A. Absolutely. Absolutely. I don't 21 understand why -- if he felt I did something 22 unethical or illegal at that point, why didn't he 23 turn that over to my boss, Mike Nizich? 24 Q. Or fill out a report and file a complaint? 25 A. Right. Correct.</p>	<p style="text-align: right;">21</p> <p style="text-align: center;">CERTIFICATE</p> <p>1 2 3 I, GARY BROOKING, Registered Professional 4 Reporter and Notary Public in and for the State of 5 Alaska, do hereby certify that the witness in the 6 foregoing proceedings was duly sworn; that the 7 proceedings were then taken before me at the time 8 and place herein set forth; that the testimony 9 and proceedings were reported stenographically by 10 me and later transcribed by computer transcription; 11 that the foregoing is a true record of the 12 testimony and proceedings taken at that time; 13 and that I am not a party to nor have I any 14 interest in the outcome of the action herein 15 contained. 16 IN WITNESS WHEREOF, I have hereunto set 17 my hand and affixed my seal this 26th day 18 of August 2008. 19 20 21 22 23 24 25</p> <p style="text-align: right;">GARY BROOKING, RPR My Commission Expires 6/21/2012</p> <p>GB3286</p>