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The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MAJOR MARGARET WITT,  
  
Plaintiff,

vs.

UNITED STATES DEPARTMENT OF  
THE AIR FORCE; ROBERT M. GATES,  
Secretary of Defense; MICHAEL B.  
DONLEY, Secretary of the Department of  
Air Force; and COLONEL JANETTE L.  
MOORE-HARBERT, Commander, 446<sup>th</sup>  
Aeromedical Evacuation Squadron,  
McChord AFB;  
  
Defendants.

NO. C06-5195 RBL

DECLARATION OF JAMES  
SCHAFFER (Ret.)

I, JAMES SCHAFFER, do hereby declare under penalty of perjury under the laws of  
the United States of America, that the following facts are true and correct:

DECLARATION OF JAMES  
SCHAFFER (Ret.) – 1  
NO. C06-5195 RBL

**CARNEY  
BADLEY  
SPELLMAN**

LAW OFFICES  
A PROFESSIONAL SERVICE CORPORATION  
700 FIFTH AVENUE, #5800  
SEATTLE, WA 98104-5017  
FAX (206) 467-8215  
TEL (206) 622-8020

1           1.     I am over the age of 18 years, have personal knowledge of the facts  
2 contained in this Affidavit and am competent to testify to them.

3           2.     I served in the United States Air Force in the 446<sup>th</sup> Aeromedical Evacuation  
4 Squadron from March 1991 until October 2007. I retired at the rank of Senior Master  
5 Sergeant.

6           3.     In early 2005 I spoke with attorneys for Major Witt and on March 25, 2005  
7 I executed a declaration in which I attested to many facts regarding my knowledge of  
8 Major Witt. I understand that Major Witt's attorneys filed my prior declaration in this  
9 Court in this action.

10          4.     I was called to active duty and sent to the Europe and the Mideast in August  
11 of 2005 along with many members of the 446<sup>th</sup>. I returned to the United States to McChord  
12 Air Force Base in early January of 2006.

13          5.     Somewhere around February or March of 2006 all the active duty members of  
14 the 446<sup>th</sup> AES were called in to a meeting. I believe approximately fifty to sixty people  
15 attended that meeting.

16          6.     We were addressed at that meeting by Colonel Janette Moore-Harbert, the  
17 commanding officer of the 446th AES.

18          7.     Colonel Moore-Harbert told us that there have been some issues raised with  
19 respect to Major Margaret Witt and the Don't Ask Don't Tell policy of the armed forces.  
20 She explained that there had been legal issues raised and that lawyers for Major Witt had  
21 been "poking around." She told us that we were not allowed to talk to Major Witt's lawyers

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1 in any way, shape, or form. She instructed us that if we were contacted by anyone, we  
2 should refer the person who contacted them to Public Affairs.

3 8. Colonel Moore-Harbert told us that the orders not to say anything to Major  
4 Witt's lawyers were "coming from the Wing." At that time the Wing Commander was  
5 General Eric Crabtree.

6 9. At the time I received these instructions prohibiting me from talking to Major  
7 Witt's lawyers, I had already spoken to them and had already given them a declaration.

8 10. Obviously I do not recall the names of all of the fifty or sixty people who  
9 were present when Colonel Moore-Harbert gave us these orders. But I believe that the  
10 following people were all there: Tom Henderson, Mike Gainer, John Olmedo, David  
11 Livingston, Sharon Carlson, Vince Oda, Patty Martin, Leah Crawford, Julia Scott, Tom  
12 Hansen, Jill Brinks, Christy Forbes and Mike Shaudis.

13 11. I believe Ken Winslow, Judy Krill and Jenaro Wirth may have also been  
14 present.

15 12. After Colonel Moore-Harbert instructed us that we were prohibited from  
16 talking to Major Witt's attorneys we were addressed by Sgt. Theron Smith. He gave us a  
17 general prohibition on the "Don't Ask Don't Tell" policy. I recall that he instructed us that  
18 the policy required that any initiative for commencing an inquiry into a service member's  
19 sexual orientation had to come from the bottom of the chain of command, from the unit  
20 commander of the unit in which the service member served. I remember thinking at the time  
21 that I knew this was *not* how the inquiry had been commenced in Major Witt's case and that

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1 from what Sgt. Smith was saying to us, the Air Force violated its own policy in Major Witt's  
2 case.

3 13. When I retired in October of 2007, I invited Major Witt to attend my  
4 retirement party which was held on base at AFB McChord.

5 14. Colonel Moore-Harbert was also invited and she also attended my retirement  
6 party.

7 15. At that party, the 446<sup>th</sup> AES presented Major Witt with a photograph signed  
8 by many members of the unit. When it was presented to her, everyone present stood and  
9 gave Major Witt a standing ovation.

10 16. Colonel Moore-Harbert gave Major Witt a hug when the photo was presented  
11 and participated, along with everyone else, in the standing ovation given to Major Witt.

12 17. Since Major Witt was removed from the unit, I have never heard anyone say  
13 that they were glad she was removed. I have never heard anyone say that they think it would  
14 be bad for the unit if she were reinstated. On the contrary, everyone I have ever talked to or  
15 heard commenting about her case has said that they would be glad to have her back in the  
16 unit.

17 18. This is hardly surprising, since gay and lesbian service members have served  
18 in the 446<sup>th</sup> for many years and everyone knows this. While these service members did not  
19 come out and *say* they were gay or lesbian, everyone knew they were anyway and no one  
20 cared.  
21

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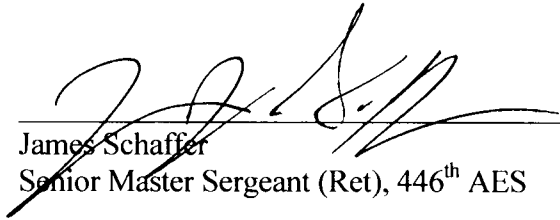
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DATED this \_\_\_\_\_ day of February, 2010.

  
James Schaffer  
Senior Master Sergeant (Ret), 446<sup>th</sup> AES

DECLARATION OF JAMES  
SCHAFFER (Ret.) – 5  
NO. C06-5195 RBL

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