

Judge rules in Palin e-mail case

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(AP) -- A judge ruled Wednesday that the Alaska governor's office can use private e-mail accounts to conduct state business, as former Gov. Sarah Palin sometimes did.

Superior Court Judge Jack W. Smith said in his ruling that there is no provision in Alaska state law that prohibits the use of private e-mail accounts when conducting state business.

The case stemmed from a lawsuit filed by Anchorage resident Andree McLeod, who contended such use of private e-mails denies citizens the right to inspect public records.

"I'm stunned," she said after the decision. "I'm stunned that something as simple as no private e-mails should be used for state business has become such a complicated issue."

State lawyers argued that McLeod misinterpreted current state law, and that if the practice is to be changed, it is up to Alaska lawmakers do it.

Smith agreed with the state's premise that public records are defined as those preserved for their informational value, or to document a public agency's operation or organization, and that current open records law doesn't specifically deal with private e-mails.

Mike Mitchell, an assistant attorney general, called the ruling a "very well-reasoned decision" that the state's open records law does not go as far as plaintiffs claimed.

"They raised some valid policy concerns in dealing with the 21st century concerns," he said. "Certainly some review of current law is appropriate, but that's a matter for the Legislature and the legislative process rather than the court."

A bill introduced in the state House earlier this year addresses the issue. It would require a public officer to take or withhold official action through an e-mail system operated and maintained by the state.

McLeod's attorney, Don Mitchell, said it was too early to say if he would appeal.

Palin occasionally had used private e-mail accounts to conduct state business, and her Yahoo accounts were hacked last fall when she was the Republican vice presidential candidate. The hacking showed that the use of private e-mail accounts could make state business vulnerable to being exposed.

It was not widely known that Palin and her staff were using private e-mail accounts until McLeod filed the first of several open records requests that yielded some of the e-mail traffic. Alaska officials redacted much in the e-mails, citing privacy reasons.

McLeod sued to preserve the records so they will be available for her open records request to review the e-mails.

Palin resigned as governor last month.

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