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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAJOR MARGARET WITT,

Plaintiff,

vs.

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

Defendants.

NO. C06-5195-~~JKA~~
RBL
DECLARATION OF MAJOR
MARGARET H. WITT

I, MARGARET WITT, do hereby declare under penalty of perjury that the following facts are true and correct:

- 1. I am the plaintiff in this case. I have personal knowledge of the facts set forth here.
- 2. I entered the United States Air Force on March 27, 1987 when I began my officer training. I was commissioned as a Second Lieutenant on April 11, 1987. Since

DECLARATION OF MAJOR
MARGARET H. WITT – 1

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1 that time I have been promoted as follows: to First Lieutenant on April 11, 1989; to
2 Captain on April 11, 1991; and to Major on October 1, 1999. On October 1, 2003 I
3 became eligible for promotion to Lieutenant Colonel. I ceased to be eligible for further
4 promotion on November 4, 2004 when I received notice that I was going to be separated
5 from the Air Force.

6 3. My initial duty assignment was Operating Room Staff Nurse and Officer in
7 Charge of Sterile Central Supply at Castle Air Force Base, California. In June of 1990 I
8 was transferred to Wiesbaden, Germany where I served as Operating Room Staff Nurse at
9 the 7100 Combat Support Wing Medical Center. In August of 1992 I was transferred to
10 Scott Air Force Base, Illinois where I served as Flight Nurse, Nurse Scheduler, Medical
11 Aircrew Training Officer, Flight Nurse Evaluator, and eventually as Chief of Medical
12 Aircrew Standards and Evaluations, with the 375th Aeromedical Evacuation Squadron.
13 Aeromedical Evacuation Squadron personnel are responsible for inflight management and
14 care of ill and injured patients transported by military aircraft.

15 4. On December 16, 1995 I transferred from active duty to reserve duty, and I
16 was reassigned to McChord Air Force Base, Washington, to the 446th Aeromedical
17 Evacuation Squadron. As a reservist I report to McChord approximately 3-5 days per
18 month for reserve duty. With the 446th I have served as Flight Nurse, Flight Nurse
19 Examiner, Director of Weight Management and Physical Fitness, Officer in Charge of
20 Ground Training, and, starting on April 4, 2004, as Standards and Evaluations Flight
21

DECLARATION OF MAJOR
MARGARET H. WITT – 2

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1 Commander. My assignment gave me management responsibility for over 200 flight
2 nurses and medical technicians.

3 5. Over the course of my 19+ years with the Air Force, I have received the
4 following medals: Meritorious Service Medal, Air Medal, Aerial Achievement Medal,
5 Air Force Commendation Medal, Air Force Achievement Medal, Air Force Outstanding
6 Unit Award, Combat Readiness Medal, National Defense Service Medal, Armed Forces
7 Expeditionary Medal, Air Force Overseas Ribbon Long, Air Force Longevity Service,
8 Armed Forces Reserve Medal, Small Arms Marksmanship Ribbon, Air Force Training
9 Medal, and Global War on Terrorism Service Medal.

10 6. In January of 2003 I was deployed to Seeb Air Force Base, Oman in
11 support of Operations Southern Watch and Enduring Freedom. As noted in the Air Medal
12 citation which was awarded to me on May 14, 2003:

13 “Major Margaret H. Witt distinguished herself by meritorious achievement
14 while participating in sustained aerial flight as Medical Crew Director,
15 320th Air Expeditionary Aeromedical Evacuation Squadron, 320th
16 Expeditionary Operations Group, 320 Air Expeditionary Wing, from 12
17 January 2003 to 17 February 2003. During this period Major Witt provided
18 aeromedical evacuation services for multi-national coalition forces engaged
19 in the global war on terrorism. Her airmanship and courage directly
20 contributed to the successful accomplishment of important missions under
21 extremely hazardous conditions and demonstrated her outstanding
proficiency and steadfast devotion to duty. Major Witt’s professional skill
and dedication contributed immensely to the wing’s operational
aeromedical evacuation and airlift capability in support of Operations
ENDURING FREEDOM and SOUTHERN WATCH. Her commitment to
mission readiness and unrivaled clinical skills ensured the delivery of
outstanding medical care to 150 patients during 18 sorties on C-130, KC-
135 and C-17 aircraft while operating in an austere, hostile environment.

