

# EXHIBIT 2

Declaration of  
Col. Janette Moore-Harbert

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MAJOR MARGARET WITT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
THE AIR FORCE, et al.,

Defendants.

No. C06-5195 RBL

**DECLARATION OF COLONEL  
JANETTE MOORE-HARBERT**

1. I, Colonel Janette Moore-Harbert, am the Commander of the 446<sup>th</sup> Aeromedical Evacuation Squadron located at Joint Base Lewis-McChord, Washington. I have served in the Air Force for 32 years. I entered active duty in 1977. In 1986, I left active duty to move to western Washington. The day following my separation from active duty, I entered the Air Force Reserves and was assigned to McChord Air Force Base (AFB). I have been continuously assigned to McChord AFB ever since then.

2. For the majority of my time at McChord, I have been assigned to the 446<sup>th</sup> Aeromedical Evacuation Squadron (AES), and its organizational predecessors (the 40<sup>th</sup> Aeromedical Evacuation Squadron and the 446<sup>th</sup> Airlift Wing). The 446<sup>th</sup> AES is a Reserve unit and all of its military members are in the Air Force Reserves. Most unit members are

1 "traditional reservists (TRs)." They convene as a unit one weekend a month, that weekend being  
2 known as a Unit Training Assembly (UTA) weekend. Additionally, they are required to serve  
3 an annual two-week tour of duty. Most TRs have full-time civilian jobs apart from their military  
4 duties.

5 3. Several unit members, including myself, are Air Reserve Technicians (ART).  
6 Unlike TRs, ARTs work at the unit full-time rather than part-time. ARTs are responsible for the  
7 day-to-day management of unit affairs, equipment, and facilities. Their purpose is to keep the  
8 unit running on a daily basis since TRs, as part-time workers, are typically not available to do so.

9 4. During my first six months or so in the Reserves, I was a TR. Desiring full-time  
10 work, I applied for and was selected to fill an ART billet in May 1987. In the summer of 2003,  
11 following approximately six months' service as the 446th AES' acting Senior ART, I became the  
12 unit's Senior ART. At that time, the Commander of the 446th AES, Col Walker, was a TR. My  
13 job as the unit Senior ART was to keep her informed of unit matters and to assist her with  
14 running the unit on a day-to-day basis regarding operations, training, and administration. In light  
15 of these duties, I was selected for and attended a week-long Squadron Commander's Course at  
16 Robins AFB in Georgia. In October 2005, I succeeded Col Walker as Commander of the 446th  
17 AES, a position I have held continuously since that time.

18 5. During the time I served as Senior ART for the 446<sup>th</sup> Major (Maj) Margaret Witt  
19 was a TR member of the 446<sup>th</sup> AES. In my professional opinion, during the time she was a  
20 participating member, Maj Witt was a good performer respected by other unit members.

21 6. There are thirty-two AESs in the Air Force. Eighteen, are Reserve units, ten are  
22 National Guard units, and four are active duty units. The AESs perform "Aerovac" missions.  
23 That is, they provide global transport for injured and ill patients, in the context of both combat  
24 casualties (in Iraq and Afghanistan), humanitarian contingencies (such as relief operations  
25 relating to Hurricane Katrina and the recent earthquake in Haiti), and "routine" peacetime  
26 operations (car accident victims, patients in cardiac arrest or suffering diabetic complications).

1           7.       Aerovac missions play a vital role in caring for frontline combat troops and have  
2 shown increasing effectiveness with regard combat casualties in Iraq and Afghanistan. For those  
3 injured in combat who make it to a treatment site from which they can be aerovaced out of the  
4 country, the survivability rate is around 91% to 95%. This is a significant increase from the  
5 1991 Desert Storm survivability rates of approximately 75%.

6           8.       Much of that improvement can be attributed to the improved training of AES  
7 crews. Accordingly, there is a great deal of emphasis on training in the 446th AES. The three  
8 main types of our training are clinical (hands-on patient care), operations (flying), and medical  
9 readiness/ancillary (non-patient care).

10          9.       At any given time, the 446<sup>th</sup> currently averages about 140-145 members. Of  
11 those, approximately 50 are flight nurses and 70 are technicians (paramedics, firemen). All  
12 flight nurses must pass a flight physical and be deployable.

13          10.       Required clinical training includes maintaining currency in such areas as  
14 advanced cardiac training, trauma training, and emergency response training.

15          11.       Required operational training includes knowing how to respond in the event of an  
16 aircraft emergency such as rapid decompression, failure of landing gear to deploy, or fire. Too,  
17 personnel must maintain qualification for flying three different aircraft: the C-17, C-130, and the  
18 KC-135. These various airframes are differently structured and specialized knowledge is  
19 required for knowing how to properly load and unload patients onto and from them, how to adapt  
20 aircraft interiors for litters, how to run electrical equipment within them, how to string oxygen  
21 lines through them.

