

EXHIBIT 2

Declaration of
Maj. Linell Letendre

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAJOR MARGARET WITT,

Plaintiff,

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

Defendants.

Case No. C06-5195-RBL

**DECLARATION OF LINELL LETENDRE,
MAJOR, USAF IN SUPPORT OF MOTION
TO AMEND**


Pursuant to 28 U.S.C. § 1746, I, Major Linell A. Letendre, United States Air Force, hereby declare as follows:

1. I am an active duty Air Force judge advocate currently serving as the legal advisor on the Department of Defense (DoD) Comprehensive Review Working Group at the Pentagon, Washington, District of Columbia. I have held this position since March 2010. Prior to this position, I served as Deputy Chief, Military Personnel Branch, General Litigation Division, Air Force Legal Operations Agency, in Arlington Virginia. In this capacity, I served as agency counsel in *Witt v. Dep't of Air Force* from August 2008 until February 2010.
2. In May 2009, I performed due diligence research regarding the issue of Plaintiff's counsel contacting Air Force personnel. My personnel research included federal statutes, case law, federal regulations, military regulations and rules of professional conduct. As a result of this research, I concluded that based on DoDD 5405.2 and AFI 51-301, Air Force personnel had a duty to notify the Air Force prior to release of official information. I also concluded that the Air Force would likely grant release of official information under release factors listed in the appropriate regulations.

3. In late January 2010, Col Moore-Harbert notified me that a former member of her unit had called her asking for guidance about speaking with Plaintiff's counsel. Col Moore-Harbert gave me the former unit member's contact information. Prior to speaking with the former unit member, I consulted with other attorneys within both DoD and the U.S. Department of Justice (DOJ). We determined that I would contact the former unit member and explain what the DoD and AF regulations stated regarding the process for release of official information. On February 1, 2010, I contacted the former unit member and explained the process called for by DoD and AF regulations. I stressed that I was not providing her advice nor directing her to take a particular course of action; I recall her confirming that she understood this point. At no time did I advise that she could not or should not talk with Plaintiff's attorneys.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 1, 2010 in Arlington, Virginia.

A handwritten signature in black ink, appearing to read "Linell A. Letendre", with a long, sweeping horizontal flourish extending to the right.

Linell A. Letendre, Major, USAF