DECLARATION OF MAJOR
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1 The professional ability and outstanding aerial accomplishments of Major
2 Witt reflect great credit upon herself and the United States Air Force.”

3 7. Seven months later in December of 2003 I was awarded the Air Force
4 Commendation Medal for my action in saving the life of a DOD employee who collapsed
5 aboard a commercial flight. As noted in that commendation:

6 “Major Margaret H. Witt distinguished herself by outstanding achievement
7 as Flight Nurse Examiner, 446th Aeromedical Evacuation Squadron,
8 McChord Air Force Base, Washington. On 28 February 2003, Major Witt
9 distinguished herself by coming to the aid of a critically ill passenger on
10 board a commercial aircraft en route home from Seeb Air Force Base.
11 Major Witt rendered emergency medical care to a 60 year old Department
12 of Defense civilian who had collapsed on the floor of the aircraft. Using
13 only the most basic medical equipment, Major Witt rendered life sustaining
14 supportive care to the patient, consulted with the aircraft commander and
15 made the recommendation that the aircraft divert to the nearest airfield with
16 a hospital capable of caring for the patient. Her quick response to the
17 emergency, her nursing professionalism, and dedication to the care to the
18 patient without regard for her own personal injury and safety represent the
19 best traditions of Aeromedical Evacuation. The distinctive
20 accomplishments of Major Witt reflect credit upon herself and the United
21 States Air Force.”

I was also recognized by World Airways for my action.

16 8. I have consistently received exemplary evaluations in my annual Officer
17 Performance reports. For example, my most recent evaluation contains the following
18 assessments by Major Kenneth Winslow and Major Thomas M. Hansen:

19 “As OIC of Ground Training, demonstrated excellent organizational and
20 management skills by coordinating training and availability of airframes for
21 certification of all squadron flyers on six different opportune aircraft;
Instrumental in communicating and coordinating with multiple other
aeromedical units for cross-certification opportunities increasing overall
worldwide capabilities and mission readiness of each squadron member;
Excellent mentor – created multiple unique training scenarios for students

DECLARATION OF MAJOR
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1 in initial upgrade training and requalification – often sought out by peers
2 for advice on career advancement and educational opportunities; crated
3 oversheets for certifications and training to streamline process and assure
4 continuity of documentation; Takes on new responsibilities – stepped up to
5 create schedule and bid for quarterly mission buys to assure quality training
6 opportunities would be provided for returning deployed, and remaining,
7 squadron members.

8 “Outstanding squadron and Air Force representative – hand picked to
9 coordinate humanitarian mission and patient transport with multiple civilian,
10 military, government and DOD agencies assuring continuity of care;
11 Recognized leader – submitted by peers and selected by superiors as Officer
12 of the Quarter Spring of 2003; Voluntarily assumed overall responsibility
13 for multiple sections within the squadron during unit mobilization assuring
14 continuity and standards were maintained for new students, continuation
15 training, and evaluations.”

16 9. In September of 2003 defendant Colonel Mary L. Walker notified me that I
17 was the recipient of the Officer of the Quarter Award for the 2003 Third Quarter. That
18 award states that “The Officer of the Quarter Award is given only to those individuals who
19 have demonstrated exceptional professionalism, leadership and service to our country. This
20 Award is recognition for superior dedication not only to the United States Air Force, but to
21 the civilian community as well.”

10. Because of my outstanding record of achievement and service, I was picked
to be the “poster child” for Air Force Nurse Corps recruitment flyers in 1993. Photographs
of me were included in AF Nurse Corps recruitment flyers and backdrops for over ten years.
(See Exhibit A, attached).

11. I have served as a Volunteer Firefighter, and since 1999 I have been
employed as a physical therapist.

DECLARATION OF MAJOR
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1 12. During the summer of 2004 I was informed by Major Adam Torem that on
2 behalf of the Department of the Air Force he had begun investigating an allegation that I had
3 engaged in homosexual acts with a civilian woman. This allegation is true. I was engaged
4 in a committed and loving long term relationship with a civilian woman from July 1997
5 through August of 2003, and during that time period we engaged in sexual relations with
6 each other in the privacy of our home in Washington State.