22          12.       Ancillary training is generally common to most military members and includes  
23 such subjects as information assurance (handling classified materials and cyber protection),  
24 survival combat, water survival, small arms, air and ground chemical warfare, anti-terrorism,  
25 preventing human trafficking, self-aid and buddy care, and unprofessional relationships.

26          13.       Completing all requisite training, conducting normal unit operations, maintaining  
27 aircraft currency, and carrying out deployment missions is challenging for our TRs. In any given  
28 year, I would estimate that about 25% of the 446<sup>th</sup> membership deploys. Personnel deploy on a

1 volunteer basis. The deployment timeframe, location, and crew requirements are some of the  
2 factors impacting decisions to volunteer.

3 14. Deployments are typically for a period of 120 days. Due to training requirements  
4 that must be completed immediately prior to being deployed and a two-week reconstitution  
5 period following a deployment, the usual deployment results in a member committing  
6 approximately 150 days to the endeavor -- that's at least four months away from their civilian  
7 jobs and their families.

8 15. At present, I have six members deployed to Afghanistan (Khandahar, Bagram,  
9 and Bastion) and Ramstein Air Base in Germany. In August 2010, 38 more members of the  
10 446<sup>th</sup> are scheduled to deploy in support of the wars in Iraq and Afghanistan. Yesterday, I  
11 received notification from Air Force Reserve Command that there is a need to fill an additional  
12 49 deployment taskings at that time (August 2010) due to the current surge of personnel in  
13 Afghanistan. I anticipate that my unit will deploy an additional 20 members in support of these  
14 taskings.

15 16. I have been advised that depositions are being sought of --  
16 -- my Flight Commander for Operations, Lieutenant Colonel (Lt Col) Kenneth Winslow,  
17 -- my Flight Commander for Readiness, Lt Col Thomas Hansen,  
18 -- my Officer In Charge of Upgrade Training, Captain (Capt) Jill (Brinks) Robinson,  
19 -- Capt (retired) Edmond Hrivnak (married to Major Jennifer Hrivnak who currently is  
20 my Deputy Flight Commander of Training),  
21 -- my Non-Commissioned Officer In Charge of Ground Training, Master Sergeant (Msgt)  
22 Leah Crawford,  
23 -- my Superintendent of Operations, Msgt Stacey Julian.

24 17. I have previously placed Capt Robinson and MSgt Julian on orders to assist with  
25 work in the unit on the dates of the proposed depositions. Accordingly, their depositions would  
26 remove them from performance of their military duties.

27 18. For all members presently serving with the 446th (i.e. not retired), having to sit  
28 for a deposition and all that that entails constitutes another commitment away from their civilian

1 jobs and families -- it's yet another task imposed upon them that makes it that much harder to  
2 find time for performance of the military mission.

3 19. It's also an added burden for me, as I work to keep up with who is having to  
4 testify; to generate duty orders for those who are testifying; and to expend money from  
5 operational funds to cover salaries owed while on duty to testify.

6 20. I find the questioning being pursued by Maj Witt and her counsel potentially  
7 harmful to important crew relations. For instance, questions as to whether one has ever known  
8 or suspected fellow unit members to be gay are going to put people in a difficult position vis-à-  
9 vis one another. I don't want them questioning one another when they're 30,000 feet in the air  
10 and having to rely on each other to overcome medical or flight issues to save a patient's life. It  
11 is my considered command assessment that the continued litigation of Major Witt's case, to  
12 include the deposition of unit members, would pose a significant risk of disruption to the unit.

13 21. Members of my unit are so proud of what they do. It makes them proud of the  
14 446<sup>th</sup> unit patch they wear on their uniform. I'm troubled by the prospect that given (1) the  
15 publicity Maj Witt has and continues to generate/attract over her discharge and the policy  
16 underlying it and (2) the unit members' continued exposure to the case through its ongoing  
17 litigation, the unit will become perceived as the "Don't Ask, Don't Tell unit" rather than the very  
18 best AES in the Air Force.


19 22. As a commander, my primary job is to see that members of my unit are trained,  
20 organized, and equipped to meet unit taskings. In achieving this, commanders have to  
21 communicate with their people, be out there among them, let them know that they're fighting for  
22 them. I do these things so that my people know me and feel that they can call me if they need  
23 anything.

24 23. As a commander I am a focal point for receipt of information about my people  
25 and my unit. For example, I receive training reports on how my people have performed in their  
26 professional training schools; if there is an incident about one of my folks in the police blotter,  
27 it's sent to me for review and appropriate action, if any. When our local Military Equal  
28 Opportunity (MEO) office conducts a unit climate assessment (UCA), they personally brief me



1 on the results relating to my unit. As a commander, I can request the MEO office to conduct a  
2 UCA on my unit, and I have done so. Other members of the unit are not responsible for the same  
3 level of consideration of the unit's overall status.  
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5 I declare under penalty of perjury under the laws of the United States of America that the  
6 foregoing is true and correct. Executed on 4 March 2010.  
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11 JANETTE MOORE-HARBERT, Col, USAF  
12 446<sup>th</sup> Aeromedical Evacuation Squadron  
13 Commander  
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