7 13. I met her while attending the physical therapy school. She was never a
8 member of the United States Air Force, or of any other branch of the armed forces, and was
9 never a civilian employee of any branch of the armed forces.

10 14. My relationship with her ended because she desired to have a child and
11 wanted the two of us to raise the child together as a family. I informed her that I did not
12 wish to become a parent and did not want to raise a child with her. Because she did want
13 this, we ended our relationship in August of 2003. She moved out of our house on in early
14 November of 2003 after becoming pregnant. She went ahead with her plans to have a child,
15 was artificially inseminated in October of 2003, and in July of 2004 she gave birth to a child
16 as she planned.

17 15. I have never engaged in sexual relations while on duty. I have never engaged
18 in sexual relations on the grounds of any Air Force base.

19 16. With the exception of Senior Master Sergeant James Schaffer, I never told
20 anyone in the military about my relationship with my partner. He was and still is my
21 neighbor, and he trained me as a firefighter while I was volunteering as a county firefighter.

DECLARATION OF MAJOR
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1 He was a member of my unit, 446 Aeromedical Evacuation Squadron, and he was also a
2 civilian friend and neighbor. While on our way to firefighting training he asked me how long
3 my partner and I had been together, and I told him how many years it had been (three or four
4 to the best of my recollection).

5 17. Other than SMSgt Schaffer, I never told anyone else in the military about my
6 relationship with my partner. I kept this information to myself because I did not consider it
7 to be anyone else's business. I understood that Air Force regulations dictated that anyone
8 who told a military service member that they were homosexual could be separated from the
9 service, and I wanted to pursue a military career so I never made any such statement.

10 18. Except SMSgt. Schaffer, I never told anyone at McChord Air Force Base that
11 I was a homosexual. In the summer of 2004 a few people on base were informed that I was
12 being investigated for homosexuality. I was contacted by Major Adam Torem in July of
13 2004 and he advised me that he had been assigned to investigate the allegation that I had
14 engaged in sexual relations with another woman. He told me that the only people who knew
15 about his investigation were Colonel Mary L. Walker and Master Sergeant Theron Smith.
16 When Major Torem told me that he was investigating my past relationship I declined to
17 make any statement to him. Approximately one month after Major Torem contacted me, I
18 was contacted by an Air Force chaplain who said he had been sent by the 446th Wing
19 Commander to see if I wanted to talk to him at any time. He told me "I know what has
20 happened and it's very unfair." I declined to speak with him as well.
21

DECLARATION OF MAJOR
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1 19. I understand that Major Torem made a final report in which he correctly
2 concluded that I had engaged in sexual relations with another woman. I further understand
3 that this report was forwarded to my immediate commanding officer, Colonel Walker.

4 20. On November 4, 2004 I was ordered to report to the commander's conference
5 room by Lieutenant Colonel Jan Moore-Harbert. When I reported there I met with Major
6 Verna Madison and Lieutenant Colonel Moore-Harbert. At that time Lt. Col. Moore-
7 Harbert informed me that Colonel Walker had ordered her to advise me that Colonel Walker
8 would be initiating separation proceedings against me on grounds of my having committed
9 homosexual acts. Lt. Colonel Moore-Harbert further advised me that Colonel Walker was
10 going to sign an official notification letter the next day (November 5th) and that it would be
11 sent to me by certified mail. Lt. Colonel Moore-Harbert said that a chaplain (not the same
12 one who had contacted me in August) was waiting in an adjacent office to talk to me if I
13 wished to do that. I declined to talk to him also.

14 21. Other than SMSgt. James Schaffer, to the best of my knowledge, the Wing
15 Commander, Colonel Walker, Major Torem, Major Madison, Lieutenant Colonel Moore-
16 Harbert, Master Sergeant Theron Smith, and two chaplains whose names I do not know, are
17 the only people at McChord Air Force Base who have been told about my past relationship
18 with my civilian partner. If there are any other people on the base who are aware of this past
19 relationship, it can only be because Major Torem, Colonel Walker, or other persons involved
20 in the investigation of my personal life, told them about it.
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DECLARATION OF MAJOR
MARGARET H. WITT – 8

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1 22. Until Major Torem asked me if I wanted to make a statement in the summer
2 of 2004, at no time in the 19+ years of my military career did any service member ever ask
3 me if I was a homosexual, nor did any service member ever state or imply that they
4 suspected that I was a homosexual. At no time has any service member ever indicated any
5 unwillingness to work with me, or expressed any discomfort at having to work with me or
6 under my supervision.

7 23. I love my job with the Air Force and I am very dedicated to my military
8 career. I want very much to be promoted to Colonel, and to continue to serve my country. I
9 want very much to earn a full military retirement pension, which I cannot do unless I have
10 20 years or more of service. However, because Colonel Walker has initiated separation
11 proceedings against me pursuant to Air Force regulations, as of November 4, 2004 I am no
12 longer receiving any pay and I am no longer earning any service points towards a retirement
13 pension. Colonel Walker's letter to me, dated November 5, 2004 states:

14 This is to notify you that I have initiated separation actions against you under
15 the provisions of AFI 36-3209, due to homosexual conduct. Under the
16 provisions of AFMAN 36-8001, Chapter 1, Table 1.2, Note 3, you may not
17 participate in any pay or point activity pending resolution of separation
18 action.

19 24. If I am discharged from service, even if I later prevail in this lawsuit and I am
20 later reinstated to my present position at my present rank, I believe I will never be promoted
21 to Colonel because there will be gaps in my military record, and for that gap period I will not
be able to supply any officer performance reports. I will also be ineligible for professional
military education ("PME") courses at the Air War College. Without such reports showing

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MARGARET H. WITT – 9

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1 continuous good service and the appropriate PME, I will never be selected for promotion to
2 Colonel.

3 25. If I am discharged from service I will never earn a retirement pension because
4 I will not have 20 years of military service.

5 26. If I am discharged from service, for the rest of my life I will have to disclose
6 the fact of my involuntary separation from the military to all future employers. An
7 involuntary separation from the military is generally a stigmatizing fact which makes
8 employers suspicious and less willing to offer positions of employment to the separated
9 person. Moreover, the notice I received on March 6, 2006 states that the Air Force seeks to
10 give me a General Discharge under Honorable Conditions. This is one level below an
11 Honorable Discharge and would be highly stigmatizing. Finally, my papers would state the
12 reason for my separation ("homosexual conduct") thereby informing every potential
13 employer of my sexual orientation. It would make it far more difficult for me to obtain
14 employment in the civilian sector.

15 27. I have been supporting myself since November 4, 2004 solely upon my salary
16 as a physical therapist. I have been surviving paycheck to paycheck, and I have had to dip
17 into my savings each time an unusual expense such as medical care or car repair comes
18 along. I receive approximately \$3220 (before taxes) from my employer. Prior to November
19 4, 2004, I used to receive an additional \$780 (before taxes) every month as my military pay
20 for my reserve duty, and additional flight pay per diem and annual two week tour pay. I
21 have to make a monthly mortgage payment of \$1145. It has been difficult to make ends

DECLARATION OF MAJOR
MARGARET H. WITT – 10

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1 meet. Since I was suspended from points and pay I have drawn down on my savings
2 account by withdrawing approximately \$8,000.

3 28. The only reason I had any savings at all was because I saved the money I
4 earned during my tour of active duty in Operation Enduring Freedom/Southern Watch. I was
5 able to save approximately \$20,000 from my active duty pay at that time.

6 29. If I had not been suspended from points and pay in November of 2004, I
7 would have been activated in 2005 and I would now be deployed as a flight nurse earning an
8 annual salary of roughly \$60,000 per year (without including incentive pay which includes
9 flight pay, hazardous duty pay, and per diem). The Air Force Reserve currently has a critical
10 shortage of flight nurses. At my rank (Major) the Air Force Reserve currently (as of April 4,
11 2006) has 121 vacancies for flight nurses. This is the largest number of vacancies for any
12 duty assignment for officers in the Air Force Reserve. But for the fact that I have been
13 separated from my unit and placed in limbo for the past 16 months I would be deployed and
14 serving as a flight nurse either stateside or overseas in Qatar, Iraq or Germany.

15 30. It was my intention to take additional courses to become certified in Forensic
16 Nursing but the cost of such instruction (roughly three to four thousand dollars) is something
17 I cannot currently afford on my salary as a physical therapist.

18 31. Unless this Court grants this motion for preliminary injunctive relief and
19 enjoins my discharge, I will suffer irreparable injury to my military career.
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DECLARATION OF MAJOR
MARGARET H. WITT – 11

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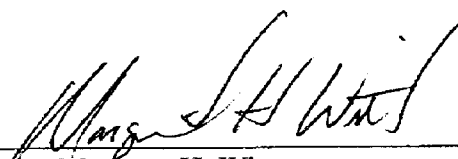
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32. Unless this Court grants this motion for preliminary injunctive relief and orders that I be permitted to return to duty and to resume collecting pay, I will suffer considerable financial hardship.

DATED this 13th day of April, 2006.


Major Margaret H. Witt
Plaintiff

DECLARATION OF MAJOR
MARGARET H. WITT - 12

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EXHIBIT A



Qualifications

To be commissioned in the Air Force Nurse Corps you must:

- be a graduate of a school accredited by the National League for Nursing, and recognized by the Air Force Surgeon General.
- have a bachelor of science degree in nursing.
- be 18 years of age and not yet 40.
- meet physical requirements.
- be a U.S. citizen.

More Benefits

- Excellent starting salary with regular pay increases
- May enter active duty at higher rank based on education and experience
- Eligibility for a \$5K sign-on bonus
- Tax-free housing and food allowances
- Comprehensive medical and dental care
- Salary continues if you're temporarily disabled and unable to work
- Generous pension plan for those who qualify
- \$200,000 life insurance for less than \$20 a month
- On-base grocery and department stores offer discount prices
- 30 days of vacation with pay each year
- A chance to work, live and travel overseas

As an Air Force Nurse you'll be a respected member of the world's best aerospace medical team. Plus, you'll experience pride and satisfaction in serving your country. Add in the benefits and it's an unbeatable package.

There's more—an esprit de corps that develops quickly and easily among members of the Air Force. You'll build friendships that will last a lifetime—not only with the people you work with, but outside the medical field as well.

Find Out More.

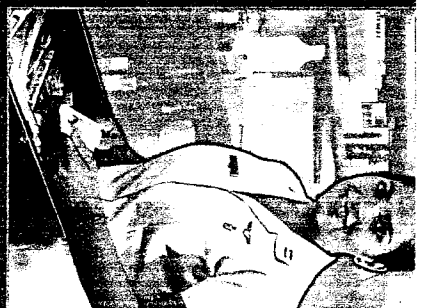
The Air Force Nurse Corps offers you the opportunity to develop all your talents. Contact an Air Force health professions recruiter today. Call 1-800-423-USAF or visit us at: <http://hp.airforce.com>.

Whatever you do in life—Aim High.

Air Force Health Professions
4500 9th Avenue NE, Suite 332
Seattle, WA 98105-4762
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usafhp@hotmail.com

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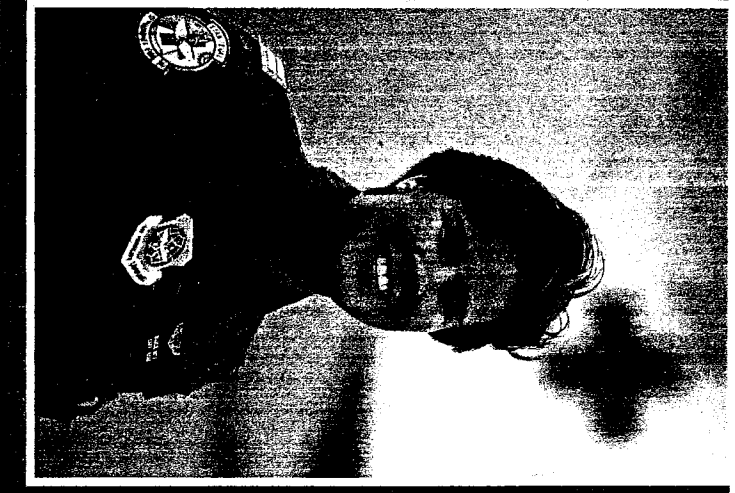
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Air Force Nurse Corps

& More Nursing





A Good Life Choice... The Air Force Nurse Corps

Choices we make in life determine which roads we'll travel. Many choose the easy way that is routine or uninspired—while others choose to Cross Into The Blue on a path that takes them to new challenges and opportunities.

If you choose to Cross Into The Blue, you can experience what it takes to make a real difference in your career: professionalism, self-esteem and lifestyle.

When you Cross Into The Blue you discover the world of Air Force nursing. It's a world of elite men and women who are leading the way to new frontiers—a world of unimaginable possibilities without limits. A world where everything you do is different and important—especially you.

It's a great feeling knowing your skills are valued, but for nurses it hasn't always been that way. Now, with a shortage of nurses everywhere, opportunities abound. Before you make a major career decision, take a look at Air Force nursing.

MAKE A DIFFERENCE



This is an opportunity for experienced Air Force nurses. Not everyone who applies is accepted, and those who are accepted usually serve a single tour.

An Air Force Nurse

As an Air Force nurse, you'll be part of a military organization. This means wearing uniforms, learning and following regulations and Air Force customs and courtesies. Yes, this is different, but we'll give you the tools you'll need to feel at home.

While you're on active duty you will wear some form of military uniform. It may be scrubs, the battle dress uniform (BDUs) on wards and clinics, or service dress in an administrative setting. There are also uniforms for formal occasions, or for specialized duty such as flight nursing

After you enter active duty, you'll spend four-weeks and three-days at the Commissioned Officer Training course at Maxwell AFB in Montgomery, Ala.

There you'll learn the military requirements of your new life—such as how to wear the uniform and what the standards are for personal grooming. For instance, if you're a woman, you don't need to cut your hair short, you just need to wear it in a style that is neat and clears the bottom edge of your collar.

You'll learn who and where to salute and you'll get experience working as part of a team. You'll also develop management and leadership skills. After you complete the course, you'll be sent to your first assignment.



Nursing and More

The Air Force places high value on your nursing skills. Plus, it offers you the opportunity to develop all your talents. An Air Force nursing career has both depth and breadth.

As a member of the Air Force Nurse Corps you'll work side-by-side with some of the finest professionals in the field. You'll be an integral part of a team of physicians, pharmacists, dietitians, therapists and other allied health professionals. We'll put your professional expertise to work where it should be—in the care and well-being of patients.

The Air Force needs nurses who are energetic, honest, dedicated, visionary and caring. If that describes you, there may be a place for you on our health care team.

You may enter with specialized experience or you may get experience after joining our team. Here's a list of the specialties:

- Anesthesia
- Coronary Care
- Family Practice
- Intensive Care

- Medical/Surgical
- Mental Health
- Midwifery
- OB/GYN
- Operating Room
- Pediatrics

Other Opportunities

If you meet the requirements, you may apply for one of our nurse practitioner programs—OB/GYN, midwifery, or anesthesia. Each program offers the opportunity for certification.

At times the Air Force provides emergency medical care during man-made and natural disasters. You may serve on an Air Force Mobility Hospital Team, ready to travel when the need arises. If so, you'll receive regular training in packing and preparing hospital supplies, setting up hospital tents and treating patients during mass casualty conditions.

An exciting, though limited, opportunity is flight nursing. Flight nurses are part of critical care transport teams. This program is open to experienced nurses only, and not everyone is accepted. If selected, you'll attend a six-week course that includes special

training in caring for patients under high altitude and shifting cabin pressures. The opportunity for traveling, flying and caring for patients at 30,000 feet is a challenge many nurses want.

Professional Growth

If you want to earn a graduate degree, the Air Force has programs to help you pay expense Take approved courses during your off-duty time and we'll pay up to 75 percent of your tuition. Also, each year the Air Force sends qualified nurses to full-time graduate study courses at civilian universities. If you're selected, you'll receive your full Air Force salary and we'll pay your tuition and fees. Plus, you'll have opportunities to attend professional seminars and conferences.

Leadership and Management

As an Air Force nurse and officer, you'll have opportunities for formal training as well as hands-on experience in leadership and management. In addition, there's no loss of seniority when moving to other hospitals and clinics.